# Transdisciplinary Discourses on Cross-Border Cooperation in Europe

PETER LANG
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**To my father, Reinhold Beck, who was an enthusiastic collector of "Grenzsteinzeugen" (Landmark Witnesses)**

© Reinhold Beck collection

In Southern Germany, Switzerland and Austria, borders of local communities were secured from the early middle-ages until the 19th century via so-called "Landmark Witnesses": Little symbols/coat of arms, made out of dry clay, glass or porcelain, digged up to 1 meter under the boundary stone/landmark − according to a secret calculation, which was carried out and kept by the so-called "Untergänger" ("under goers" − an early version of surveying engineer/geometer). At the time, the honorary function of "Untergänger" was important: considered as border judges they clarified border disputes, drawing on the secret witnesses, deeply hidden under the surface…

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Introduction

# Cross-border cooperation in Europe as an object in transdisciplinary research. An introduction

Joachim Beck

The history of Europe can be understood as one of constantly shifting borders. During its development, Europe has only seen a few phases in which borders, as symbols of political administrative spheres of organization, were stable for protracted periods and hence neither provided reasons for nor sites for conflict. In addition to their linguistic, cultural, geographical, economic, and human dimensions, borders throughout Europe invariably were symbols of state rule, notably in the wake of the formation of nation states. In addition to state authority and its constitutive population in the so-called Three Elements Theory, borders form an integral part of the conventional definition of the state as external boundaries of state territory. Hence, until the beginning of the post-1945 European integration process, borders right across Europe were to become synonymous with closed-mindedness and barriers; securing them constituted a crucial task for the state.

Hence, approaches aimed at promoting cooperation between actors across existing national borders in Europe have been receiving particular attention in both science and praxis, especially since World War II. Cross-border cooperation, and the implied change in function from a closed to an open border, was from a very preliminary stage understood as a micro-foreign policy, deliberately differentiated from other forms of cooperation that had been intensified at the nation-state level after the World War II across Europe. The earliest beginnings of such cross-border cooperation between directly adjoining states date back to the 1950s. It is interesting to note therein that in addition to actors at a municipal level, social and economic actors in particular were also involved who, in the wake of

World War II, at least in Western Europe, began to develop direct forms of rapprochement. A textbook example of such bottom-up cooperation that evolved would be the Regio Basiliensis, the tri-border region between Germany, France, and Switzerland. But even in the German-Dutch relationship, forms of cooperation had already been developed on a decentralized level from as early as the 1950s. It was only relatively recently that this form of transnational cooperation was also recognized by nation states. Hence, cooperation on this level was only officially recognized and supported as of the 1970s, by dint of inter-governmental agreements and the establishment of appropriate mixed government commissions. Similarly, at the European Union level, active promotion of cross-border cooperation took place at a relatively late stage. For all intents and purposes, it was only with the collapse of the Iron Curtain and the ensuing abolishment of the dividing line cutting right through Europe as of the 1990s that the European Union vigorously took up the issue of cross-border cooperation and embarked on promoting structural policy through a programmatic approach. In fact, the Council of Europe, with the so-called Madrid Convention in the 1980s, had laid down the essential foundations for recognizing and structuring decentralized cross-border cooperation, constantly shaping it through additional conventions. Real expansion of cross-border cooperation, however, as an independent policy field, did not unfold until the implementation of corresponding European funding programs. The 1970s and 1980s were equally characterized by a formal enhancement of cross-border cooperation, in which, for example, government commissions, working groups, bilateral state cooperation, as well as Euro-regional forms of cooperation were shaped. Policy approaches taken within the framework of this transnational institutional formation, however, were severely impacted by an implementation deficit, whose causes, inter alia, were the fact that no independent budgets were made available for the voluntary policy field of cross-border cooperation. In this regard, European funding policy has contributed to an enduring upgrading and differentiation of cross-border policies. If currently there are more than sixty program-spaces in the context of European territorial cooperation, each of which develops and implements specific action plans in the form of concrete projects, one can observe that cross-border cooperation in its current guise – unlike that in its formative years – is definitely more than pure gesture politics. Cross-border cooperation approaches increasingly deal with everyday issues of the thereby affected border populations and/or

the need for action of an increasingly integratively understood functional cross-border cooperation and development area.

Cross-border cooperation has hence been repeatedly the focus of scientific analysis. Important to note is that cross-border cooperation, following the classical differentiation in the scientific system, was mostly viewed from a mono-disciplinary perspective. Furthermore, within the various disciplines there were only isolated scientists who had devoted themselves to the field of cross-border cooperation – often against the background of their individual concerns and mostly within research focused on European integration. Within established scientific and research spheres, the field of cross-border cooperation generally was merely a secondary aspect, however. Moreover, cross-border cooperation has only recently found its way into curricular forms of academic education and training, and here again, just predominantly in the form of specializations, or as sub-modules of corresponding Master and Bachelor programs oriented toward European integration. Traditionally, geographical, legal, and historical research work in particular have substantiated cross-border cooperation from its beginnings and throughout its various stages of development. It is only recently that politics, economics, and cultural studies, as well as sociology and sociolinguistics, have begun to concentrate on cross-border cooperation in Europe.

From a methodological standpoint, what is striking is that studies focusing on cross-border cooperation are very often restricted to specific border regions. A plethora of territorial case studies exist which analyse the genesis, institutional characteristics, and material outcomes of cross-border practices. Comparative studies, as well as papers contributing to theory formation from territorial case studies, are less pronounced, however. Cross-border cooperation, as a subject of scientific analysis, is in general more likely to be characterized by high territorial and mono-disciplinary fragmentation. An original theory of cross-border cooperation in Europe is, to date, still largely lacking. This can be explained by the fact that cross-border cooperation is still frequently understood by those actors engaged in the field as something rather pragmatic and in many cases as a once-off affair. Correspondingly, there has in practical terms been a relatively low demand for prescriptive know-how as routinely furnished by the scientific system – in the past at any rate. Research in relation to cross-border cooperation can hitherto be differentiated into two levels: The first, into scientific works, which deal in a relatively abstract way with the phenomenology of the border itself; and a second into those

approaches, which more closely adhere to an applied understanding of science, focusing on selected aspects of cross-border cooperation, and often following an approach based on scientific advice.

In order to close this methodological gap, a pluridisciplinary research cycle was initiated between 2010 and 2014 under the auspices of the PEAP (*Pôle Européen d'Administration Publique de Strasbourg*), in which scientists from various disciplines exchanged views over a series of events with practitioners from various border regions throughout Europe with regard to practical and conceptual issues in cross-border cooperation. This research cycle, scientifically coordinated by the University of Strasbourg and the Euro-Institute, resulted in a total of six publications that impressively demonstrate the diversity and complexity of practical challenges, conceptual foundations, and scientific perspectives (Wassenberg, 2010; Wassenberg, Beck, 2011a, 2011b; Beck, Wassenberg, 2011, 2013, 2014). At a research symposium initiated by the University of Strasbourg, an initial attempt was made to cast light on the field of cross-border cooperation from a more integrative viewpoint. Practitioners from various disciplines have therein applied their respective hypothesis and methodological approaches to the field of cross-border cooperation (Wassenberg, 2014).

Building on these two research cycles, the publisher of this volume, once again sponsored by the PEAP and logistically supported by the Euro-Institute between 2016 and 2018, undertook a research project focusing on cross-border cooperation across Europe from an integratively interdisciplinary perspective consider. Fifteen scientists from twelve different European universities and colleges have been collaborating on the question of how the field of cross-border cooperation can be structured and further developed from an interdisciplinary perspective. Hence, the research project has followed one of the overriding conclusions from the above-mentioned research cycle, namely, the recognition that research on cross-border cooperation, particularly in epistemological terms, requires that researchers from the various disciplinary and science-cultural backgrounds should in the first instance develop a shared understanding of their research topic (cf. Casteigts, 2014). Research on cross-border cooperation should therefore be conceived both from an interdisciplinary and an intercultural perspective, if the research fully aspires to do justice to both the complexity and the diverse causal implications of its subject matter.

Against such a background, a threefold methodological approach was selected for the purposes of the present research project, the results of which are summarized in this volume: first, scientists involved in the field of cross-border cooperation were asked to articulate questions from their respective monodisciplinary perspectives and, where based on appropriate single-disciplinary theories, to formulate hypotheses that would explain identified real world patterns of cross-border cooperation. At the close of 2017, a research colloquium was held at the Euro-Institute to present and discuss these monodisciplinary perspectives on the topic of cross-border cooperation.

As a second step, the publisher subsequently developed a structuring approach to the field, which targeted seven empirically observable challenges in practical terms with regard to cross-border cooperation, and for which the practitioners from the assembled disciplines sought to formulate theoretical explanatory approaches. The objective was to develop an integrative perspective and to reach the first interdisciplinary conclusions on this basis. The following challenges were discussed in detail (cf. Beck, 2014):

1. Developing functional equivalences between different politico-administrative systems: How to develop functional interfaces that allow for successful cooperation between partners/systems coming from different domestic/functional backgrounds with regard to the distribution of power and resources, professional profiles, and sometimes even the scope and the legitimacy for transnational action as such?

2. Creating effective knowledge-management for the cross-border territory: How to generate and use valid information about not only characteristics, real world problems but also potentialities of a cross-border territory from a 360° perspective; how to base future action on a sound and integrated empirical basis, thus avoiding a negative "garbage-can model" practice of cross-border policy making (ad hoc solutions developed by individual actors, based on individual preferences in search for an ex post justification and a real world problem).

3. Transferring competencies from principals to agents: How to reduce the dependency of cross-border actors and policy-making on the respective domestic context by identifying fields of cross-border action that can be best implemented by a transfer of real administrative and functional competence from the national jurisdictions to cross-border

bodies with sufficient administrative, financial and personnel capacity; how to design decision-processes in this regard?

4. Optimizing interaction between actors: How to turn confrontation between different cultures, attitudes, expectations, assumptions, values, interests, etc., into a productive working context, which would enable that mutual blockages be avoided, and instead foster the development of innovation and real added-values; how to integrate actors representing different sectors (public, private, societal) and cultures into existing patterns and structures of cooperation; how to create and manage inter-sectoral synergies from a cross-border perspective?

5. Finding the right level of organization and legal structure: How to find the right degree of institutionalization and the appropriate legal form for different cross-border tasks by developing a good balance between open network and classical organizational approaches whenever structuring the cross-border working context; how to avoid both institutional sclerosis and informal/individual arbitrariness?

6. Apprehending and measuring value added and territorial impacts: How to pre-assess cross-border impacts of different policy-options before taking action on the preferred option; how to develop and inform specific indicators, allowing for a better demonstration of the specific value added of the integrated cross-border action compared to an action taken by neighboring jurisdictions separately?

7. Increasing sustainability beyond a simple multi-project approach: How to avoid multiple uncoordinated sectoral projects that would create fragmented cross-border activity for a certain time (funding) period only, by strengthening target-orientation and selectiveness of cross-border policy-development based on integrated (e.g. inter-sectoral) territorial development strategies.

Meanwhile, during the inter-disciplinary and inter-cultural discussion process, it soon became evident that most of those practicing individual disciplines were encountering difficulties interpreting all seven dimensions from an original mono-disciplinary approach. Their exchanges revealed that those scientists already involved in cross-border cooperation generally do not proceed strictly from a mono-disciplinary approach, but instead use theories and methods from diverse (neighboring) disciplines in the process. This rendered it highly difficult to pursue the original idea of a purely individual disciplinary perspective on cross-border cooperation. Furthermore, the seven dimensions did not consistently reflect issues

raised by practitioners of the scientific disciplines that convened to undertake the research. In this respect, a separate structure (analytical grid) was developed in close collaboration, which enabled all participating disciplines to avail of theoretical perspectives on the field of cross-border cooperation. The analytical grid structure covered four levels:

1. In an introduction, the participating scientists were asked first of all to describe the relevance, perception, and definitions of the concept of "border" and "cross-border-cooperation" from a (main) disciplinary perspective. Here, the objective was to formulate from a cross-disciplinary perspective, in as differentiated a manner as possible, a working basis for the spectrum of both core concepts that are pivotal to the field.
2. On a second level, a conceptual framing of borders and cross-border cooperation from the viewpoint of the (main) discipline took place. Here, the objective was to arrive at the most differentiated theory-based interpretation of the field, and thereby, to present single-disciplinary perspectives in detail. This part has been separated into two sub-levels:
   a. Firstly, key theoretical/conceptual assumptions of the (main) discipline which have already been applied to cross-border cooperation should be presented in detail in the form of a short literature review on the state-of-the-art of disciplinary research/ writings on borders and on cross-border cooperation.
   b. Secondly, opportunities have been given to develop additional key theoretical/ conceptual assumptions of the (main) discipline on this basis, which have not yet been applied to cross-border cooperation, but which are promising from an inter-disciplinary perspective (new research questions and/or specific research focus by the author(s)).
3. The third analytical level focused on how to interpret the basic characteristics of cross-border cooperation from a (main) disciplinary point of view. For this purpose, the authors were given the following four subject areas, for which they should develop theory-based explanatory models of their disciplinary research field, ideally with recourse to empirical evidence from existing studies and/or observations by those participating:
   3.1. Formation/genesis; historical/political context; periodization; territorial/ thematic/cultural characteristics, etc.;
   3.2. Actors (type, characteristics, training profile etc.);

3.3. Governance (structures, inter-cultural and inter-institutional relations, procedures, type of interaction/decision-making, etc.);

3.4. Outcomes (programs, projects, instruments, policies, strategies, identification, acculturation, etc.).

4. Finally, the fourth level focused on the requirement to perform an inter-disciplinary outlook from the perspective of the (main) discipline, and to formulate additional research questions.

The analysis grid structure has been designed in such a way that participating scientists can use empirical findings from their border area/s to validate theoretical premises. The research project's third methodological feature was that selected practitioners were also asked to prepare experience based interdisciplinary challenges on cross-border cooperation. This enabled the research project to integrate another critical aspect, namely, the praxeological foundation for issues at stake in the field. A special added value can be seen in the fact that practitioners reflect on the nature of cross-border cooperation from the various institutional and thematic levels and concerns. These contributions skillfully reflect how cross-border cooperation constitutes an example of European multi-level policy. An interesting arc of suspense has also emerged, notably in connection with the scientific contributions' practical references from a conceptual standpoint.

The results documented in this publication of the above-outlined research project on cross-border cooperation in Europe reveal a scientific understanding as described in recent literature as trans-disciplinarity (Mittelstraß, 2005; Waag, 2012, Bogner, Kastenhofer, Torgensen, 2010; Hirsch, Hadorn *et al.*, 2008). This refers to a scientific approach that seeks to overcome conventional technical and disciplinary differentiations, which in academic spheres are unfailingly characterized by historically evolving institutional boundaries and their ensuing cognitive limits. Unlike most interdisciplinary approaches, the impetus for such trans-disciplinary research and work usually arises as a result of extra-scientific problems and questions. Within the concept, Mittelstraß (2005, p. 5ff) methodically differentiates between a more theoretical trans-disciplinarity, which arises from solving inner-scientific issues, and a practical trans-disciplinarity, which refers to issues generated by other social subsystems than by the scientific system itself. And again, in contrast to conventional interdisciplinary approaches, this approach is

marked by how individual subject disciplines apply their own findings to a common object of investigation in terms of trans-disciplinarity; these, however, do not themselves alter in terms of their scientific and methodological forms. Rather, the integrative moment does not refer to the largely unrealistic expectation in many interdisciplinary approaches, namely, that scientific cooperation should necessarily develop original, innovative, and integrated theories, but rather confine itself to the more pragmatic use of existing theoretical and methodological approaches of the participating disciplines themselves. By way of contrast, practical trans-disciplinarity is integrative in nature in that it refers to a jointly interpreted and structured object of investigation, whose motive is again characterized by a praxeological scientific interest.

Such a scientific approach seems particularly suitable for cross-border cooperation. As the contributions presented in this volume have demonstrated, it is already possible to identify scientific interests that transcend disciplines on the level of individual scientists. And yet, cross-border co-operation, especially in recent times, is increasingly characterized by the fact that those actors conducting experimental and pilot experiences are seeking a conceptual as well as theoretical foundation from which prescriptive action knowledge can emerge for prospective thematic structures in the field. The concept of a praxis-based trans-disciplinarity seems particularly viable in this context. The contributions in this volume seek to lead us toward an enriched understanding of the subject.

As coordinator of the above-described project and as editor of this anthology, I would like to take this opportunity to thank all my colleagues who were willing to embark on this adventure of a trans-disciplinary and inter-institutional learning process. My special thanks go to Anne Hofmann at the Euro Institute, who supported the project logistically. I would also like to thank the PEAP, without whose financial support the present publication would never have come to fruition. I would also like to especially thank the participating practitioners of cross-border cooperation for having taken the necessary time to reflect on their practice-related sphere of influence from the point of view of trans-disciplinarity. Given that cross-border cooperation, as an object of scientific research, is still largely characterized by an empirical deficit, their contributions represent a significant additional benefit toward a better understanding of the importance of cross-border cooperation for the further process of European integration. In this sense, we can only hope that approaches to practical trans-disciplinarity will also be taken

more into consideration for any future research projects with a European and transnational bearing.

The present publication is structured into three sections. Section one presents the scientific contributions on the issue of borders and cross-border-cooperation of authors representing different disciplines. Section two presents contributions from actors involved in the practical dimensions of cross-border policy-making in Europe and who reflect the issue from different institutional perspectives. Section three contains a contextualization of the first two sections, firstly from the point of view of a comparative transatlantic perspective and secondly with regard to the structuration of further research in the field of cross-border cooperation.

The contributions of this volume gather authors from different scientific but also cultural backgrounds. It is on purpose, that the different contributions have not been fully harmonized with regard to formal standards, nor are the individual contributions claiming to be representative for the respective scientific discipline from an international point of view. By consequence, only a minimal formal harmonization has been carried out by the editor of this volume. Individual scientific priorities, on the other hand, have even been explicitly established and reviewed by the editors of the series, under which this volume is published at Peter Lang.

Strasbourg-Dabo-Kehl, 7.12.2018

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# Part 1

## Cross-border cooperation from the perspective of selected scientific disciplines

# Political sciences and geography

# Cross-border cooperation in political science

Kristina Zumbusch, Roland Scherer

## 1. Introduction: The relevance of cross-border cooperation in political science

In the world of today, the role of national borders is by far not diminishing. New borders are coming up; others are changing their geographies and their functions. Their influence on our daily life is vast. Sohn (2014, p. 594) mentions five different functions of borders, even if they often appear interwoven and contradictory: (i) the function of delimitation, (ii) the function of separation, (iii) the function of an interface, (iv) the function of differentiation and last (v) the function of affirmation. For a long time these functions have been the pure privilege of national states (*ibid*.). Today, following the relativisation of the role of the state, these border-functions are being contested and constantly by-passed or re-interpreted by a multitude of actors. Borders are changing their character, and have thereby induced a sixth function: the function as catalyst for cooperation. According to Nelles and Walther (2011), it seems less important whether borders follow one of these functions (as most borders have more functions) but to conceptualize those functions in terms of a set of rules, norms and procedures which regulate borders and control their effects on social, political and economic actors (e.g. Leresche, Saez, 2002; O'Dowd, 2002). Such understandings contribute to the vitality of cross-border regionalism (Scott, 1999): it states that the process of political regulation is taking new institutional forms, which has challenged the classical view of international relations as based on hierarchy, asymmetry in power relations, or state institutions and treaties.

The simplest definition of such a cross-border region (CBR) is a territorial unit rather made up of contiguous subnational units from at least two nation-states (Perkmann, Sum, 2002). Typically, this involves a combination of local and regional political authorities across national

boundaries. However, subnational units can also include planning regions, ecological areas, industrial districts, or touristic organizations (Durand, 2014). Alternatively, units can also be defined by functional interlinkages across state boundaries measured by the spatial dynamics of factors such as economic flows (that is, trade, labor markets, and consumption patterns) (Van Houtum, 2000; Petrakos, Topaloglou, 2008; Nelles, Walther, 2011). Consequently, cross-border regions may show enormous differences in scale, from euregional cooperations of directly neighboring areas (transbordering city-regions) on the one side to big cooperations in a more transnational way on the other side (Gualini, 2003; Nelles, Durand, 2014). These regions do not always coincide with political-administrative boundaries of intranational regions. In a way, they may be seen as new regional entities, complementing the ordered, stable and formally administrated regions (Deas, Lord, 2006).

By belonging to different institutional systems, such cross-border regions are based on cross-border cooperation (CBC). Cross-border regions in this sense are neither "given", nore are they formal organizations; rather they are created and recreated in a process of cooperation. In consequence, these regions show a great variety especially with regard to their institutional settings, their co-operation processes, but also with regard to their different degree of "regionness". Regionness in this context can be seen as the degree to which a particular cross-border region constitutes a coherent unit in social, functional and also strategical respects (Perkmann, 2003).

Such cross-border cooperations are constantly gaining importance, not only quantitatively but also qualitatively (Fricke, 2015). CBC can generate important benefits by overcoming existing administrative boundaries − at least for selected issues (Gabbe *et al.*, 2008). Collective cross-border activities have always strived for overcoming barrier effects of national borders as well as for meeting functional interlinkages in transport, business, environment, and other policy fields (Perkmann, 2003). CBC is always a multifaceted as well as a contextually contingent process (Sohn, 2014, p. 587). Many of these initiatives show an important subnational dimension as they are in most cases regionally initiated and organized without involvement of national institutions. Such subnational initiatives for cross-border co-operations have been further strengthened by the public sector (Scherer, Zumbusch, 2015): especially specific funding schemes on the part of the European Union have given an extraordinary stimulus on the development of cross-border

cooperation. As a result, a process of rescaling (Jessop, 2002), respectively a new logic of space (e.g. Blatter, 2004) have developed showing a decreased territorial orientation: regional entities with new institutional settings based on cooperation while weighing functional demarcation criteria higher than administrative ones (Anderson *et al.*, 2003).

As the emergence of these cross-border regions and their institutional plurality is a substantial phenomenon, corresponding analyses in political science keep increasing, focusing on various aspects of borders and their implications like CBC. Political science – as it analyses the theory and practice of politics, the description and the influence of political systems, activities, behavior, as well as political processes and changes – comprises various subfields that study in one way or another the role of borders and cross-border cooperation. Noteworthy are for example comparative politics, international relations, globalization studies, public policy or political economy. All these subfields focus on specific drivers, elements or challenges of CBC.

In our contribution, some of these theories will be presented. We will begin with theoretical discussions that emphasize different drivers of cross-border cooperation (glocalization and multilevel-governance, the rise of functional spaces, etc.). On this base new theoretical discussions are outlined that might be of relevance and interest for cross-border analyses. The subsequent chapter sketches subfields of political science concentrating more on the constituent elements of cross-border cooperation processes. These subfields discuss for instance policy-making in cooperative settings in the sense of CBC governance systems as well as the general question of organizational patterns in cross-border governance systems, in the sense of their degree of formalization. At the end of our contribution, we will conclude with some general remarks concerning the cross-border debates in political science.

## 2. Framing cross-border cooperation in the view of political sciences

### *2.1 The main (theoretical) drivers for cross-border cooperation*

In the last 20 years, the number of cross-border cooperation structures in Europe has exploded. The proliferation of CBC and related discourses in political science are strongly linked to the following international

tendencies that have affected the status of national borders in recent years as well as enhanced integration processes across these borders by various mechanisms (e.g. Perkmann, 2002; Blatter, 2004):

- Globalization and continuous internationalization, Europeanization as a top-down stimulus;
- Regionalization and corresponding multi-level governance approaches as bottom-up emerging drivers;
- Changed understanding of borders from detrimental limitations to a source of opportunities;
- Increasing orientation from a territorial logic of space to functional spaces;
- Opening of government and resultant governance processes in multi-actor, multirational constellations.

During the last decades, **internationalization** has increased in importance, impact, and complexity. Numerous scientific discussions are profoundly arguing on the nature of the ongoing global transformations, and in particular, on the ways they affect developmental conditions on different levels (e.g. Amin, Thrift, 1994; May, March, 2016). Internationalization in this context is understood as a qualitative deepening of the internationalization processes, as it strengthens the functional and weakens the territorial dimensions of development. Without disregarding other important aspects, globalism here is seen as a political and economic phenomenon. Economic cross-border activities have continuously grown through an increased movement of goods, services and people – activities that are contributing to, and are in turn reinforced by, the many and varied processes that are producing globalization (Perkmann, 2002). Most scholars have focused on the challenge to the sovereign nation state raising from these processes of global and continental integration (e.g. Sassen, 2015; McGrew, Lewis, 2013; Beck, 2015). However, the opening processes and the stronger functional interlinkages on the international level have also fostered the orientation across borders, and the willingness to co-operate. In this regard, internationalization has also strongly contributed to the establishment of cross-border co-operation.

At the European level, such internationalization tendencies have led to a so-called **Europeanization** of policies, broadly defined as a process of construction and diffusion of European Union polities and institutions (Stanek, Wach, 2015). However, one has to observe a shortage or even

fragmentation of scientific work on how to capture "Europeanization" methodologically in a sound and profound way. Even the understanding of "Europeanization" or EU-ization is not always evident. Börzel (1999, p. 574) interprets the phenomenon in a quite general way as "a process by which domestic policy areas become increasingly subject to European policy-making". Bulmer and Burch (2001, p. 73) treat Europeanization very similarly as "a set of processes through which political, social and economic dynamics of the European Union display interactions with the logics of national discourse, national identity, domestic political structures and domestic public politicians". However, one can find specific suggestions about where and how the Europeanization appears, and the mechanisms of the process (Börzel, 2002; Howell, 2004; Ladrech, 2010). By the process of Europeanization certain policy objectives defined and formulated at the European level (especially European integration) have converted to rather normative values that are pursued by various institutions in different countries. This calibration can be seen as an additional driver to cross-border efforts, seeking for overcoming restraints to the European integration process.

Regardless if one speaks of internationalization or more specific of Europeanization, these developments have been accompanied by a growing consideration of the subnational levels. At the same time, national political systems have witnessed a process of decentralization and **regionalization**. The subnational level gained importance in assuring bottom-up and thereby need-oriented policy approaches. With this respect, the regions along the national borders were seen as the appropriate level for inducing and implementing an adequate co-operation across the border meeting the challenges and obstacles specifically linked to the respective border.

Many scholars have pointed to the intricate interlinkages and relationships between the sketched internationalization (globalization) and the increasing regionalism (Tömmel, 2003; Van Langenhove, 2011; Sunkel, Inotai, 1999). These parallel developments, often introduced with the neologism "glocalization" (e.g. Courchene, 1995), refer to stronger interdependencies and interactions between local, regional, national and supranational actors, and herewith to the "contested restructuring of the institutional, regulatory level from the national level both upwards to supranational and downwards to the local or regional configurations"

(Swyngedouw, 1997, p. 170).[1] Especially in the European context, the combination of supranational, national and regional policy processes became a quite common setting highlighting the close interlinkages and strongly interwoven relationships between the different levels of policymaking. This multilevel nature of European policies was soon pronounced by several researchers, and after the groundbreaking contribution of Marks (1996) a huge range of scientific work has so far emphasized specific aspects of the **multilevel governance system** within the European Union (Jordan, 2001; Stephenson, 2013; Jessop, 2016). In consequence, layers of governance have multiplied (Blatter, 2004), a process which critical geographers have called the "relativization of scales" (Brenner, 1999, p. 33).

European regionalism and its multilevel approach is also strongly tied to the core projects of integration and territorial cohesion at the heart of the Lisbon process. This process aspires to promote internal cohesion, minimize socioeconomic disparities, and reduce the national borders of its member states to "mere administrative boundaries" (AEBR, 2008, p. 15). In this regard, especially the various mechanism of the European Structural Policy have played a significant role in carrying out a multilevel approach. Subnational levels of government have been activated for implementing Europe wide policy objectives and strategies (e.g. cohesion, European integration, Lisbon strategy etc.) in a space-specific way. In that respect, Europeanization can be seen as the quintessential case of state glocalization. European regional policy responds to the economic logic of regional development, but creates a shift of policy attention to the local and regional scales. Many scientific works underline, that the multilevel approach of the European Structural Funds enhanced amongst others administrative reforms, the creation of new institutions for the purpose of managing structural programs, the facilitation of institutional and political change, and the improvement of interinstitutional cooperation dynamics and interregional cooperation (Blatter, 2004; Zumbusch, Pech, 2008; Bachler *et al.*, 2014). In particular, the European Structural Policies have included a specific track dedicated to stimulating the growth of previously peripheral border regions. The INTERREG (1989 present) funding initiative, financed by the European Regional Development Fund, is the most visible manifestation of these political goals (Medeiros,

[1] The concept also applies to strategic shifts within the private sector and the global localization of industries, services, and financial capital.

2011). The program aims to promote cooperation between regions within the EU. Strand A of INTERREG focuses on supporting cross-border regional cooperation and thus supports significantly the development of cross-border regions. The decisive role of the INTERREG programs for fostering cross-border co-operations across Europe has been remarked at an early stage and has been exhaustively discussed (e.g. O'Dowd, 2002; Perkmann, 2003; Hooper, Kramsch, 2004). Hence, the multilevel mechanism of EU policies in general and of the EU Structural Funds in particular have encouraged the formalization and accelerated the proliferation of cross-border regions (Medeiros, 2011).

These policies in favor of cross-border co-operation have also developed out of a new or more precise understanding of the key-features of national borders. With this respect, cross-border co-operation stems from the strategic behavior of actors who actively mobilize **borders as resources.** As borders are relatively open in the western World they change their role und function and emphasize different type of benefits that can be associated with them (Sone, 2014). Thus, cross-border cooperation seeks to take advantage out of the proximity of the border, in the sense of their gateway-function, transaction or differential benefits. However, border opportunities can also be founded on valorizing mutual differences and processes of adaptation as well as on mutual learning negotiated though daily contacts (*ibid.*).

In addition, the increasing functional differentiation, proclaimed to be a fundamental characteristic of modern societies (Schimank, 1996), can be seen as another influential driver of cross-border co-operation (Blatter, 2004). Blatter (2004) remarks, that the former logic of territorial integration and differentiation that has characterized the international world is being superseded by **a functional logic of integration and differentiation**. International regimes as policy-field-specific governance mechanisms, policy-networks as a structural characteristic of the European Union, as well as the increase of "special-purpose government" are seen as indicators of transformation from territory to function (e.g. Blatter, 2004). Functional integration presents governance challenges across a wide variety of policy areas e.g. transport, infrastructure, labor, education, commerce, economic development and promotion that necessitate at least some form of political coordination. Herewith, a functional logic provides a new basis for intensified political interaction and governance especially at the regional level. In addition, the shift to a stronger functional orientation underlines the role of cross-border

entities that show significantly more opportunities for considering functional linkages. The latter are not always covered by long-time existing administrative and territorial entities. In most cases, CBC aims to meet functional interlinkages in the different policy fields (Perkmann, 2003). In consequence, a new logic of space has been developing showing a decreased territorial orientation: with the CBR regional entities have emerged that may weigh functional demarcation criteria higher than administrative or political ones (Perkmann, 2007).

However, by orientating itself more on functional interlinkages, cross-border policy-making and implementing became not only multilevel, it also became multi-actor. This tendency has been observed internationally. Governmental processes have opened, and included actors of different institutional backgrounds. In the scientific debate, theoretical discussions around the concept of ***governance*** came up and continued over the last decades, addressing different mechanism or characteristics of this "new" mode of political steering (Rhodes, 1997; Pierre, 2000; Benz, 2004; Jordan *et al.*, 2005). *Governance* does not exclude governmental actors but points to a strengthened collaboration between actors from the public, private and non-profit sector, as well as to the collaboration among various levels of the politico-administrative system based on exchange and negotiation among equals (Benz, 2001). Proponents of governance usually imply a "cooperative" style of interaction or "horizontal relationships" (e.g. Savitch, Vogel, 2000), whereas more analytically inclined researchers find a combination of hierarchical, cooperative and competitive modes of interaction (Benz, 2001). Not legally bound to a specific and well-defined administrative entity, and not built up by clearly sketched democratic legitimization processes cross-border regions were highly favorable for these new developments towards policy-making in a broader circle of involved actors and interests. In consequence, one finds in most CBR encompassing and elaborated governance systems (Zumbusch, Scherer, 2015).

Lisbeth Hooghe and Gary Marks (2003) have captured some of the before mentioned tendencies, especially the tendencies to governance systems with the more functionally based policy approaches on the one hand and the multi-level developments on the other hand. They distinguish two types of multi-level governance: Type I governance conceives of dispersion of authority to general-purpose, nonintersecting, and durable jurisdictions. This type is based on traditional concepts of federalism where jurisdictions are designed around communities; they

bundle competencies, are stable over time, and limited in number. Type II governance, in contrast, conceives of task-specific, intersecting, and flexible jurisdictions. It is based on public choice and club theory, and is characterized by jurisdictions that concentrate on particular policy problems; they are functionally specific, fluid over time, and can proliferate in respect to number (Blatter, 2004). This is the type relevant for cross-border regions and their new spaces of policy-making.

All these above-mentioned tendencies and their corresponding discussions in political science have modified the opportunity structures for cross-border co-operations and the development of cross-border regions in three main ways: First, the increasing permeability of borders has opened up the space for a variety of transactions that may produce more or less durable transnational configurations. Such transactions range from the building of interfirm networks through forms of public coordination and cooperation to more social or sociable interactions. Second, the European Union and its funding schemes have offered concrete financial incentives to enhance coordination and co-operation efforts. Third, the regional level has gained importance in policymaking and implementing processes. Its scope of actions has enlarged significantly, while the new governance mechanism offered them the necessary policy tools for proceeding in manageable ways. From this perspective, the regional policy of the EU is an important catalyst of cross-border governance. However, a growing proportion of recent literature on cross-border cooperation questions the effectiveness of European policy in stimulating meaningful and, more significantly, sustainable partnerships (Perkmann, 2007a; Harguindeguy, Bray, 2009).

## *2.2 The main challenges of cross-border governance systems in the perspective of political science*

Whereas the before mentioned theories explain the increase of CBC and CBR, they also inhibit some challenges that have to be met for successful cooperation across national borders. Three of them are exemplarily presented hereafter as they address some fundamental questions of cross-border cooperation:

- **Do functional interlinkages or common preferences determine a sufficiently resilient foundation for cooperation based cross-border governance systems?**

Functional interdependencies have acted as most important driving forces for the inflationary rise of cross-border cooperation during the last decades, not only but also in Europe. However, the presence of strong interactions between territories detached by a national border does neither indicate any convergence of their territorial characteristics (Topaloglou *et al.*, 2005) nor stand for an intensive institutional embeddedness (Decoville *et al.*, 2013). According to Sohne *et al.* (2009) there is not necessarily a reciprocal link between the functional interlinkages and the extent of cooperative arrangements initiated by the territorial institutions. Nevertheless, functional interdependencies have most certainly induced cooperation: as cross-border cooperation often focuses on mastering similar challenges or common cross-border problems, on taking benefits from complementary assets, on using synergies and critical mass to improve competitive advantages as well as on coordination and integration objectives or coalition building (Fricke, 2015). At the same time, the reasons motivating regional actors to engage in cross-border initiatives range widely between rooted opportunistic behavior and emergent strategic attitudes (Gualini, 2003).

Nevertheless, tackling such functional challenges is even more difficult in cross-border regions than in regions inside single national states with their well-defined administrative entities. Without any formal competencies, these cross-border regions are fully depending on co-operative processes to co-ordinate and develop common activities. Therefore cross-border regions present themselves as regional governance systems, since governance systems are in principle defined as a horizontal, vertical, and lateral network of co-operation processes (Benz *et al.*, 2007; Fürst, 2001; Scherer, 2006). However, the common challenges of regional governance are further aggravated in cross-border regions: differences in the language often combine with institutional, cultural or legal discrepancies and therefore complicate the conditions for cooperation (Beck, 2010). Different systems and perceptions have to be bridged; a common base for collaboration and communication has to be found by investing a broad range of resources and reliable (political) commitment.

- **Do cross-border cooperation systems dispose of adequate capacities to solve potential conflicts between their cooperation partners?**

The broad research on governance in general (Benz, Dose, 2010) and regional governance in particular (Fürst, 2010; Scherer, 2006) has currently underlined the importance of conflict management to render governance systems in the long term successful and to assure them a certain institutional strength (Fürst, 2012). Cooperation-based systems often fall back on traditional approaches like hierarchical or market solutions to solve internal conflicts (Powell, 1996). Thus, if regional governance systems of one single state are concerned, an issue-specific combination of governance approaches with hierarchical government activities may overcome a conflict-based impasse. Governance activities may concentrate on solutions in well targeted fields where collective actions seem to be more effective (e.g. Héritier, Lehmkuhl, 2008). Deficiencies of the governance system may therefore be absorbed by decisions of the hierarchical institutions. This kind of problem-solving corresponds to the understanding of governance in the shadow of hierarchy, that sees governance and government not as conflicting, but moreover as reinforcing, supporting, and complementing approaches (e.g. Scharpf, 1993; Stoker, 1998). However, such a synergetic combination is not possible in cross-border regions. Cross-border regions do not dispose over the shadow of hierarchy in which governance activities of national regions are strongly embedded (Börzel, 2010). Overall, three different strategies seem advisable for solving problems, causing severe conflicts in cross-border co-operations:

- the avoidance of conflicts by coordinated legally binding regulations in each national state involved or by a politically legitimated umbrella organization with strategic and formal competencies in the specific field,
- the handling of conflicts by changing the political arena in the framework of the cross-border co-operation horizontally or vertically,
- the solving of conflicts by changing the cross-border cost-benefit ratio in the Caldor-Criterion by compensatory payments or by package deals.

In consequence, the capacities of cross-border governance systems to solve cross-border problems successfully are strongly dependent on (i) the specific constellation of the concerned partners as well as on (ii) the allocation of benefits and detriments resulting from the underlying problem induced by the specific constellation of the partners (e.g. Scherer,

Zumbusch, 2011). In the following, these dependencies are explained in more detail.

i. A thorough analysis of problematic situations with regard to the symmetries or asymmetries between the involved partners is essential: conflicts seem amongst other points solvable if there is a high degree of symmetry between the partners with regard to their in the interests, in the benefits/detriments of possible solutions, as well as their competencies. In this case, one can speak either about common problems or about similar problems of each of the governance partners. On the contrary, asymmetric relations with unilateral problems inhibit an uneven distribution of benefits and costs in a cross-border region. That means that one region is strongly dependent on the activities or non-activities of the other one that is completely independent.
ii. With the help of game theory, different alternatives of problem solving can be derived by regarding the specific constellations of benefits and detriments. In general, the utilitarian Caldor-Criterion states that such solutions and measures are acceptable as long as they augment the net sum of total benefits are of interest for cross-border regions (Scharpf, 1992). However, even in these cases it is indispensable that the generated benefits prevail the caused detriments (Caldor) and that in consequence the asymmetric allocation of benefits and detriments is changed to a symmetric one for example by compensatory "payments" or "package deals" (e.g. Scherer, Zumbusch, 2011).

However, in most cases, cross-border regions seem to lack a constructive conflict management. The processes of de-bordering and territorial rescaling may have resulted in the creation of new spaces without leading to the emergence of new political actors that have the capacity to play an important role in cross-border policy (Durand, 2014).

With this regard, it seems that cross-border governance systems show limited capacities to manage conflicts. Clearly, governance systems generally show different strategies in handling potential conflicts, which might also be observed in cross-border regions. They seem to avoid issues, which might cause conflicts; issues promising win-win situations are dominating (Scherer, Schnell, 2002). That means for cross-border cooperation that it mainly focus on mastering similar challenges or on common cross-border problems, on taking benefits from complementary

assets, on coordination or coalition-building as well as on using synergies to improve competitive advantages (Scherer, Zumbusch, 2011). In addition, the relocation of critical issues to a different level of decision-making outside the specific governance system as well as their cover-up in decisions that might be interpreted in different ways (e.g. Fürst, 2012) seem possible strategies. Furthermore, unsuccessful solutions of conflicts by using the dynamics of cooperative structures and existing dependencies between involved actors are to be observed.

The avoidance of conflictual issues in cross-border governance systems may also be due to the prominent role of bottom-up cross-border alliances, which strongly influence the specific agenda setting based on objective necessities for cross-border activities or on a cross-border homogeneity of preferences and interests (Blatter, 2001). In consequence, the fields of action of cross-border governance systems remain selective, neglecting regularly the most relevant questions concerning the specific cross-border relations. Cross-border governance systems run the risk of remaining a quite fragile player in dependence of national and supranational decision-makers and funding schemes. At the same time, missing conflict-management may also be seen as a feature of weak governance systems. Governance systems, which are largely induced by external factors (funding) and focused on other external lobbying activities, may show symptoms of fatigue at a particular time. Accordingly, these systems do not dispose over the internal strength to handle contentious stimuli (Fürst, 2012). In contrast strong governance systems may be characterized by their intentional capacity to deal with conflicts in a reciprocal, fair, and an equitable way. They are able to solve the allocation question of benefits and costs, often linked to conflicts in a constructive manner (Heinelt, 2001).

Existing political theories or models with regard to conflict management like game theory (e.g. Scharpf, 1992) or the the nine levels of conflicts (e.g. Glasl, 2009) could eventually contribute to explain cross-border conflict management. By these theories it can be shown how different life cycles of the cross-border governance systems induce a certain conflict management, or if specific constellations of partners as well as their interests and conditions impose a certain way of conflict management. Furthermore, scientific discussions in the field of international policy with focus on international relations and diplomacy (e.g. Bercovitch, Rubin, 1992; Wallensteen, 2012) offer fascinating approaches. Herewith is especially the discipline of conflict resolution

as an integral part of international relations and political sociology of interest. In this field, quite specific issues like conflicts on water, natural disasters, or international security (e.g. Swain, 2004) regularly address the cross-border dimension of conflicts. On the other hand, also the discussions of conflict management in the field of organizational studies may be relevant. Here the cross-border dimension is especially considered with reference to intercultural challenges of entrepreneurial mergers and acquisitions (e.g. Mayer, Louw, 2012).

The specific question of conflict management in cross-border regions has rarely been discussed with game theory, corresponding benefit costs-ratios, and the possibilities to change these ratios by package deals (Scherer, Zumbusch, 2011). More encompassing, analyzes concerning the resilience of cross-border co-operations with regard to their capacity for constructive conflict management are still missing in the scientific discussions. These shortcomings seem comparable to the field of regional governance in general (Benz *et al.*, 2007). The governance concept, often used as a descriptive, in a way heuristic approach (ibid.), sometimes even with a normative note in the sense of *good governance*, is mainly focused on the structures and mechanisms of collective actions (Mayntz, 2004; Blumenthal, 2005). In addition, the discussion of governance failures has so far been strongly based on structural factors (Benz *et al.*, 2007; Jessop; 2002). Consequently, the capacity of cross-border regions for managing conflicts promises an interesting and quite new field of research that may contribute to the borderland studies on the one hand and the (regional) governance concept on the other hand.

- **How can cross-border governance systems with their multiple rationalities be successfully managed?**

The discussion of rationalities has a long history in different scientific disciplines. For many years, the rational choice theory has been the paradigmatic way of analyzing behavior. Three relatively independent fields have evolved with rational choice theory at their core: game theory, social choice theory, and decision theory (Oppenheimer, 2008). Concisely, rational choice theory is three things at the same time: it is both a normative and an empirical theory of individual behavior, and a formalized logical structure that serves as the foundation for much theorizing in political science and economics (*ibid.*). Regardless of all its further developments and progress, the focus on the rationality of the homo oeconomicus is still at the core of many behavioral analyses.

However, over the last decades some discussions have shown a significant change towards a different concept of rationality. Rationality has been discussed as one important factor influencing individual behavior amongst others, strongly accompanied by personal preferences or experiences. (Collective) rationality is seen as a way of logic thinking, often linked to a specific institutional or organization background or otherwise to a specific cultural background, that strongly influences the perception of situations as well as their assessment and the deduction of corresponding strategies. In doing so, it (re)entered the debates in the field of organizational studies (organizational change) (e.g. Simon, 1991), but also in the field of policy analysis, especially in the context of understanding policy making and implementation processes on the one hand or the factors for successful networking and collaboration on the other hand. Given the increasing complexity of our current society, organizations have to deal with a huge range of different rationalities depending on different institutional or functional settings. Thus, a fundamental challenge from an individual organization's point of view consists in the fact that they have to succeed in a pluralist setting. They have to interact with several societal functional systems and therefore have to cope with a considerable heterogeneity of criteria of meaning, notions of success and expectations in their relevant environments (Schedler *et al.*, 2013).

These developments have also consequences for regional governance systems in general and herewith for cross-border governance systems in particular. Various evaluations of regional governance systems in general show that in the course of time institutions with members from different institutional backgrounds experience tensions and conflicts that are inherent to the governance system and can lead to a blockage of the entire regional system (Scherer, Zumbusch, 2013). The reason for such conflicts is often the fact that the actors from the political-administrative system and the actors from the economic system do not "understand" each other (compare also the discussions on territorial and functional rationalities in cross-border regions in section 2). This makes cooperative work difficult. Benz and Fürst (2003, p. 26) make a distinction between two different rationalities which impact on individual actors' action logics: (i) Firstly, there is a territorially oriented rationality, whose mode of action is based on a region with clear-cut spatial borders (thinking in terms of autonomy and multi-functional action; creating identity, distribution-oriented). (ii) Secondly, these institutions also encompass economic actors who

usually act according to a functionally oriented rationality (flexible geographical approaches, function-based responsibility, processual thinking) (Scherer, Zumbusch 2013). Now, if actors with these different rationalities meet each other in the framework of a regional institution, this can lead to problems in the medium term. These actors are unable to find a common "language", and actions which may well appear to be sensible and necessary in one rationality are regarded as incomprehensible and/or unreasonable in the other rationality.

Against this background, discussions with regard to the successful management of multiple rationalities (Schedler *et al.*, 2013) will be of great interest also for the governance of CBR. After all, handling, managing and in addition coordinating the complexity of rationalities, notions, expectations and perceptions constitutes one of the main tasks of cross-border cooperation. In CBR different cultures, different languages and other factors further aggravate the respective challenges of multiple rationalities.

## 3. Characteristics of cross-border governance systems in the view of political science

Cross-border cooperation shows a broad range of different activities. In addition, it can focus on only one single issue or exhibit an integrative and comprehensive development approach (Blatter, 2004). With respect to the specific sectors of the cooperation, different institutional and organizational structures are chosen. Nevertheless, tackling functional interdependencies in cross-border regions is even more difficult than inside national states with their well-defined administrative entities of formal competencies and responsibilities (Zumbusch, Scherer, 2011). For instance, resources and powers are configured in non-standard ways (Deas, Lord, 2006). Thus, cross-border regions are even more multi-actor and multi-level spaces than institutionalized regions in decentralized states. Herewith, these processes are comparable to the core definition of "regional governance", which stresses the three elements of (i) self-organization; (ii) co-ordination and interaction as well as; (iii) strategic intelligence/openness for learning (Fürst, 2011, 2012). It points to a strengthened collaboration between actors from the public, private, and non-profit sectors. This collaboration among various levels of the

politico-administrative system and across different systems is reliant on exchange and negotiation (Zumbusch, Scherer, 2011).

### *3.1 Establishment of cross-border governance systems*

A crucial dimension of cross-border cooperation is the building of new cross-border alliances around specific issues and development initiatives. In this context, one can also refer to the different perceptions of the involved borders and their functions (see section 2.1 of this contribution) and differentiate correspondingly the aspects leading to cross-border activities in (i) objective and functional aspects determining a need for co-operation and (ii) a certain homogeneity of preferences.

- The objective necessities for cross-border cooperation may arise from a common (not only comparable) problem, from prevention policies based on favorable situations or from an alarmist agenda setting as well (Blatter, 2001).
- In many cases, cross-border activities are based on a cross-border homogeneity of preferences and interests originating from the influence of certain epistemic communities. These communities are often science based but with intensive linkages to the regional policy world. They can be extremely successful in generating cross-border pressure for actions. This kind of cross-border regime building is most of the time sectorally orientated (e.g. specific environmental issues) (*ibid.*).

Even if the territorial aspect is of less importance, cross-border governance activities also show, in most cases, a well-defined spatial reference framework and are always dependent on the specific context, situation, and on the specific actors involved (Scherer, 2012). Thus, even if cross-border co-operations are mainly network-based, in most cases a strong focus on public actors and political administrative structures remains (Beck, Pradier, 2011). However, in specific policy fields actors of other sectors (economy, society, etc.) are also involved, bringing in their specific expertise and resources and shaping the co-operation (Walther, Reitel, 2013).

Actor-centered analyses have shown interesting results with regard to the different role that actors play in cross-border networks, some of them as leaders, some more as secondary decision-makers, even more as information diffusers and the majority as marginal actors (Dörry,

Decoville, 2013). However, speaking of cross-border governance systems implies a long-term perspective that exceeds the time scale of single projects carried out by temporary cooperative groups by far. That also means, in consequence, that governance discussions with regard to CBR have to concentrate on the organizational level of these long-term co-operative arrangements and cannot fully take into account the level of single actors, even if they play an influential role for the governance system (e.g. Scherer, 2006).

### 3.2 Organizational models of cross-border governance systems[2]

A huge range of studies has already emphasized specific organizational characteristics and institutional solutions of institutions building up cross-border governance systems. To align the main analytical approaches, a typology can be used. This typology has the form of a matrix integrating two central dimensions constituting the main influences on the success factors for governance systems:

(i) the dominant orientation of the organization, if territorially or functionally oriented, as a basis for a certain alignment with regard to the field of activities (Blatter, 2004) and

(ii) the degree of institutionalization (Fricke, 2015). The differentiation used is primarily focused on the analytical framework developed by Blatter (2001).

At the same time, it also refers to the two aforementioned types of political steering formulated by Hooghe and Marks (2003), which offer a great potential for analyses in the cross-border context (e.g. Dörry, Decoville, 2013). In addition, further analytical approaches towards governance systems have also been taken into consideration (Scherer, 2006; Beck, Pradier, 2011; Fricke, 2015). The matrix offers a sort of categorization, even if the respective categories have to be seen as ideal types. However, both dimensions are defined by several variables or elements constituting the core elements of the dichotomous dimensions. Thus, even if some or many cross-border organizations show mixed features and constitute some kind of hybrid organization patterns, each

[2] Parts of the following chapter refer to a previous work of the two authors (see Zumbusch, Scherer, 2015).

organization relies on a dominant acting logic that is in most cases well captured by these variables.

For the first dimension of the heuristic matrix (orientation of cross-border organizations), one distinguishes between territorially and functionally orientated organizations (see Table 1). In this sense, territorially oriented forms of governance are focused on cooperation in the framework of clear administrative boundaries. With this respect, they are mainly dominated by top-down interactions and public actors and may deal with several tasks and broad agendas in the framework of their well-defined perimeter (Zumbusch, Scherer, 2015). On the other hand, functionally oriented organizations ideally show a more open and flexible form of organization. Actors from different backgrounds and sectors interact horizontally on the basis of functional interdependencies and interests within variable geometry. Functional interdependencies determine the focus of such cross-border co-operations much more than administrative, sectoral or geographical boundaries (*ibid*.).

**Table 1. Territorial *versus* functional orientation of cross-border organizations**

| | Territorial orientation | Functional orientation |
|---|---|---|
| Structural pattern of interaction | Vertical, hierarchical | Horizontal, network-based |
| Type of actors/ members | Mainly public actors | Integration of private or societal actors, of thematic experts |
| Thematic scope | Broad, many different tasks | Narrow, focus on a specific task |
| Geographic scale | Congruent and stable boundaries (identical to administrative entities) | Fuzzy and variable boundaries depending on the specific issue |

Source: Authors' own classification, based on Beck, Pradier (2011), Fricke (2015), Blatter (2004), Hooghe, Marks 2003.

In addition to the dominant orientation of cross-border organizations (territorial *versus* functional), the form of institutionalization also inhibits an important explanatory power, in the sense that it is able to tell us a lot about the weaknesses or the strengths of the cross-border ties in the specific region addressed (see Table 2). To define the different elements

composing the institutionalization factors, we go especially back to the work of Beck and Pradier (2011) who analyzed different institutional factors in cross-border regions. On this basis, the openness of the organizations with respect to new actors, the legal form, the political involvement or the long-term perspectives are discussed. We add some more elements to deepen our analytic dimension of institutionalization: (i) the organizational structure in the sense of existing organizational bodies; (ii) decision-making or the possibilities for reaching decisions due to the internal regulations and transparent processes and; (iii) the character of the decisions reached by the cross-border organizations (cf. Fricke, 2015).

In this respect, strong ties in cross-border regions stand for institutionalized organizations, characterized by a limited membership in the framework of a well-defined legal status. Due to these features, these organizations dispose over definite norms, rules and processes as well as over distinct organizational bodies, and may in consequence reach decisions by majority voting. Decisions of these cross-border bodies have a binding character for all members and have to be implemented and considered in the respective regional policies. Involvement and commitment of political actors further enhance the mandatory character of the cross-border activities (Zumbusch, Scherer, 2015). Weak institutionalization of cross-border co-operations shows quite the opposite features, with a more or less open circle of involved actors cooperating on a network basis, often without any specific legal status or complex organizational bodies. Consequently, these arrangements can only act consensus oriented, and decide unanimously. However, decisions and resolutions of these cooperative bodies show only a non-binding character without any obligations for the actors involved. This is often the case, as public actors in cooperative boards are often representatives of specific administrative departments of the different member regions. While they introduce strong sectoral expertise, discuss and negotiate with private or societal partners, they frequently lack broader implementation competencies (Beck, Pradier, 2011).

**Table 2. Strong *versus* weak institutionalization**

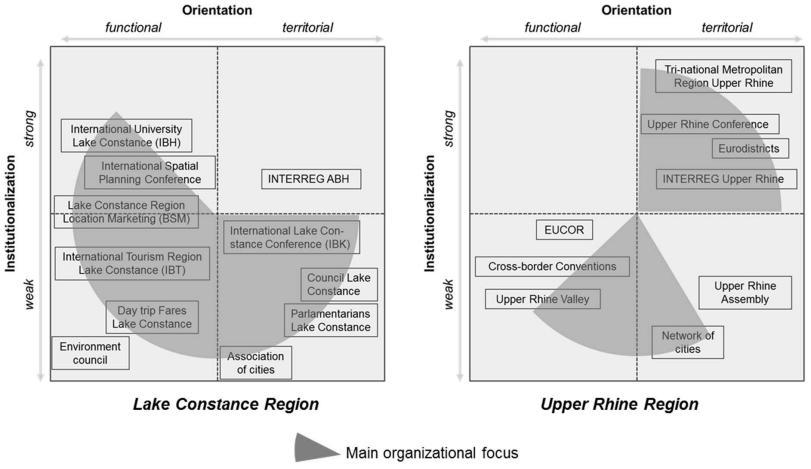
| | Strong | Weak |
|---|---|---|
| Membership | Closed, defined representatives | Open, flexible |
| Legal form | Defined legal status (public law) | Loose network arrangements (private law) |
| Organizational structure | Existence of several bodies, complex | Simple structure, modest complexity |
| Decision-making | Majority voting | Consensus, unanimous votes |
| Character of decisions | Binding character, mandatory | Non-binding, without obligation |
| Political involvement | Political as well as sectoral expertise | Various experts, administration |
| Time perspective | Long term perspective | Short or medium term perspective |

Source: Authors' own classification, based on Beck, Pradier (2011) and Fricke (2015).

The dominant orientation of the cross-border organization (territorial *versus* functional) on the one hand, and the form of institutionalization (weak *versus* strong) on the other hand, constitute the two dimensions of our heuristic matrix (see Figure 1). By the sketched matrix, the various cross-border governance systems can be classified by illustrating their dominating logic.

As mentioned before, the quadrants of the heuristic matrix represent the ideal types of different organisational designs. Empirical investigations have shown that functionally oriented organizations that are also strongly institutionalized are rather rare. However, some exceptions exist, for example the International University Lake Constance/IBH. It is focused on functional integration in the field of research and higher education. At the same time, it shows a strong institutionalization allowing the IBH to initiate specific funding schemes. For each of the other three quadrants, interesting examples exist, which incorporate the specific organisational features defined for the respective quadrant and which illustrate specific advantages and disadvantages. These specific advantages and disadvantages underline the necessity of a problem-adequate approach when deciding about organizational elements. Thus, each organizational design stands for a certain set of advantages that need to be considered in the context of the specific issue or problem that has to be dealt with.

**Figure 1. Symbolic patterns of cross-border organization in two CBR**




Source: Zumbusch, Scherer (2015).

In addition, the heuristic matrix also allows drawing a comprehensive picture of each specific cross-border governance system. In the encompassing organizational setting of the whole cross-border governance system, a synergetic combination of organizational solutions may be reached. This allows making the best use of the diverse advantages of the various organizations of the system. Regarding the organizational features of a cross-border governance system in an integrative way and on the base of the heuristic matrix used in the article, a specific pattern of cross-border governance appears (Zumbusch, Scherer, 2015). The above figure shows the symbolic patterns of two cross-border governance systems, the Lake Constance region and the Upper Rhine.

At the same time, the heuristic matrix can also illustrate organizational developments of cross-border governance systems over time. Interestingly, many cross-border regions in Europe have shown similar development tendencies over the last years that strengthen territorially-oriented, strongly institutionalized organizations as well as functionally-oriented, weakly institutionalized organisations within one single CBR(see figure). This tendency can for example be observed in the cross-border governance systems of the Öresund Region, the Galicia-Norte de Portugal, the Upper Rhine region or the Lake Constance region. These tendencies have already been observed, although with different arguments e.g. by Deas and Lord (2006). By strengthening both sides, the institutionalized

as well as the more informal co-operations, a balanced organizational system may be approached which might have significant advantages for cross-border governance systems.

## 4. Outlook

Cross-border regions and their cross-border cooperative settings are discussed broadly in the perspective of political science. Specific questions and details are analyzed profoundly and in detail. Different scientific strands emphasize completely different aspects of cross-border regions and their governance arrangements. In this context, many theoretical approaches show close interlinkages and exchanges with discussions in public management, sociology, economics or other scientific fields.

For a long time the focus of political science with regard to CBR and CBC has been on the main drivers for the creation and the development of intensive cross-border governance systems. Various, often inflationary used terms have been established and fed into the general debates. In this context the terms "globalization", "Europeanization", "glocalization" but also "functional orientation" and the whole governance discussion can be mentioned as well-known examples. Most of these theoretical strands deal with the cross-border aspect indirectly. Cross-border aspects occur as an implication of the observed general, global development tendencies. In many cases, the respective discussions offer interesting potential for insights and explanations valid for cross-border considerations.

However, for a long time scientific discussions have been focusing on the drivers for cross-border cooperation. In addition, also the constituent elements and factors of cross-border governance systems have gained access to the debates and have been analyzed intensively, like their organizational structures, their agendas, their range of actors involved, institutional characteristics, their negotiations and policy making processes. In this context, also the degree of formalization has attracted specific attention as cross-border governance systems are facing multiple governance challenges which ask either for a certain degree of institutionalization or for more informal solutions.

Concluding, one may state a general shift of scientific debates in the field of political sciences over the last decades: from a focus on the "hardware" of CBR to a stronger focus on the corresponding "software". Regardless of the specific notion of each of these scientific strands this

means at the same time that currently questions addressing influential soft factors of CBR gain importance. As examples, one may mention the question how to assure an adequate capacity for conflict solving for cross-border governance systems. Otherwise, also the questions on how to enable cross-border governance systems to manage multiple rationalities in their relevant environment successfully might constitute a research field that might be worth considering in the framework of cross-border discussions of political science.

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# Borders and cross-border co-operation in Europe from a perspective of political sciences

Hynek Böhm

## 1. Introduction of borders and cross-border co-operation from the field of political sciences

The symbolic meanings, functional impacts and socio-political significance of borders are in fact central to understanding the overall significance of European Union as a project of political community building (Scott, 2016). This makes both borders and cross-border co-operation (CBC) a highly-relevant research issue also for political scientist.

Political scientists primarily focus their attention on systems of governance. They analyse political activities, thoughts and behaviour. Political science deals with the theory and practice of politics. The key word they are working with is power and the ways in which this power is executed. The ambition of political scientists is studying, conceptualizing and constructing general principles, which rule the execution of politics.

The power is executed in concrete geographical and administrative units, which are defined inter alia by boundaries, which are mostly expressed geographically. These boundaries draw differences and constitute barriers and have manifold meanings, be it psychological, mental or linguistic barriers. The field of play for political scientists has to a large extend been determined by the barrier function of the borders, as these clearly identify the territory of unit to be governed.

We will use different terms in the text, hence a basic distinction at least between boundary and frontier is provided, based on Jańczak's (2014) explanation. A boundary is a mainly legal concept which separates state structures (O'Dowd, Wilson, 2002). Boundaries then are "sharply drawn lines that mark the limits of authority and ownership […], marked, and

managed, sometimes loosely and sometimes strictly in accordance with the various and changing purposes of the adjoining states" (Custred, 2011). The boundary not only separates from what is outside but at the same time bounds what is inside (Kristof, 1959). Boundarisation refers to the creation of a state under the Westphalian order with a clearly defined space, authority and territorially circumscribed population. The process, initiated in Europe in the 17th century, became particularly evident during the nation-state building processes.

Frontier is a broader term. It applies to social, economic and political elements referring chiefly to borderland communities (O'Dowd, Wilson, 2002). As a result, frontiers are "zones of varying width, either political or cultural in nature" (Custred, 2011). Assimilation or even expansion by one of the dominating parties is becoming a common frontier occurrence (Walters, 2004). Since the border is drawn in a way enabling interaction and contact between disparate systems, borderlands of new quality are emerging and they differ greatly from their interiors. Consequently, an opinion has been formed that a frontier is an antechamber to the territory proper (Kristof, 1959 in Jańczak, 2014).

Delegitimisation and devaluation of borders are connected to the process of frontierisation, as it prompts the erosion of boundaries. Limited border controls and the declining importance of borders lead to their increasing porosity, more intense interaction and consequently the emergence or reconstruction of the elements of a frontier.

At the same time, nevertheless, the two processes unfold in a context of historical legacy, as well as in the actual border reality. Keeping in mind the historical origin of borders, both boundarisation and frontierisation reveal their two-fold nature. On the one hand, they reflect ongoing existing processes, therefore they constitute an element of a real policy specific to a time and place. On the other hand, however, they are set in a historical context where until recently borders served a different purpose, had a different form and ran along different lines. In some cases, borders were politically and historically sensitive issues, due to territorial disputes or recently reclaimed sovereignty. As a result, borders are defined in two ways: firstly as an element of current and real politics and secondly as an element of historical legacies (Jańczak, 2014)

## 2. Borders and CBC in theories of political sciences

In general political scientists work in following principle fields of interest:

- Political theories including their history
- Political institutions (constitution, governance forms, regional and local governance, public administration, comparison of political institutions, etc.)
- Political parties and political systems
- International relations (international politics, international organisations, international law)

The borders demarcate the playground of most of these fields. On the other hand, cross-border co-operation is something which can be directly found primarily in the field of international relations studies, since the end of 1950's we can find the CBC elements in governance forms of cross-border entities.

**Table 1. Border and CBC related interests of sub disciplines of political sciences**

| | Borders | CBC |
|---|---|---|
| Political theories | X | |
| Political institutions | X | x |
| Political parties and systems | X | x |
| International relations | x | X |

Source: own elaboration.

It seems that the field of international relations is the most relevant one for the analysis of borders and CBC from the political scientists' viewpoint, as cross-border co-operation governance structures and institutions are handled mainly by sociologists and political geographers. The author admits that the multi-level governance approach can except for the international relations be studied also under the heading of political systems and cross-border governance structures are *sui generi* political institutions. Samely the cross-border co-operation between political parties can also be studied, the best example being provided in the island of Ireland: Three major political parties, Sinn Féin, the Greens and Fianna Fáil are organised on an all-island basis. However, only Sinn

Féin and the Greens have contested elections and have held legislative seats in both parts of the island. Yet most of the text will deal with the borders and CBC in the context of international relations.

## 2.1 Borders and cross-border co-operation in the field of international relations

The Peace of Westphalia can be regarded as an inauguration of the modern political order, which required international recognition, by other states, of the boundaries of sovereign and territorially demarcated states. It marked the beginning of the era of the nation-state and nationalism. Another example is the Treaty of Paris, which reviewed the borders of most states at the end of the World War I. According to Laine (2015) it was another example when representatives of states or nations would refer to aggrandised maps that served their purposes but were not exact depictions of territories and their people.

During both of these eras, sovereignty – defined as the exclusive right of exercise of legitimate violence within the limits of a territory – was mutually recognised by states, particularly by the superpowers France, the United Kingdom and the United States. As self-determination and sovereignty became the organising principles, boundaries delineated modern states (Laine, 2015).

### 2.1.1 *"Classical" paradigms dominating international relations – realism and liberalism*

There are traditionally two main competing paradigms that dominate international relations: realism and liberalism including their varieties and neo-forms. Realists accent national states as the main actors of international relations. The authority of a sovereign state is the only entity competent enough to conduct foreign policy, its comprehension and implementation. Realism in international relations perceives the Westphalian system as a universal law that existed in the early stages of history, but was perceived and adopted by a majority of the developed European powers only from the 17th century (Dugin, 2017). The realist approach is based on the principle of the absolutisation of nation-state sovereignty and the foreground importance of national interests. At the same time, realists view any attempt to create international legal (and other) institutions that claim to regulate processes in international relations on the basis of norms and values of an international (supra-national)

character with scepticism. Any attempt to limit the sovereignty of nation-states is seen by realists as "idealism" and "romanticism". Borders became central to the nationalist agenda and the development of nation states. Paasi identified such boundaries as institutional constructs (Brunet-Jailly, 2005). For realists thus borders constitute a boundary, within which the state executes its entire sovereignty and power. Cross-border co-operation is hardly imaginable for them.

The main opponents of realists in international relations are the liberals. They are inspired by the ideas of John Locke about the neutrality of human nature, amenable to improvement through education, while realists base their ideas on the concepts of Hobbes, namely, that people are inherently selfish, aggressive, and evil ("homo homini lupus").

Liberals believe that developed democracy in domestic policy drastically affects the foreign policy of the state and believe that democracy can be repeated at the level of international relations. On this democratic platform, it is possible to create transnational structures, which can transform the chaos in the system. The principle of national egoism and "self-reliance" can be overcome in the course of democratization, which could form the basis of civil peace and the integration of different societies, still divided by national boundaries, into a single democratic civil society (Dugin, 2017).

Liberals believe that there may be a certain supranational entity whose powers will be above the sovereignty of nation-states; moreover, they admit that the authority of the state is not the only entity responsible for conducting foreign policy, its comprehension, and implementation. Neoliberals emphasize that, along with the states in the modern world, NGOs, networks, and social structures begin to have a significant, great, and growing influence on foreign policy processes of states. This is an important departure point for the later text on post-modern paradigms.

According to the classical neo-liberal theory of interdependence (Nye, Keohane, 1977, rev. 2011) the era of nation-states as the main actors of international relations is gone. States are now just one of the active units, along with industrial (domestic) structures and different social groups, receiving wider availability to the sphere of international relations and increasing their activity at the transnational level. The term "soft-power" calls importance of ideas, standards, and intellectual methodologies for the success of globalization and democratization on a global scale.

Unsurprisingly, realists often act as supporters of "hard power". Liberals, in their turn, emphasize the finer, network tools of influence.

### *2.1.2 Post-modern paradigms*

The postmodern paradigm in border studies is based on a synthesis of theories of world systems and territorial identities and follow (neo-liberalistic) interdependence concept. Its essence is the combined study of the place of a particular border in the system of borders in the world at different spatial levels – from global to local (Kolossov, 2015). Followers of Wallerstein, Taylor and other theorists of the growth of global interdependence focus on objective economic factors – the deepening of the international division of labour, improvement of transport and means of communication. These processes are interpreted as the formation of global networks based on relations of domination and subordination in the structure of "center-periphery". Supporters of the theory of integration, on the contrary, emphasize the leading role in this process of subjective factors – political will and political institutions.

The internationalization of economic life and rapid growth of transborder flows of people, information, goods, capital, energy, and pollutants are associated with the increasing influence of transborder subjects in different spheres of activity (ethnic and social movements, non-governmental organizations). As a result, the state's borders lose part of their barrier functions. The transfer of state functions to regional and international organizations is seen as a manifestation of the general crisis of the Westphalian system of nation-states. Kolossov (2015) claims that no country today can be completely isolated from its neighbours. Even if bilateral relations are very cold, neighboring countries are generally interested in transit, the development of communications, joint use of natural resources and international river basins, prevention of unfavorable and dangerous natural and man-made phenomena, etc.

Wallersten's world systems theory is based on the classical tripartite scheme "center – semi-periphery – periphery". This means that the study of territorial boundaries is conducted at three levels of global, national and local, and second, that the concepts of center and periphery are relative. Subsequently, these levels were complemented by two others – macroregional and regional. An example of the deliberate formation of a macro-regional (supranational) identity is the EU's activities to strengthen pan-European political identity.

The strengthening of macro-regional identity can help to add a special "shared identity" to national identity and reduce thus the barrier functions of borders between member states within the integrated grouping. However, the state identity is being eroded not so much "from above" (from the level of macro-regions) as "below", from the inside.

The achievement of the world-systems approach in border studies was to gain greater understanding of the role of the local level. Local territorial communities are not passive subjects of exposure to central authorities, but actively influence the formation of identity, and the nature and perception of borders in neighbouring countries. Local communities often develop specific border identities, based on common interests and culture. This identity can be transborder, especially if the residents of the regions adjacent to the border are similar in language and culture.

However, it seems that a world without borders is hardly possible, if only because the mobility of capital requires certain differences between national political and legal spaces. The discourse about a borderless world concerns only "integrated", open borders, mainly in Europe and North America. They constitute no more than 5% of state land borders (Kolossov, 2015). In addition, the state border is an important barrier, even in areas where the process of integration is far more advanced. Thus, despite the high degree of dependence of the Canadian economy from the United States, the total trade of the "average" Canadian province with other Canadian regions, measured in terms of population and GDP per capita, is 12 times greater than with neighbouring American states, and the exchange of services more than 40 times greater. Migration between Canadian provinces is 100 times more intense than the transborder migration exchange with American states. The same pattern can be observed in the EU.

Postmodernist conceptions allow us to bridge the gap that exists between the study of foreign and domestic policy, between state borders and other boundaries. In fact, both the state border and the boundary of a municipality outline a space controlled by members of a social-territorial community through limiting the territorial rights of those who do not belong to this group.

In a global/postmodern paradigm, special attention is paid to networks of interaction between the different actors of international activities – both state and non-state. Through the development of these networks, state borders are gradually transformed into virtual lines, and

replaced with economic, cultural and other dividing lines. This is why the CBC should be understood as one of the prominent examples of the interdependence, as it involves also other actors (than states) into international relations (Kolossov, 2015).

## 2.2 Typologies of borders

Brunet-Jailly underlines that "each border is unique and no taxonomy of border is conceptually feasible because there are too many types of borders" (2005). Nevertheless, many scholars attempted to propose such methodology. We will specifically mention the concept of Martinez (2004) and Jańczak (2014), but there are also many others.

Martinez (1994) suggested border typology based upon openness of borders and identified four main types of them. 1) Alienated borders rigidly divide two countries, border areas are militarized scenes of confrontation and conflict, transborder traffic is minimal and cooperation between the parties is virtually non-existent. Most land borders in the world, however, would qualify as 2) coexistent borders. Such borders are primarily for the filtering of transborder flows, while the parties maintain contact and cooperate when required to solve common problems. 3) Interdependent borders arise between countries that have achieved a high degree of political rapprochement and mutual trust and which have coordinated foreign policy: the visa regime is lifted, border areas are fully demilitarized, and there is the development of intense cooperation between the authorities of both states at different levels, as well as business entities and NGOs. Finally, 4) integrated borders are completely open; cross-border agglomerations and regions with their own governments are created, regulating the most important spheres of activity (Kolossov, 2015).

According to Jańczak (2014), the correlation between the two presented perspectives – the time-analysis perspective and the scale/level of border processes – results in a matrix showing the main dimensions of the border debate:

**Table 2. Jańczak's typology of borders**

| | **Perspectives** | |
|---|---|---|
| | **state** | **continental** |
| **Border legacy** | Phantom borders | Geopolitical boundaries |
| **Border reality** | Internal Schengen frontiers | External Schengen boundaries |

Source: Jańczak (2014).

Phantom borders manifest themselves on a state or interstate level in the context of border historical legacies. They can be defined as "political borders, which politically/legally do not exist anymore but seem to appear in different forms and modes of social action and practices today, as for example voting as one part of political behaviour" (phantom borders). They can be observed in the case of states which used to be partitioned by other states.

Geopolitical boundaries are rooted in the border legacy and are relics from the former border status quo on a continental scale. European geopolitical boundaries include mainly the cold war border, in the form of the iron curtain, which has resulted in the east-west division. The areas are contradictory in terms of the political values upheld through history (democracy *versus* authoritarianism), economy (free market and high level of economic development *versus* centrally planned economy and developmental backwardness) and society (civil society *versus* homo sovieticus). Bridging the differences between the eastern and western parts of the continent became the main paradigm in cross-border relations after the collapse of communism in Europe and a guide in the integration and disintegration processes taking place there.

Internal Schengen frontiers are connected with the perspective adopted by individual states and reveal the border reality – currently unfolding border processes. There is a direct link between internal Schengen frontiers and the outcomes of European and EU integration. Lifting border controls (serving the functions proper to a border) is an integration tool vital to implementing the four freedoms. However, parallel to that, increasingly tighter security is seen as the essence of the integration, and borders and border controls constitute a key element of national security systems (O'Dowd, Wilson, 2002).

Internal Schengen frontiers date back to the myth of a borderless Europe which spread after 1989 (O'Dowd, Wilson, 2002). The collapse of communism and the victory of the Western political and economic order were supposed to end the era of conflicts and – according to the neoliberal logic of free trade – contribute to creating a new order based on democracy and the free movement of goods. Because of the universal nature of the new order, and for pragmatic reasons connected to free movement, borders became unnecessary, even undesirable. New types of divides, however, quickly revised the idea, deeming it a political myth which failed to resist new conflicts erupting along new fault lines.

However until recently it seemed that the EU did manage to implement the scheme of a "borderless world". The de-bordering caused by the Schengen Agreement was complemented by a series of tools designed to encourage and enable cross-border cooperation, mainly through the INTERREG initiative and European Territorial Cooperation objective, which is central to the European cohesion policy. The incentives to cross the steadily-eroding state boundaries brought about a gradual (re) frontierisation. It engaged authorities and local communities into further creating cross-border co-operation entities.

External Schengen boundaries offer a continental perspective with a special reference to European integration. Fading internal borders and the (re)frontierisation – as expounded above – was bound to result in checks hardening at the external borders of the Schengen zone. Forming a separating line between outside and inside, they came to serve a function similar to that of a boundary in the state-building process.

The external Schengen border is consequently a boundary, even strengthened by a migration crisis. Accordingly, in the Eastern part of the continent, as well as in North Africa, the EU organises a space for protecting its security, through agreements between the countries in the region, aimed at cutting the influx of undesirable elements within its borders.

## *2.3 Functions of borders in the context of international relations*

Traditionally the primary borders' function was to create a barrier according to "realists". On the other hand the google search engine produces in an answer to the searched item border functions slightly different picture: most of the articles indicate a shape from a barrier towards more co-operative role, be it market opportunities, de-territorialisation, from separation to an interface etc. Nevertheless this is valid for European borders. Maybe due to the lengthy peer-review processes I haven't found any articles taking into account the recent European calls for re-bordering yet.

In the early 1960s the generally accepted view was that changes in boundary functions might lessen boundary tensions across borderland and border regions. Originally, borders were used to delimit the territorial possessions of sovereign states, and the work of social scientists

served the purpose of rulers who were eager to picture the boundary line demarcating their possessions.

In short, borders became central to the nationalist agenda and the development of nation states. Paasi (1996) identified such boundaries as institutional constructs. (Malcolm) Anderson considers the border as a dynamic element of the state. He emphasizes the multiple features of border maintenance, attributing to them three dimensions. Firstly, they are an instrument of state policy when governments change the place and function of the borders for specific benefits to the state, citizens or their own. Secondly, the policies and actions of state authorities are determined by the degree of control they exercise over a particular border: for the state to strive to be the exclusive source of power and influence is possible only when state borders are impermeable – closed to external penetration. Thirdly, borders are determinants of national identity – associated with people's sense of unity and with the myth about the natural cohesion of territory, which can be transformed as a result of wars, revolutions or political turbulence in the territory of a state (Anderson, 1996). This correlates with above mentioned Paasi's approach.

As the international environment is dynamic and its turbulences usually change a states interests and sometimes roles, the process of border functional transition is not linear but circular. At the same time, an authority in the face of threat to its territory or nation may restore the fundamental function of border to that of a barrier. Such a process was noticed at the American-Canadian border after 9/11 (Moraczewska, 2010).

The transformation of border functions may be studied from the standpoint of individual paradigms in international relations. After having classified them into three principle groups – 1) realistic, 2) liberal and 3) postmodern –, we are able to attribute role and place of state borders according to the aforementioned paradigms. Firstly, their perception, secondly, their importance for the state, and thirdly the actions taken to implement the rules of the paradigm relating to the border (Moraczewska, 2010).

**Table 3. Border functions from the standpoint of individual paradigms in international relations**

| Paradigm | Realistic | Liberal | Postmodern |
|---|---|---|---|
| Border perception | Dividing line, determination of nationality and separation | Porous line, an element of system enabling states' penetration | Virtual line, a demarcating line seen only at the maps, no states borders in favour of market borders |
| Border importance | Very important, as a barrier against threats, sovereignty guarding, profitable element of a system, disintegrative function | As a bridge between states and non-territorial actors, fragmentative function | Not important, as a not functioning barrier for international flows, integrative function |
| Action at border | Infrastructure building, securitization of border, when a conflict appears – militarisation of border gradual abolition | Infrastructure, opening of channels for flows of goods, people, money, information | No infrastructure or not important, making heterogenous market system and legal system |

Source: elaboration based on Moraczewska (2010).

## 3. Cross-border co-operation in political sciences: direct link to the idea of European Integration

Social scientists in general believe that European integration gave a new meaning to the borders by limiting its barrier function. Many say that CBC is an example of European integration at a microscale. Scott (2016) even describes the achievements of open border within the EU as well the institutionalisation of permeable but secure borders with neighbouring states to be its major and exceptionalist narrative.

The basics for the current shape of European integration, including its transborderness, were laid after World War II in the 1950s. The original idea of shared co-operation and responsibilities in the strategic fields of heavy industry meant a substantial shape in the European history. Systemic theories of international relations consider the European integration as effects on of the shift from a multipolar to a bipolar system. So long as European states were the world's great powers, unity among them was not realistic. Politics among the European great powers tended

toward the model of a zero-sum game. Each power viewed another's loss as its own gain. Faced with the temptation to cooperate for mutual benefit, each state became wary and was inclined to draw back. When on occasion some of the great powers did move toward cooperation, they did so in order to oppose other powers more strongly (Waltz, 1979).

The emergence of the Soviet and American superpowers created a situation that permitted wider ranging and more effective cooperation among the states of Western Europe. For the first time in modern history, the determinants of war and peace lay outside the arena of European states, and the means of their preservation were provided by others. These new circumstances made possible the famous "upgrading of the common interest," a phrase which conveys the thought that all should work together to improve everyone's lot rather than being obsessively concerned with the precise division of benefits. Not all impediments to cooperation were removed, but one important one was the fear that the greater advantage of one would be translated into military force to be used against the others. Living in the superpowers' shadow, Britain, France, Germany, and Italy quickly saw that war among them would be fruitless and soon began to believe it impossible. Because the security of all of them came to depend ultimately on the policies of others, rather than on their own, unity could effectively be worked for, although not easily achieved (Waltz, 1979).

Once the possibility of war among states disappears, all of them can more freely run the risk of suffering a relative loss. Enterprises more beneficial to some parties than others can be engaged in, partly in the hope for the latter that other activities will reverse the balance of benefits, and partly in the belief that overall the enterprise itself is valuable. Economic gains may be granted by one state to another in exchange for expected political advantages, including the benefit of strengthening the structure of European cooperation (Waltz, 1979).

The progress made in economic and other ways toward the unity of Europe cannot be understood without considering the effects that followed from the changed structure of international politics. In the end of the 1950s, the appearance of first cross-border co-operation entities on German-Dutch borders followed the Treaty of Rome, establishing the European Economic Communities which proposed to create a single market for goods, labour, services, and capital across the EEC's member states. Both these processes contributed to the change of the traditional

view on borders and opened doors for cross-border co-operation as we observe it nowdays.

The single market, supported by the existence of the Schengen area, has European integration as its goal; that is, to ensure the freedom of movement of people, goods, capital and services. The coming into existence of these four principal freedoms in turn encouraged the process which Boesler (1997) describes as 'Entgrenzung' (dissolution of borders). 'Entgrenzung' corresponds to a decreasing role for national states and the increasing importance of regions, which enter into CBC more actively. Some authors (e.g. Scott, 2000) refer to transborder regionalism, of which the emergence of new political communities is symptomatic. These new political communities cross borders and traditional mechanisms of international cooperation, developing new transfrontier models for advanced regional interaction, which are capable of efficiently solving problems.

Knippenberg (2004) and Perkmann (2003) analysed the behaviour of politicians from border regions and identified a desire to avoid the limitations imposed by policies made at the national level. Perkmann nevertheless does not consider this *cross-borderisation* to represent any kind of threat to the sovereignty of national states. Another confirmation of the unique CBC role in current Europe could be seen in the fact that it often comprise different levels of public administration.

### 3.1 Cross-border co-operation as a prominent for, of paradiplomacy/secondary foreign policy

Since the end of the 1950s (Klatt and Wassenberg claim the 1980s), especially in Europe and North America, local and regional actors have become more engaged in international border crossing activities which traditionally have been considered a competence reserved for the nation state. The term most frequently used in this context is *para*-diplomacy, which was introduced and developed theoretically by Soldatos (1990) and Duchacek (1988, 1990). This insinuates a form of parallel diplomacy besides "real" diplomacy, but it also alludes to the fact that the subnational and non-state actors involved have limited capacities and legal powers compared to those of national governments (Joenniemi, Sergunin, 2014, p. 18). Duchacek (1988) has identified three categories of para-diplomatic activities of subnational political entities and listed 1) cross-border regionalism on the first place – the other were 2) trans-regional diplomacy and 3) global paradiplomacy.

Klatt and Wassenberg (2017) proposed introducing term *secondary foreign policy*, which is derived from the German *Nebenaußenpolitik*, as the international activities of German Länder were conducted "next to" (*neben*) the foreign policy of the Federal government and not necessarily in line with the latter.

The EU has also recognized secondary foreign policy in cross-border regions and gave them thus certain level of legitimisation. First, it has started to associate local and regional governments to its decision-making process, mainly via the so-called multi-level governance system. Second, it has integrated cross-border cooperation in its European regional cohesion policy from the 1990s onwards, especially by means of the Community initiative INTERREG which allowed for a direct implication of local and regional authorities. Since then, the EU has largely supported the idea that local and regional governments in border regions could contribute to the European Integration process and especially to the implementation of the Single European Market. In 2006, the European Commission has even endowed cross-border local and regional actors with a new legal instrument, the so-called European Grouping of Territorial Cooperation (EGTC), allowing for setting up joint cross-border governance structures with legal personality (Klatt, Wassenberg, 2017) and by 2017, already 64 EGTCs have been established throughout the EU (EGTC Platform, 2017). Local and regional authorities have also been participating in multilateral regional associations, one of them being the Association of European Border Regions (AEBR) to ease the CBC conduct.

However, Klatt (2011) observes that in-depth social interaction across the border apparently is still mostly limited to an elite of "transnational borderlanders" in Danish-German borderland, while most social practices across the border are primarily undertaken for practical reasons (shopping and leisure), and that there is widespread indifference among the borderlands' population towards each other. This observation can certainly be made also in many other European borderland (for example Böhm, Drápela, 2017).

### *3.2 Policy cross-border networks*

The discovery of policy-networks as a major structural characteristic of the EU, and the dramatic increase of "special-purpose government" (Foster, 1997) on the level of metropolitan areas are indicators of transformation from territory to function as the new basis for intensified

political interaction and governance (Blatter, 2004). For this "upgrade of political system" the phrase government to governance could be applied. Some call it "governance without government" (e.g. Rosenau, Czempiel, 1992) and a process of "destatization" and "hollowing out" of the state (Jessop, 1993).

In a similar vein, as the discourse of a "Europe of the regions" (without the nations) changed to a discourse about a "Europe with the regions" (Blatter, 2004), the term governance no longer excludes governmental actors but points to a strengthened collaboration between actors from the public, private and non-profit sectors, as well as to the collaboration among various levels of the politico-administrative system based on exchange and negotiation among equals (Benz, 2001). Proponents of governance usually imply a "cooperative" style of interaction or "horizontal relationships" (e.g. Savitch, Vogel, 2000), whereas more analytically inclined researchers find a combination of hierarchical, cooperative and competitive modes of interaction (Benz, 2001).

Blatter (2004) claims that the existing governance literature implies a purely instrumental view of political institutions and neglects the constitutional role of institutions for political actors and communities. He claimed that regional institution-building across national boundaries cannot only be seen as a pragmatic and instrumental approach to solving common problems (as it is usually described; see, e.g., Keating, 1999, p. 9), as in some regions it is much more an element of reorientation and reconstitution of regional identities and regional polities. Therefore, the conceptual template used to describe and compare political cooperation across national boundaries has to be broader than the government *versus* governance dichotomy and at the same time it has to be more precise in respect to the modes of interaction.

In the ideal type of territorial governance, the lines of interaction are predominantly vertical, the information flows primarily within the national units and only "at the top" across the national boundary. Second, the interaction (both interest formulation and implementation) between the private/non-profit sector and the public sector takes place "at home"; in the cross-border institution we find only members from the public sector. In the ideal-type of functional governance, though, both boundaries, the territorial and the sectoral, are blurred. In this case, we expect direct contacts between subnational actors of various types as well as the inclusion of non-public-sector organizations in trans-boundary

institutions. Blatter distinguishes four types of cross-border political institutions.

**Table 4. Typology of cross-border institutions**

| | Territorial governance | Functional governance |
|---|---|---|
| Instrumental/ control | COMMISSION<br>● Actors from the national government<br>● Large scale: national boundaries determine geographic area of cooperation<br>● Broad scope: all-purpose institution, many tasks<br>● Objective interdependencies, material spill-over<br>● Experts: lawyers and engineers | CONNECTION<br>● Actors from various levels and sectors<br>● Multiple scales: variable geometry, functional economics of scale determine area of cooperation<br>● Narrow scope: single-purpose institutions, few tasks<br>● Subjective synergies, useful combination of resources<br>● Brokers: planners, developers |
| Identity-providing/ orientation | CONSOCIATION<br>● Regional actors<br>● Cascading scales: federalized architecture<br>● Broad scope: all-purpose institution, many tasks<br>● Shared identities, emotional ties<br>● Integrators: charismatic leaders | COALITION<br>● Actors from various levels and sectors<br>● Fuzzy scale: no specified geographic demarcation<br>● Narrow scope: policy-field specific goals<br>● Shared beliefs and values<br>● Mobilizer: parties and interest groups |

Source: Blatter (2004).

He believes that a Consociation influences individual behaviour not by providing organizational rules and procedures, as is the case with Commissions, but by symbolizing ideas which shape identities and contain an encompassing "image" of a cross-border political community. Community-building means that this type of cooperation tries to influence or to mobilize the identity of people in a holistic and affective way, uses symbols as flags, logos, maps and names for the common region.

## *3.4 Multi-level governance*

The multi-level governance approach has its theoretical anchor in the post-modern theories of international relations, as it responded to the need to harmonize the activities of all governance and governmental interaction in the European Union (EU). Gary Marks was the first scholar to describe the interactions of governments in the EU context as resulting in multi-level governance. Originally, Marks and Hooghe described the European structural policies as dependent primarily on lower-level government for their successful implementation. These scholars argued that a clear understanding of the very complex networks of lower-level

governments and the constellation of connections and interactions of elected and public officials is necessary to understand the implementation processes of these European policies (Brunet-Jailly, 2005).

Marks and Hooghe argued that multi-level governance is not only both vertical and horizontal but also of two types: (1) general-purpose governance and (2) task-specific governance. Their analysis of the EU's traditional intergovernmental relations is the best illustration of vertical governance as a process in which multiple government levels interact to co-produce and implement policies. This view is relevant when scholars study, for instance, the EU's social and regional policy, its legal system, or its border-security policies. General-purpose governance, or Type 1 multi-level governance, is concerned exclusively with the interactions of agencies of general-purpose jurisdiction, such as local, county, regional, provincial/state, central/federal and international.

Horizontal networks, which are characteristic of task-specific governance, or Type 2 multi-level governance, are best understood with reference to the interactions of public and private local, national and international actors within a specific policy process. Such governance processes may lead such diverse actors to produce or implement a specific policy regulation or to deliver a specific service; a good example is security policy in Europe or North America.

Both types of multi-level governance contribute to our understanding of the nature of borders and borderlands. They provide analytical tools to redefine the horizontal and vertical interactions of multiple governments and public/private organisations as they implement a border/borderland policy. Empirical evidence points to varied cross-border functions and multiple policies that characterise borders or borderlands where the primary catalyst for border policy may be a central government, a province, a region or a municipality.

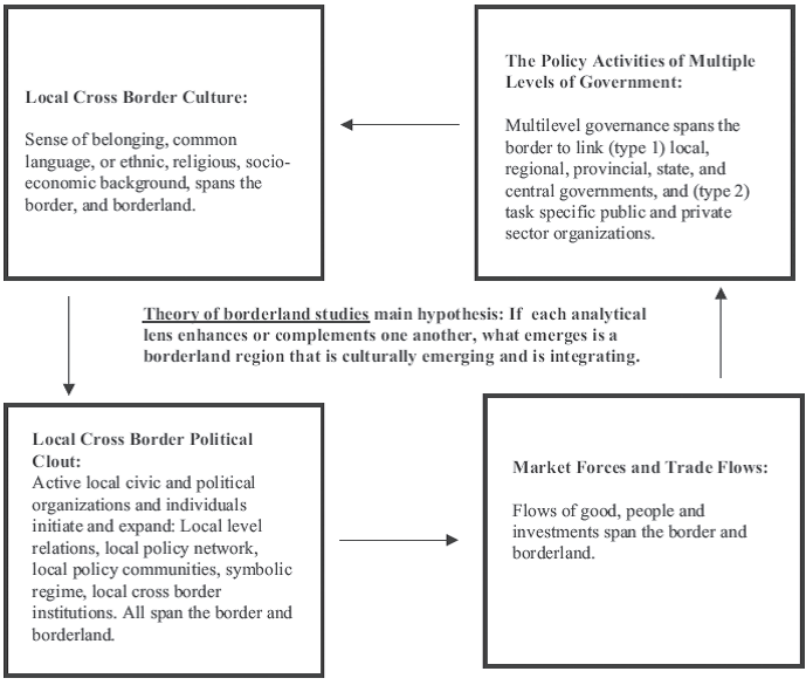
Amin and Thrift (1994) contributed with their "institutional thickness" concept to the group of institutional regional development theories. This partial theory says that institutions are not formal organisations only, but they mainly create informal conventions, habits, network of relations, which stabilize and stimulate performance of regional economies. Success of regions in the long-term horizon is then dependant on the ability of local actors to create such institutions, which can create good framework conditions for economic and social regional development. Blatter's

Consociations can be considered as the forms which almost fulfil the characteristics of institutional thickness.

### *3.4 The theory of borderland studies*

Brunet-Jailly (2005) proposed a theory of borderland studies, which is based upon interplay of following four analytical lenses:

1) market forces and trade flows,
2) policy activities of multiple levels of governments on adjacent borders,
3) the particular political clout of borderland communities,
4) the specific culture of borderland communities.




Source: Brunet-Jailly (2005).

### 3.5 Outlook for further debates: Re-bordering Europe

In Europe the dynamics of border change is driven by the scale/levels of analysis. At least two principal perspectives can be singled out, each defining border-related situations and processes differently: a national state perspective and a continental perspective (Jańczak, 2014). The further attention should focus on the conflict of the "EU demand" for open borders with the nationalistic calls for a bigger border control, as it was witnessed by several last elections in Europe – with a most illustrative Brexit example.

I have mentioned the importance of borders crossing narrative for the whole EU, as pointed out by Scott (2016). Therefore the EU's present crisis – comprised of a number of specific dilemmas – can be perceived as a crisis of identity and of Europe's borders. A major exceptionalist narrative of the EU has been the achievement of open borders within the EU as well the institutionalisation of permeable but secure borders with neighbouring states. These achievements are under threat as EU-member states clamour for a greater degree of local control and the EU is accused of losing control over its external boundaries (Scott, 2016). In today's increasingly tense geopolitical climate, the connective potential of borders is easily overshadowed by their capacity to divide, and we regress into state-centric thinking (Laine, 2016).

Scott (2016) mentions that present questioning of interdependence as a political and ethical principle is somewhat worrying. Until recently, internationalism and the emergence of a global consciousness have been self-evident realities. The Cold War, environmentalism, the "oil crisis" and, then, the dramatic collapse of East-West confrontation underlined how interconnected national societies and communities are in Europe. Scott (2016) stressed that to think globally and holistically was logical: "it just made sense". For scholars studying international relations, borders, conflict resolution and matters related to security, there seems no way of escaping the reality of mutual reliance in an interdependent world. And yet, what we now see in the world, and read in social media, among other places, is an increasing denial of interdependence, as if we could just shut out the noise from the outside world and get on with our everyday lives. What many appear to desire, in other words, is independence, not interdependence. This is a guiding element of ongoing a crisis of complexity, in which a desire for clear and decisive action based on simple solutions has complicated political debate. This helps explain

the "Brexit" referendum, Trump's surprising electoral victory as well as increasing populist sentiment within the EU.

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# Borders and cross-border cooperation. A political and geographical point of view

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## Introduction

Over the last few years, borders have been the focus of the attention in Europe, but while an image of openness and of obstacles being overcome prevailed in the 1990s, the idea of control and protection has now become crucial. However, the European Union is one of the regions in the world where the significance of the border, defined as a limit of sovereignty (Anderson, 1997), is more associated to an interface than to an obstacle (Sohn, 2014). The border, in a classical conventional sense, the Westphalian border, which is bound to the emergence of the nation-state, refers to the idea of a "territorial construction bringing distance into proximity" (Groupe Frontière, 2004). The border definitely appears as a political act with a social and spatial signification (Foucher, 1991).

During the last three decades, thanks mostly to the Interreg programs, the European institutions have fostered cross-border cooperation (CBC) initiatives on member states' borders (including at least the border of one member state). CBC is often considered as a part of international relations and defined as lasting relations between actors deploying spatial strategies on regional or local levels within "contiguous subnational units from two or more nation-states" (Perkman, Sum, 2002, p. 3) and it has undeniably a spatial dimension. Is cross-border cooperation a political act with a social and spatial component? If so, how does it materialize and what does it change on the border and the border areas?

For several decades, the social sciences have raised the issue of borders, but among those, we shall focus on two disciplines: political science and

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geography. The aim of our paper is effectively to understand how the border, as a political act, is embodied in space and how space, as the product of social relations on earth, in a multi-dimensional perspective (concrete, functional and symbolic), influences the political dimension. Moreover, the aim is to question the functioning of cross-border cooperation and the main issues in Western Europe with the hypothesis that political sciences and geography are developing complementary, non exhaustive approaches.

Our analysis will take two major trends into account. First, according to several authors, globalization leads to an increase of the interdependence between territories all over the world and the supremacy of the space of flows on the space of places (Castells, 1996). Second, globalization goes hand in hand with regionalization, the reinforcement of links and relations, particularly the economic ones, between various contiguous states in large areas of the world (Savitch, Vogel, 2000; Scott, 1998). Paradoxically, this regional integration process has an eminently political dimension and can lead to the production of norms, rules and agreements that are weakening some features of the international borders.

In a first part, we will examine the way political science and geography are considering borders and CBC. In each discipline, governance in political science and territory are concepts which are mainly linked to research on borders and CBC, and they will be described in a second part. In a third part, we will focus on some key issues of CBC, which will be illustrated with the example of the Eurometropolis Lille-Kortrijk-Tournai. Finally, we will argue that CBC is more than ever a matter of proximity, described in different ways.

## 1. Borders and cross-border cooperation: a brief state of the art…

### *1.1 … As seen by political sciences*

In political sciences, the border has rarely been analyzed in itself: for example, glossaries of political sciences handbooks contain only few references. However, globalization, supra-territoriality, decentralization and European integration have roused a certain interest for political debates about the border: it may be defined as a consequence of a political decision, an output of political process, an instrument or a political institution.

First, a border may be defined as a **consequence of a political decision**; it is a juridical result of international conflicts and negotiations, established in a convention or a treaty, which delineates the perimeter of a country. In international relations research, it has been defined as an explicative factor: for example, borders associated with distance, contiguity and interaction opportunities can be used in order to measure the relationships between borders and wars or alliances (Starr, Most, 1976).

The Charter of the United Nations determines in its Chapter I, article 2, § 4, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations".[2] As a consequence, this principle of territorial integrity refers to a border that is a visible track of the perimeter delineating the national territory.

Second, the borders separate states within the international system and then create a unique limit drawing the carving up of the world into territories: the law, the administrative organization, the norms change on the border. In this sense, the contemporary linear border is an **output of a political process**, leading to the funding and the building of the modern state (Postel-Vinay, 2011). It is one of the attributes of the Westphalian model of the state, the current political organization all over the world. Several features define what a state is; as concerns the border, it is a territorial association (Heywood, 2007) regarded as an autonomous entity by foreign states and encompassing all people living there, both citizens or non-citizens under a common jurisdiction and sovereignty. The border consists of a more or less visible output of the national perimeter of the state. The impact of the building of the state at the border is double: a local conflict may take an international dimension and an international conflict between neighbouring countries may induce the building of walls or other barriers locally, at the border. The physical limit defines the perimeter within which the political, social, economic and military activities of a state are developed; by so doing, it also creates some social or cultural cohesion since the building of a state is fashioned out of civic loyalties and a shared consciousness of a national common destiny.

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2 http://legal.un.org/repertory/art2.shtml.

Third, as a consequence of the building of a state, the border becomes a **political institution** as a marker of distinctions between national identity, citizenship and home Affairs within an area, and foreigners − population − and Foreign Affairs beyond this limit. Like all institutions, borders have their own set of rules, which regulate the extent of inclusion or exclusion. Each State is creating its own **border regime** inside a global order framework. As an institution, the border operates at various levels: on a national level, determining the perimeter of the 'national' territory, on an international level, recognized by international laws and conventions managing and controlling all kinds of flows: economic, money and people. It also has impacts on the local level while it transforms the geographical proximity: it regulates, limits or even prohibits − with barriers and more or less sophisticated devices − flows and exchanges. As a political object, the border has also a spatial dimension that refers to two geographical concepts, territory and scale.

In this context, in political sciences, the questioning on CBC has been limited until recently. It has been restrained to a debate about 'good neighborhood' practices at a local level or about an international problem in the Ministry of the Foreign Affairs. However, all over the world but more specifically in Europe, some political **favorable conditions** have appeared for several decades in order to discuss the embedding of the political powers in the territories (Agnew, 1994) and to promote cross-border cooperation, especially decentralization and the process of European integration. Decentralization includes a transfer of powers and responsibilities to local or regional government which then gets a certain degree of autonomy to operate. When a territory is delineated by a border, the local public bodies may tend to limit the negative impacts such a location creates – less investments due to the peripheral situation, the threat of foreign military power, the restriction of flows and circulations. These authorities may also hope to foster flows and exchanges or to share resources and opportunities in order to promote a local development. CBC includes domains such as infrastructure, transport or public services. The European integration has also been a driving force for CBC: for member states, a set of public decisions are now applied at the European level, beyond their national borders. In the Treaty of Rome and especially since 1990, with Interreg programs, European border areas have been regarded as laboratories for building integration (Wassenberg *et al.*, 2015). More specifically, the European cohesion policy includes a

territorial dimension, which encourages cooperation among territories at different scales, including cross-border areas.

Nowadays, this cooperation is concerned with a vast amount of sectors even security. For instance, Police and Customs Cooperation Centres are created on European border regions in order to concentrate information and databases and rationalize the process of political decisions.[3] The border is undeniably a political output, but it is also a geographical object.

### *1.2 … As seen by geography*

In contrast to political science, the border has been an important topic in geography since it was first considered as a scientific discipline at the end of the 19th century. Moreover, the attention on border and CBC has largely increased over the last two decades, especially in the field of political geography.

During a long time, the idea of a **natural border**, ordering the world and imposed by God or the representative of God on Earth (the king, the prince) was more a belief than a definition. This idea has no real scientific basis but has been taught and is sometimes still taught at school and this largely influences popular representations (Prescott, 1965). Borders are also often associated with lines on maps, but even these latter are the result of a historical or legal process of negotiations which sometimes make the delineation change. Since the end of the 19th century, the research on the significance of the border as a spatial object has been largely renewed (Kolossov, 2005).

The border was first described as an instable and sinuous line that expresses territorialisation, a process of controlling space due to the expansion of people, based on knowledge and the dominance of technology (Turner, 1893). The "frontier", which was sometimes associated to the expansion of civilisation, was in fact a domination process from a group on others (O'Dowd, 2010). Another approach was proposed by Ratzel, one of the founders of geopolitics: he depicts a line as the expression of a balance of power between two States. The line is instable and can move due to expansion, domination and conquest (Ratzel, 1897; Ancel, 1938).

These **organicist approaches** were progressively replaced by **functional approaches**, which consider the border as a stable line. After

[3] https://ec.europa.eu/home-affairs/what-we-do/policies/police-cooperation/operational-cooperation_en.

World War I, the work of several geographers was to find the good limit between the new States created after the dismantling of the Empires of Central and Eastern Europe, a line that clearly separates peoples and nations, states and territories (Boulineau, 2001). The political relevance of the border has to be based on a scientific and rational approach, with the idea that peoples and territories can be classified (Hartshorne, 1933). During this time, a clear difference was made between the boundary, the line of separation, the border as a political, social and cultural fact, and the frontier in a more anthropological sense. It is then clear that the border refers to the limit of the territory of a State and a symbol of differences between the inside and the outside, 'us' and the 'others' (Minghi, 1963; Anderson, 1997).

This line of separation between two States and territories, the dyad, marks the landscape and shapes identities. Gottman spread the idea of the **border as an area**. The peripheral spaces of a territory are largely influenced by the function of control and protection, but also by the fact that specific flows, due to asymmetries, are crossing the line (Gottmann, 1952). More recently, several authors have highlighted the **interface role** of the border, especially in a globalized world (Ratti, 1991; Martinez, 1994; Sohn, 2014). Border areas are considered as spaces with specific identities significantly different from the other parts of the national territory and are, to a large extent, influenced by the neighbouring foreign territory. In this respect, the spatial features of the border are undeniably influenced by the political dimension: the object is ambivalent, separating and connecting, dividing and associating (Raffestin, 1986).

Since the end of the 1990s, the geographical view has been confronted to a multidisciplinary approach. The number of publications on borders and borderlands has considerably increased and geography and political sciences are the main two disciplines that have contributed to this expansion (Hamez, 2015). Agnew argued that the State is a **container** designed by a political line which circumscribes the territory, a view close to the idea of the Westphalian border as a limit of sovereignty (Agnew, 1994). Foucher underlined that this model was invented in the kingdom of France in the 17th century: the territory is characterised by continuity and is shaped by a clear limit (Foucher, 1986). Thanks to the innovations in cartography, the political power has a better knowledge of space (Dunlop, 2015). Maps have become important tools of negotiations, replacing lists of places and discourses. This modern vision of a clear, continuous territory characterized by sovereignty was progressively

substituted to the representation of fragmented, overlapping and diverse territories and personal possessions, inherited from the Middle Age. This renewal of ideas has been largely influenced by the research of historians of the modern period in Europe (Sahlins, 1989; Nordman, 1998). The aim of a sovereign political power is to reinforce the congruence of the cultural, economic, legal, economic, and social dimensions of the border (Van Houtum, 2000).

More recently, new conceptions of the border have emerged. If it is surely considered as a social construct (Paasi, 1996), with a strong materialization, that underlines the differences between 'us' and 'the others', it is also a device, which is influenced by the border regime of the State, the way this latter is managing its relations with its political neighbours. The border is then considered as a process characterised by three trends, bordering, debordering and rebordering (Newman, 2000): it is not presented as an object, with a succession of stable phases in a linear historical perspective, but as a complex process where contradictory situations coexist. The increase of flows on a global scale, and the fact that security concerns have been put on the agenda since September 2001, favoured the emergence of the idea of mobile borders. The name of **borderities** is given to all types of filtering devices implemented by political powers and global actors with the aim of enabling the circulation of positive flows and ideas and the elimination of threats and negative flows (Amilhat-Szary, Giraut, 2015). Borders appear more complex than ever, with materialized places like border checking as well as digital devices but all have a strong, symbolic and legal signification. The ability to build mobile and dematerialized borders adapted to new conditions and to overcome the constraints of the geographical space is undeniably a way to establish a hierarchy between the political actors.

In this respect, what does CBC represent from a geographical point of view? On one side, CBC as part of international relations means that all the characteristics of these latter are present: the confrontation of two national territories with their cultural, economic, social, legal and political differences, their own identities and operating processes. The aim of CBC is to enable a good articulation between two territorial realities and to remove the obstacles from the border, and this is mostly a political process (Ratti, Reichman, 1993). Compared to other types of international relations, CBC is characterized by a particular spatial environment: the proximity and moreover the contiguity, the fact that these borderlands have similar features (location in the periphery of the

national territory, being far from the decision-making centre, etc.). But CBC is also influenced by all the devices of regulation, cross-border flows based on the existence of asymmetries (Anderson, Anderson, 2002). This helps the public bodies to have the feeling that they share some comparable issues, especially in spatial planning (management of natural resources, transport and circulation networks, etc.). One of the aims of CBC is to reconcile these different approaches.

In this context, the border appears both as an obstacle and a means of separation between two neighbouring territories. The issue of CBC is to overcome these obstacles and difficulties and to find a way of building a set of political relations between two neighbouring territories, sharing the same geographical specificities, in Europe especially. States have focused their international strategies on their external borders, enabling local and regional political bodies to invest in CBC (Reitel, 2018). In this respect, CBC questions the way these political bodies are organizing their relations through the border and how the national territories are shaping them.

## 2. Territory and governance: two main concepts linked to the border

Globalization on one side, the European construction process on the other side, have led to the transformation of the way territories are managed, appropriated and represented, and these processes have deep impacts on CBC. At the same time, the political power of the State cannot be reduced to sovereignty (Brenner, 2003): new frameworks of governance have emerged, especially in CBC (Perkmann, 2007). Two key concepts (territory and governance) seem to be useful in order to analyze the CBC both in geography and in political sciences. After having questioned separately these two concepts, by confronting points of views, we will argue that CBC, as related to these processes, is also based on the issue of rescaling.

### *2.1 Territory*

Our representation of the world is largely influenced by a pattern, the global order, made of national territories governed by States. An ontological relation is binding the political power, the land and the population. The State is a political power whose role is to guarantee

resources to its population and especially the land (Ratzel, 1988). In a constructivist approach, the State is building the nation, and the territory plays an important role in this process (Elias, 1982; Gellner, 1983). The State is constructing a semic system, made of myths, symbols, discourses, rules, enabling the emergence of a national sense of belonging among the citizens (Raffestin, 1981). From this point of view, the national territory is a long-term construction, in which the iconography (Gottmann, 1952) in a vehicular, but specific – national – language (Anderson, 1983) is. Reitel playing a crucial role in the national identity building process. For example, the Swiss confederation has largely convinced its citizens, that the "Grütli oath" was the first step of a federal pact of the cantons and that William Tell was a courageous peasant fighting the bailiff, the representative of the oppressing emperor of Austria, at the end of the 19th century (Dirlewanger, 2010).

However, each national territory has its own political organization and is divided into regions and local political units according to principles varying between a strong hierarchy and a large degree of autonomy. The territory is, to some extent, characterized by **homogeneity** (existence of the same rules and norms creating a feeling of belonging) and **continuity** (contiguity and networks of circulation and communication connecting all the places, which create a feeling of cohesion). The French School of territorial economy (Courlet, 1992; Pecqueur, 1996) demonstrates how a territory may generate its own development based on endogenous resources, local skills, a historic or collective view: in these cases the geographical proximity created in one space by continuity and homogeneity leads to organisational and institutional proximities (Pecqueur, Zimmermann, 2004) in order to induce a specific and sustainable process of development. In this respect, each political power has to think about its relations with others (national territories) which can be adjacent or remote. According to the law of spatial interactions, the probability to have intense relations with the neighbourhood is higher than with distant territories (Pumain, Saint-Julien, 2001).

Despite these processes, the national territory is not so homogeneous as it is at first sight. The cultural differences present in all national territories may explain why centrifugal forces are arising in peripheral areas. Otherwise, linguistic borders don't always fit with the political ones. In Europe, there are many examples of linguistic continuity despite the existence of national borders even in Western Europe which is often considered as a model of the co-existence of coherent nation-states. Even

if borders are shaping clear identities, a strong difference can be observed between the political territory and the functional relations. People living in borderlands are aware of what is going in the neighbourhood territory, even when hard border regimes with strong controls exist. Smuggling, all kinds of illegal trades are activities largely developed in all these areas: smuggling is not only a matter of economic or legal differences, it helps to create a common sense of belonging across the border (Dorfman, 2015).

Individual identities are complex and in many cases, the national identity is a feature among many (Cohen, 1985; Keating, 1988). Even in a global order organised according Westphalian principles, the diversity within the national territory can be a driving force of the increase of cross-border relations between economic actors, members of the civil societies and even local and regional public bodies. In Europe, large opportunities to initiate international relations at different scales are provided thanks to the small size of most of the countries and the fact that the organization of the State has become more complex and diverse than ever. The Westphalian territory is not the norm anymore (Badie, 1995) and this is due to several processes. In many countries, decentralisation has led to the transfer of power to local and regional authorities and a reinforcement of their autonomy. Globalization is driving these latter to foster international partnerships and the belonging to many networks. Then, more than ever, many problems no longer coincide with the national territory, underlining the strong interdependence of all public bodies. Last, the emergence of economic and social actors on a global scale is questioning the concept of sovereignty and the existence of the supremacy of the State power on its own territory. The processes of deterritorialization and reterritorialization described above provide a complexification of the World organization that the division into national territories renders mostly imperfectly. Moreover the States of the European Union are facing other transformations: Europeanisation (Radaelli, 2003) is characterized by free circulation, co-sovereignty and multi-level governance which enable interdependence and strong relations (Hooghe, Marks, 2001). The existence of a supranational power, also guarantee partly the implementation of some regulations policies i.e. the regional policy. Thanks to the Interreg programms, CBC is more or less a harmonized process at the European scale. The same political pattern is applied on all borderlands: balance of power between public bodies to avoid asymmetries, financial participation, help of the EC, etc. (Wassenberg *et al.*, 2015). A singular **European border regime** initiated

by the EC in agreement with the States is covering all Europe and is replacing the former border regime imagined by the States. Despite this European territorialisation, strong differences remain between unitarian States and federal States: in the latter, the regions have more autonomy than in the former. They are also used to thinking about the differences within their territories and to inventing means to reconcile legal traditions between their federated States (Marcou, 2010). In this case, CBC could appear as an extension of this type of relation For example in Germany, Austria or Belgium, the federated states can negotiate directly and sign agreements with foreign States without asking permission to their federal government, which is not the case in an Unitarian State.

More generally, CBC is a special type of interterritoriality which characterizes the difficulties of all territories to build relations with the neighbouring territories in order to respond to mutual concerns and this lack of interterritoriality could lead to the existence of real discontinuities in the spatial organization like sharp transition in the transport and circulation networks, competition between amenities, etc. (Vanier, 2008). In a national framework, interterrioriality issues are managed by the State which is bringing continuity thanks to the rules, the laws, and the sharing of a common semic system. Despite these difficulties, local and regional bodies can find a motivation for CBC: attraction for the neighbour; stimulation based on differences; experimentation and sharing experiences. In the CBC framework, the strength of the cooperation depends largely on the will of regional and local actors, on the existence of an open border regime guaranteed by the States. Europe appears as a singular region of the world, while the EU fosters CBC on all internal and external borders. However, CBC is an ambivalent process: on one side, it has to respect the integrity of the territory, on the other, it has to call this pattern into question. This addresses a political question: which are the political bodies involved, which objectives are they setting and how do they organize their relations? This is a matter of governance. As a consequence, a matter of scale arises: on which areas is their cooperation designed and what kind of geographical changes does it imply?

## *2.2 Governance*

The concept of government, as a set of rules and controls formally and institutionally defined in a State, is the classical method to analyze the way of governing. The public collective actions produced by this

process operate at various scales, national, regional or local. The concept of governance refers to a wider definition; it includes all the ways a society may be coordinated. It includes the blurring of the State, the multi-decision-maker partnerships or networks as well as the impacts of transnational or supranational organizations (Heywood, 2007). This concept includes the way of dealing with public problems providing new kinds of negotiations and arrangements (Rhodes, 1997). It creates networks of operators of various types, including public authorities (even the State) from different levels, associations, private actors and depends on the problem to be solved or the area to be organized (Levi-Faur, 2012).

The mobilization of a variety of operators or authorities is due to the complexity of the public problems, the multi-level or the multi-sector impacts of this latter – think of pollution and its multilateral consequences. No public authority has the power, the coercive capacities, the required resources to take a decision on its own: for example, a large set of public bodies and agencies are involved in urban policy. Therefore, new ways of governing have to be developed in order to implement a new but stable process.

A multilevel governance system requires the coordination of various operators for implementing a sustainable process of decision making and for pooling and allocating required resources and capacities (Hooghe, Marks, 2003). The governance system based mainly on trust and involvement and not on a formal coercitive framework, depends largely on the kind of problem, the number and the types of operators involved and the way the situation is perceived. In CBC, the classical process of government can't be only used because the interconnection of two systems of administration and jurisdiction needs a transversal coordination. Arrangements, negotiations, organizational innovations are required to regulate collective actions and to develop the CBC projects (Saez *et al.*, 1997; Anderson *et al.*, 2004). The cross-border governance includes all the mechanisms invented in order to solve the cross-border public problems and to fix a stable process of regulation.

In cross-border governance, various kinds of coordination result, from private-public partnerships connecting public authorities and private enterprises located on both sides of the border, to networking or institutional regulations. A specific illustration of such a cross-border cooperation institution is the EGTC. A European grouping of territorial cooperation (EGTC) is a European legal instrument, created in 2006 in order to provide a specific tool for helping cross border governance

at various scales. It is a legal entity that enables public authorities to cooperate without requiring a prior international agreement to be signed by national authorities even if member states must "agree to the participation of potential members in their respective countries".[4] This kind of cross-border governance includes a multi-level process because national, regional or local and potentially European authorities collaborate as equivalent partners. It also creates a horizontal process of common participation since various municipalities, regions or even private partners such as associations can create an EGTC. It is important to note that no transfer of competences is possible at the EGTC level and this entity depends on the law applicable where its headquarters are located.

The main challenge this innovative regulation device has to face is stability and legitimacy. This tailor-made process is specific for each situation and it can only be developed if operators trust each other: it requires a long-term confidence between individuals but also organization members. The understanding is easier when each partner has more or less the same competencies and resources – which is scarce – and when common values and narratives are shared. One of the issues of CBC is to find a way to manage cultural, political and social differences, while the border is still a significant linguistic and administrative barrier. The differences have to be acknowledged, analyzed and transcended. For instance, language in itself is not the main obstacle: cultural differences are based on all the significant distinctions existing in the political, social and legal systems, some of them being implicit and not clearly perceived. Misunderstandings are often based on a misestimation of differences.

The asymmetry of power between local and regional public authorities revealed by the border is often balanced by a governance system and this raises three questions. First, does one public body provide a leadership in the process? Second, what is the legitimacy of CBC in the prevailing political frameworks? Third, what kind of added value can a CB governance system bring to the border territories? No real model stands out, but in many cases, a rotating presidency between each national public bodies involved exists and all of them have the same number of representatives, even if there is a strong demographic size difference.

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[4] http://ec.europa.eu/regional_policy/fr/policy/cooperation/european-territorial/egtc/.

This apparent balance is not really effective in practice: one actor takes the initiative of CBC, more rarely two or three (Walther, Reitel, 2013). The public bodies having the best allocated resources (political, human, financial) play a crucial role in the governance system, while having the capacity to activate networks and to stimulate cooperation, a task which is much more difficult for smaller agencies. The issue is to build a reliable and lasting system that is visible from the States and the EU. A wide range of statuses exits, depending on the aim and the strategies of the actors. Two opposite trends can be observed. On one side, the main objective is to maintain flexibility, the answer is mainly an associative framework. On the other side, when the aim is the recognition of the governance system, the answer is mainly the creation of a legal framework. These decisions are more or less embedded into national political systems. While most of the countries of Northern Europe, including Germany and the Netherlands prefer flexible statuses, others like France or Hungary use legal framework (Wassenberg *et al.*, 2015). However, the legal character is not a relevant indicator of the intensity of the cooperation or the operational capacity, but it generally signifies the fact that the actors involved want to ensure CBC.

Legitimacy is a sensible subject because CBC doesn't belong to the core of activities of the public bodies. When a process of governance is on the way, the classical legitimacy given to any public agent is no longer usable: both private and public organizations and agents, coming from various sectors or various levels are gathered to make the decision and develop a specific way of governing together. The question of legitimacy exists in each process of governance, including CBC governance. As developed in political sciences, the public action is seen to be legitimate either by the "inputs" (the electoral choice) or by the "outputs" (the optimization of the collective welfare) (Laborier, 2006).

Let's begin with the legitimacy by the inputs. The way CBC is governed does not result from a democratic legitimacy since no "cross-border" public agents are directly elected. Even if representatives are part of the decision making, they have been elected on a national territory; a gap exists between the administrative or the elected places and the area concerned with the CBC. So far, no cross-border institution has developed a full electoral process at the scale of the cross-border area even if some CBC institutions are developing some citizen forums or other areas for participatory democracy (e.g. in the case of the Eurometropolis Lille-Kortrijk-Tournai). However, some local or regional candidates

could include a "cross-border perspective" in their programs: by doing that, they include the foreign part of the territory in their "electoral" place, even if the local population can't vote for them.

The legitimacy by the outputs consists in the capacity of the decision makers to solve the problems. CBC, especially when supported by European funds, amplifies financial, technical or even cognitive resources available, which allows to create new equipment. For 25 years, with the Interreg programs, some political leaders have developed a real engineering in such a domain. The outputs produced for the CBC may be justified – in the discourse − on behalf of Europe but they are more often explained in terms of direct impacts on the national part of the area.

The absence of election makes CBC difficult to understand for the citizens. The legitimacy has to be built in the political acts, which can take several forms: the implementation of concrete projects like the buildings of facilities or infrastructure; the realization of mediation structures or the sharing of existing amenities; the organization of events in order to foster a common sense of belonging; the elaboration of plans designing a vision of shared future. In this latter, the vision can't be a simple addition of prevailing plans, realized in their national framework: the aim is to build a common vision, with a win-win strategy, where complementarity can be found without calling into question the existence of each territory. The Upper Rhine valley, an area of cooperation between France, Germany and Switzerland, offers a good example of these different possibilities. For example, several bridges were built on the Rhine over the last two decades to improve the connections between the two banks of the river, some of them only for bicycles or pedestrians. In Strasbourg and Basel, tramway lines have been extended in very recent years through the borders. In the 1990s, Infobest[5] offices were also implanted in the region: the aim of these structures is to provide information and advice to citizens, social and economic actors on administrative formalities. In Switzerland, "Slow up Basel"[6] (founded in 2007) is a one-day event offering circuits in the national parts of the trinational urban area, where people can use all kinds of individual modes of transport every third Sunday of September. In 2020, the IBA (International Architecture Exhibition), whose slogan[7] is "together across the border", will give the opportunity to develop many

5 https://www.infobest.eu/de/#main.

6 https://slowup.basel-dreiland.ch/fr/.

7 http://iba-basel.net/de/home.

innovative and endorsed urban projects in the trinational area around Basel.

Another way of dealing with the question of legitimacy is to discuss how much the problems solved by the process of governance are seen as relevant. Is it perceived as useful – i.e. useful for his/her welfare − for a French citizen to develop such cross-border project? And by adopting such a project, is it relevant to disqualify other problems? (Laborier, 2006). Nowadays, since the current populist parties develop a racist and anti-European discourse, trends to disqualify such CBC could emerge. Governance is a political framework created to overcome the difficulties of the border. Hence, each political body is also managing a territory at a certain scale within the national political framework. This assemblage of political powers and scales raises the question of rescaling.

## *2.3 Scale, rescaling, multi-scalarity*

In each national territory, public bodies are recognised by the areas they are managing (scale) and their competencies and capacity to act (level). CBC connects actors who don't share the same power and sometimes are not considered on the same scale in their own country. In this respect what is the scale of the area covered by CBC? Does the connection of areas enabled by CBC induce a rescaling process?

Our world is divided into scales, areas of various extensions expressing different kinds of social relations. In the psycho-geographical approach of Abraham Moles, each human is dividing the world into different layers, each of them representing a space in which he can act and move (Moles, Rohmer, 1972). Moles describes nine layers, the four first ones based on the private area (the skin shaping the body, the area around the body, the room, the housing), others corresponding to the public space where one can have several types of social relations. These scales are distinguished by the extension of the areas covered by the social interactions. The largest the scale is, the best it might be known due to the intensity and the regularity of the interactions, which allows intense practices. The largest scale is the district of the city or the village. The others are the city or the urban area, the region, the nation-state and last, the world. However, the sense of belonging isn't only based on practices, it depends on representations. In this pattern, each scale is embedded in a smaller one, following a fitting logic.

In the framework of political territories, this embedding also reflects the existence of the power hierarchy, from states to local authorities. But the spatial reality does not exactly respect the logic of embeddedness. Discrepancies occur between the scales, due to the various sizes and dimensions of territories (Swyngedouw, 1997). Each state has its own surface, which has an impact on its division into regions. In the larger states, like France or Spain, some regions have the same size as small states, while microstates like Malta or Luxembourg have a surface similar to that of some cities. Besides, there is no congruence between the scales of political territories and the scales of functional spaces linked to specific practices and cognitive spaces linked to representations.

The notion of scale also introduces different perceptions, according to the distance separating the place of power from the borders. In European states, the typically distant seat of power sees the frontier as a line of defence or regulation, while the local or regional authorities perceive the value and potential of neighbourhood relations. In this context, there may be a discrepancy between the vision of the public authorities of border spaces and that of national authorities.

Cross-border cooperation necessarily induces a rescaling of operators, who then have to revise their perceptions and strategies (Sohn, Reitel, 2013). Several categories of CBC appear, depending whether the emphasis is on the political or spatial dimension. A first type of cooperation is adequate for territories sharing similar competencies, but covering spaces of different scales. The dovetailing of competencies makes political cooperation easier, but this cooperation often depends on a limited number of competencies and may result in a geographical asymmetry. In such cases, the spaces which are really concerned by cooperation only correspond to a small part of the area covered by political cooperation. In the case of the upper Rhine, the Swiss zone, composed of five small-sized cantons, contrasts with their much larger German and French equivalents. In those zones, a considerable area is *de facto* excluded from cooperation, which seems to be less true of the Swiss zones. Conversely, thanks to the association of all those territories, the border regions are no longer considered as peripheral by the spaces which are most distant from them. A second type of cooperation can be established between similar sized territories but where the asymmetry of power can result in the existence of a hierarchy and a power relationship. Such asymmetry makes cooperation difficult, as the local authorities must agree on a limited number of domains. This is a form of multi-scalarity, where a network of public actors is recruited on one side

of the border, as opposed to a more limited number of actors on the other side. The trinational Eurodistrict in Basel provides a striking example of that possibility: the concentration of power in the Swiss cantons offers a clear contrast with the diversity of collectivities to be associated in the French zone and, to a lesser degree, in the German zone. The asymmetry of power thus strengthens the perception of the border as an obstacle, which may generate frustrations or, on the contrary, stimulate innovation on the legal or political level, which is also a governance issue. In the case of Basel, the implementation of a governance based on a balanced representation of the political powers of each national component, on a consensus born of a continuous dialogue, the analyses and reflections led by the cantonal services allowing to attenuate the feeling of asymmetry.[8]

More generally, such rescaling implies an internationalisation, no matter how limited, and the confrontation with more powerful foreign collectivities inducing a stimulation which can prove beneficent. In all cases, internationalisation makes for greater visibility by the state or the EU, and a greater awareness of border territories. Thanks to their cooperation, those territories are no longer considered according to their peripheral situation, but in a cross-border dimension which artificially increases their value. When Kehl is depicted as Strasbourg's "German suburb", it artificially acquires some of the importance of Strasbourg, a European metropolis, and loses some of its character as a small town in the Land of Baden-Wurtemberg (Reitel, 2007). This dimension also applies to major urban hubs like Strasbourg, Basel, Lille or Geneva, which acquire a much superior weight than in their national contexts, thanks to their cross-border dimension. Those cross-border agglomerations gain in complexity, which brings them closer to bigger metropolises (Moullé, Reitel, 2014). The rescaling is all the more efficient as less endowed territories elaborate strategies of positioning in relation with richer hubs, with the aim of capturing some functions of the main hub through a strategy of continuity which enhances their visibility. Cross-border agglomerations provide a good illustration of this phenomenon. The French and German public bodies of the trinational conurbation in Basel have exploited the image of a Rhineland metropolis, with great international museums and architecturally innovative, in order to develop similar projects on their own scale. The towns have equipped

[8] Statuts de l'Eurodistrict Trinational de Bâle, https://www.eurodistrictbasel.eu/fr/tout-sur-letb.html.

themselves with museums or cultural facilities built by famous architects who were able to produce original and identifiable objects. Likewise, Kehl has developed a centre of competence in the cross-border domain, in continuity with Strasbourg's European dimension. Those collectivities thus inscribe their strategies within a multi-scalar frame, that of a cross-border space with political and functional dimensions, of a national space, and of the European context where one has to be visible in order to benefit from financial or political support coming from the other entities.

For each collectivity involved in such a cooperation, rescaling is therefore linked with a widening of the scope of action to the whole of the cross-border space, as can be seen on the maps produced by the cooperating agencies or even by the public urban planners themselves. Border towns are included in a cross-border agglomeration or a cross-border urban region whose existence is embodied in names, maps and symbols supposed to favour the emergence of some form of identification. Rescaling is thus a political and clearly geographical action, but it also has a cognitive dimension: the desire to create a sense of cross-border belonging is incontestably part of this trend. As an example, the creation of the metropolitan region of the upper Rhine is a means of reinforcing the visibility of that space and of giving more credibility. Similarly, when Basel designates itself as a tri-national agglomeration, it lays the emphasis on a dimension which classifies it among international cities, much more "naturally" than other Swiss cities like Zurich, Bern or Lausanne. Through maps which transcend the national frames, new territorialities appear, offering a wider, shared living environment.

The question of scales also appears through the issue of multi-scalarity which has already been mentioned above. In political terms, multi-scalarity describes a decision-making process which involves several public authorities having various scales, without a hierarchical perspective; this is often the case in cross-border spaces, the goal being to solve a problem or to create the best operating conditions in those spaces.

These interrelations differ from what is defined in the Constitution or the laws since the arrangement is linked with a specific territory or problem. Hierarchy is replaced by a process of negotiation leading to include connected or interested. Multi-scalarity shows the involvement of various operators and authorities and requires discussions, and negotiations. Each case creates a specific situation and depends on the capacity of entrepreneurship of local authorities to put arrangements in a concrete and stable process. In CBC, multi-scalarity offers the

opportunity to all the authorities related to the problem to take a common decision and it includes generally the State authority, especially when the national legal framework has to be taken into account. The search for a compromise requires the intervention of the national or federal authorities to allow the establishment of exceptions to the law or to sign an agreement. Thanks to the European construction process, which allows the opening of internal borders, the implementation of projects with the Interreg programs, with the implicit agreement of the States, CBC appears as a top-down process (Biot, 2013). Some authors argue that CBC is more of a bottom-up process because it requires the involvement, and sometimes the commitment, of local and regional bodies (Moullé, Duhamel, 2015). Multi-scalarity shows that in fact, CBC functions according to both logics, as a multi-level governance model (Van der Giessen, 2014), as shown in the following example of the Eurometropolis Lille-Kortrijk-Tournai on the French-Belgian border.

## 3. The Eurometropolis Lille-Kortrijk-Tournai, two governance models for a recomposing territory

In 2018, the Eurometropolis Lille-Kortrijk-Tournai is celebrating his tenth birthday; as the first EGTC, it gathers all the Belgian and French authority levels competent for public action in its 152 communities, that is to say the 14 founding institutions, the French State and Region, the Nord department, the Belgian Federal State, Regions and Communities, the two Belgian provinces involved, as well as the inter-communal structures called "intercommunales" in Belgium. With 2.1 mn inhabitants and an area of 3550 km², the Eurometropolis is defined by its exceptional situation in Europe, in a Pentagon described by ESPON studies as the economic heart of the European Union, close to Brussels and the two unique megapolises, Paris and London (ESPON, 2007).

In 1986, the French and British desire to build a solid link under the Channel encouraged the French local public actors, with the help of the neighbouring Belgian territorial collectivities, to develop a cross-border cooperation around Lille, in order to establish a transportation hub with the high-speed train network being built as part of the process of European integration (Perrin, 2012). In 1991, five inter-communal structures (one French, four Belgian) founded the COPIT, a permanent inter-communal cross-border conference; this think tank, which organized

regular meetings, produced many thematic studies in order to structure the cross-border urban space as a European metropolis. One result of those reflections was the publication of a report in 2002, "Strategy for a Franco-Belgian metropolis"; as early as 1993, various projects linked with the European cross-border cooperation programs INTERREG were carried out within the cooperation zone (Verger, 2011).

In 2006, the European Union adopted the EGTC regulation, which gave the phenomenon its institutional structure. On 28 January 2008, the Eurometropolis was officially created, followed one year later by the conference of mayors and burgomasters, the Eurometropolis agency and the EGTC technical agency. This instrument developed to facilitate the implementation of cross-border projects on the scale of the Eurometropolis: the presence of all local, regional and national public powers within that structure should contribute to reconcile the differences between the legislative, political and linguistic systems on either side of the frontier. Various diagnostics and studies by the Eurometropolis agency have proved the functional reality of the Lille-Kortrijk-Tournai space, crossed by many flows and exchanges, bearing witness to the historical integration of the Franco-Belgian area, linking two founding states of the EEC and considered in the 20$^{th}$ century as one of the most open zones in Europe (Lentacker, 1974; Hamez, 2004).

The analysis of the organisation processes and objectives of the different partners in the Eurometropolis allows to understand how it is structured and which governance processes have been established. More specifically, after presenting the existing structures (3.1), we shall analyse how cross-border territoriality is envisioned and built according to the evolution of the institution (3.2) which regulations apply and how one can pass from a centralising governance to a reticular one (3.3), and finally the scalar recomposing induced by those dynamics (3.4). This analysis is used as an opportunity to evaluate the different modes of governance, the perspectives they offer for the future of EGTCs and the territorialities involved.

## *3.1 The structures of the EGTC*

Let us start with a reminder of the organisation structure of the Eurometropolis, which includes six consultative bodies: the Presidency, the Assembly, the Bureau, the Cross-border Agency, the Conference of mayors and burgomasters, the thematic work groups. In each body, the

parity between France and Belgium is respected, as well as the parity between French-speakers and Flemish-speakers for Belgium; bilingualism is clearly guaranteed.[9]

The deliberative organ of the Eurometropolis, the Assembly, is composed of 84 members. They meet when convened by the presidency, at least twice a year, and they appoint the Bureau. They sanction status changes, the budget and the themes for cooperation. Each participating institution designates its own representatives following its internal rules. All the levels of responsibility involved in the development of the cross-border zone are present, and the sessions are public.

The executive steering committee, the Presidency, includes a president – alternating between a French, a Flemish and a Walloon representative – and three vice-presidents who are elected for one year by the Assembly among the members of the Bureau. The committee implements the decisions made by the Bureau and the Assembly. Composed of 32 members, it assumes the direct management of the Euromotropolis, being its executive body; its members come from all levels of political responsibility and represent the local political levels.

Finally, the team of the cross-border Agency is in charge of preparing and applying the decisions made by the Assembly on the proposal of the Bureau. It conducts the action groups and ensures the completion of the projects. Ten action groups, gathering various actors, were formed on specific themes like cross-border rotation, profession insertion without borders or digital network. In association with those bodies, the Forum of the Eurometropolis Lille-Kortrijk-Tournai has worked since 2009 as a consultative assembly for the civil society; it is a federation of the consultative assemblies of the territory of the Eurometropolis (the Development councils of Wallonie Picarde and of the Lille Metropolis, and Transforum). As demonstrated by the following analysis, such a structure allows for different types of governance, according to the priorities and personalities present.

### *3.2 The spatial dynamics and the territory*

The existence of EGTCs relies on the elaboration of a metropolitan cooperation project on a cross-border scale. More generally, the aim of the Eurometropolis is to facilitate cooperation between communities

[9] http://www.eurometropolis.eu/who-are-we/what-is-an-egtc.html.

and, more precisely, between its three constituent territories: the Lille European Metropolis (MEL), the part of West Flanders surrounding Kortrijk, and the "Wallonie Picarde" (the Western part of the Belgian province of Hainaut). Each of these territories has characteristics which reflect specific spatial, economic and geographical realities (Verger, 2011).

With over 1.1 mn inhabitants, the Lille-Roubaix-Tourcoing conurbation comes 4th among French agglomerations, after Paris, Lyons and Marseilles. In the 1980s, a metropolisation strategy, aiming at attracting high-value-added investment and business was introduced as a response to the problem of industrial redevelopment which this terrority had started to face, like other parts of the cross-border region. In 1968, the conurbation formed the "Lille Communauté Urbaine", a Public establishment for Intercommunal Cooperation, a type of structure created by the French government to organize some of the main agglomerations on the national territory. Renamed "Métropole Européenne de Lille" (MEL) after the vote of the law of Modernisation of territorial public action and affirmation of metropolises (MAPTAM), its strategic orientations aim at conducting several projects on the European and international level. The converging ambition of the two entities, Eurometropolis and MEL, is both an asset and a difficulty: Lille's metropolitan ambition is explicitly fed by cross-border dynamics and, from that point of view, the Eurometropolis is a help. However, it also introduces some confusion in the message received by people, mixing the reality of the MEL and the existence of the Eurometropolis (Institut des Frontières et des Discontinuités, 2015).

The Kortrijk region tries to become visible in a Flemish region dominated by harbour and university metropolises, Antwerp and Ghent. With its 287,823 inhabitants according to the January 2017 census,[10] this densely peopled and very urbanised zone is mainly composed of small towns characterised by a strong economic dynamism. As opposed to the Lille agglomeration, the urban poles have not been confronted to problems of industrial conversion, but form an intermediary zone between Lille, Ghent and the coast of the North Sea. The zone itself consists in several "intercommunales", each of which is articulated round a middle-size urban centre, Kortrijk (the most peopled city), Roulers and Ypres. In 2006, the "Wallonie Picarde" (Picard Wallonia) was granted its own platform for discussion, the Development Council, a consultative

[10] http://www.ibz.rrn.fgov.be/fr/population/statistiques-de-population/.

Conference of burgomasters, and two technical support agencies, a non-profit making organization, and "culturepointwapi", a cultural agency for the zone. The project of a cross-border Eurometropolis provides a collaborative space which opens, beside the Walloon regional space, onto a French metropolis and a peculiarly thriving Flemish zone; by so doing, it fosters the establishment recognition of a territory made up of 23 communities which correspond to no pre-existing administrative entity (Leloup, 2017). The three parts of the Eurometropolis thus promote dynamic and consistent territorial projects, embedded within a dynamics of cooperation.

One can wonder about the Eurometropolis as a process of homogenisation of the territorial dimension. In its Strategy for 2014-2020, a common objective was said to be the "consolidation of a sense of belonging to the same territory". Today's reality is rather that of one space for three pre-existing territories, including several forms of diversity, notably linguistic and economic, even though the EGTC aims at "naturalising" the cross-border space through its networks, its information flows, its organization (including the civil society and the elected representatives) but also through its tangible projects, like those related to mobility or on sustainable development (blue Eurometropolis).[11] In the long run, the reinforcement of a potential consistency could express itself in the emergence of a unique territory. Nowadays, the Eurometropolis structure is an asset, giving access to metropolitan resources and providing a stronger visibility in other bodies, but without aiming at a fusion of the three projects or the emergence of a unique territory.

This analysis reveals two interwoven strategies of integration: one linked with a restored geographic proximity, the other with metropolisation (Durand, Nelles, 2014). The opportunity created by proximity, thanks to the opening of borders, induces flow dynamics based on the existence of cross-border differentials; the other strategy is reflected by the access to uncommon functions (transportation, higher education, services, etc.). Focusing on mobility policies, for instance, is a way to reinforce local flows and to inscribe the zone in a context that is not only binational but also plurinational.

However, the project of the Eurometropolis, which appears as a form of political integration, does not result in a process of identification on a cross-border scale (Durand, 2013). Besides, the organisation of commuter

[11] http://fr.eurometropolis.eu/nos-actions/espace-bleu.html.

flows shows that the logic of concentration towards the main hub is not respected on a cross-border scale: the highest number of individuals gravitates towards the Flemish part of the Eurometropolis (Durand, Perrin, 2017). Beyond the project and its organisation structure, one may wonder how the forms of functional and political integration are combined, which leads us to question the current governance system.

### *3.3 Regulations and governance models*

In order to detail the modes of coordination and regulation applied within EGTCs, we shall first trace the history of these various strategies.

In 2013, a Strategy for 2014-2020 was launched by the fourteen partners in the Eurometropolis Lille-Kortrijk-Tournai; explicitly inscribed within the Europe 2020 Strategy, it includes three main aspects based on three commissions: a socio-economic commission, a mobility commission and a blue and green commission. The ambitions of the first commission explicitly overlap the 11 objectives of the Europe 2020 Strategy, and each ambition is provided with a technical steering committee.

The professed transversal objective is "to transform the territory in a metropolis on a European level", in which various cross-border projects will be implemented: infrastructures, a job market, cultural, touristic, socio-sanitary and education programs, as well as a common story in order to create a metropolitan dynamics. While each of the three axes is ruled by a political commission, the Bureau and the Assembly remain the key decision-making authorities; their function is to pilot the process; they constitute a sort of centripetal force which gathers the cross-border projects on the territory, whether they are initiated or supported by the Eurometropolis. This process secures a coordination or even an integration on the French-Belgian and European scale.

The EGTC is defined as the essential linchpin to achieve cross-border cooperation; this dynamics has been managed by political leaders, initially Pierre Mauroy and later Martine Aubry (as mayors of Lille but also as former cabinet ministers), Rudy Demotte and Stefaan De Clerck (also burgomasters and ministers, president-minister and member of parliament), prominent figures in their respective countries. The innovative, pioneering character of the EGTC structure and the potential unleashed by the cross-border and European dynamics contribute to

consolidate the political project. The first organisation is thus built along relatively top-down lines, with the political authorities as the main driver.

The scope of this strategy has been limited by various difficulties: the eurometropolitan "guidance" was seen as restrictive, or downright inadequate, by some cross-border project operators within the zone: some operations carried out by actors within the zone were labelled "eurometropolitan" even though their completion involved no concrete intervention by the EGTC. Besides, the reduction of the funds granted to the EGTC as part of the new Interreg V program limited the scope of its actions and required a redefinition of the group's ambitions. In 2016, the structure of the Agency was simplified, transforming the pyramid (the general director and his deputies) into a more horizontal structure (the director of operational services and his coordinators); the statutory bodies (Bureau, Assembly) remain the same but the conference of mayors and burgomasters is replaced by meetings on demand. The axes and ambitions were replaced with seven Action groups gathering elected representatives, technicians and civil society. Beyond the organisational modifications, the declared objective of the Eurometropolis is "to develop a territory of projects". Beyond words, this is an important change: the Agency is now defined as a tool to be used by the Eurometropolitan community, "a facilitator, a mediator and a coordinator", establishing links, throwing bridges, to coordinate, inform and communicate.[12] In this second case, the EGTC is meant to relate, to associate; its legitimacy essentially depends on the creation of collaborations. In a way, its visibility becomes less necessary; the most important is the EGTC's capacity to satisfy local demands and to enable the coordination of cross-border common actions.

More globally, the legitimacy of the Eurometropolis as a political frame is questioned in relation with existing structures. On the one hand, its legitimacy is not based on elections, since the members of the organisation who happen to hold elective office have not been elected as representatives for the Eurometropolitan space: it is primarily based on an ideal shared by politicians, to renew cooperation and ensure its survival. This dimension is also linked to the transformations the regime border went through as part of the European construction process: becoming an inner border characterised by its high permeability requires an active cooperation between the public authorities on both sides of the border.

12 http://www.eurometropolis.eu/who-are-we/strategy.html.

On the other hand, the legitimacy of the group could be revealed by its actions. Indeed, cross-border integration constantly raises new issues, mainly in relation with the persisting differences between national and regional systems, in a context where the States have reoriented their control strategies towards the external borders of the EU, even if border control has sometimes been re-established, especially since 2015. Since the EGTC appears as the pilot concentrating the political and human resources which can articulate the local political structures in a cross-border context, its legitimacy could be reinforced by some cross-border projects. These might display the added-value which cooperation can bring. The layout of the Jacques Delors Square, on the French-Belgian border, between Menin (Flanders, Belgium) and Halluin (France) offers a kind of trompe-l'œil situation: there is indeed a continuity in the urban tissue between the two communities, but a very punctual one, and the lack of any ambitious project for the cross-border area prevents the population from appropriating that space. As opposed to the Jardin des Deux Rives between Strasbourg and Kehl, which is integrated within a vast urban project uniting the two cities, the Jacques Delors Square cannot be called a cross-border place, neither on a symbolical nor on a functional level (Reitel, Moullé, 2015). When the local population take into account the cross-border dimension, they find it difficult to attribute it to any authority. Finally, there is also a question of duration: many cross-border projects cannot last because they depend on a financing by the Interreg programs, and it is quite problematic that the coordination is assigned to a non institutionally anchored structure. The EGTC therefore makes the cross-border dimension official for the local authorities, but it suffers from a problem of representability and legitimacy by the outputs, which limits its recognition and visibility by the population.

### *3.4 Rescaling and few perspectives*

On the scale of the Eurometropolis, cross-border cooperation between neighbouring territories looks like a strategy of scalar rearrangement, which aims at giving more visibility to the territories in their respective contexts (regional and national), but also as part of the European Union. This strategy does not create any intermediate dimension between the existing scales, it indirectly induces new configurations on other scales. The existence of the Eurometropolis invites decision makers and public authorities to take a new spatial dimension into account, which

necessarily involves a renegotiation of what constitutes the general interest. The positions advocated by each territory within the definition of the Eurometropolitan project must be updated and transcended: the cross-border project cannot result from the sum of the projects in each territory, but has to include a form of added-value which applies to all and sundry.

This rescaling introduces a new demographic dimension, which sometimes allows to cross symbolical thresholds. When Lille claims to be situated at the heart of a cross-border Eurometropolis gathering more than 2 mn inhabitants, it puts itself above Marseilles and Lyons in the French context. Similarly, the middle-size Belgian cities involved in the process are components of a metropolitan region which sets them on the same level as Brussels or Antwerp. The trading area is enlarged, both for the already active operators and for the potential investors. Rescaling potentially brings a greater diversity of riches, through the pooling of information, of networks and even of resources. The cross-border frame provides a multicultural, bilingual dimension, which is also more economically diverse. This may be how the Eurometropolitan territory acquires a metropolitan dimension. Those potentialities strengthen the positioning of each of the territories or communities composing the group, and rescaling gives them more visibility: as a consequence, border towns are better taken in consideration by politicians in the respective States or regions.

The mode of governance of this EGTC has included two different strategies in a decade: it started with a more centralising vision, which favoured a steering mission for the group and its bodies. Cross-border cooperation was then articulated through innovations, visibility and political projects. Since 2016, the Eurometropolis has chosen to underline its function as a "networking" tool for the various operators, as an instrument at the service of cross-border actors. The emphasis on the participation of non-State actors supports the desire to privilege action and concrete achievement. The EGTC no longer pretends to initiate projects, but claims to be an intermediary, facilitating the pooling of resources or the experimenting of new actions.

## Conclusion

The border is a political object whose construction results from decisions and negotiations by a whole group of actors; it materialises in devices endowed with both functional and symbolical dimensions. The border is an agent of distinction, of separation and distancing between territories which have their own singularity. The border is also a regulation tool and aims at reconciling a protective function and a relational function with other, close or remote, territories. As such, it is an ambivalent discontinuity, a political object completed by a regulating device whose material dimension is linked with a cognitive and semic dimension. Europe as a part of the world stands out because of its relatively uniform border regime, characterised by openness, the disappearance of controls and the existence of cross-border cooperation.

Ultimately, cross-border cooperation does appear as a political process, defined by a relative withdrawal of the state and an involvement of local and regional authorities, encouraged by the EU. Those collectivities see borders as interfaces opening new perspectives. Cross-border cooperation is supposed to solve the problems linked to the persisting differences between national political and territorial systems, and to bring added value to the citizens. This political process aims at creating devices and could tend to standardize apparently incompatible legal systems and norms. The cooperation does not include any transfer of competences to cross-border structures: the public authorities in each national territory keep their decision-making power, but the approbation of the cross-border initiates an obligation towards the partner, a fact which is particularly striking in the case of the Interreg programs subsidized by the EU. The public authorities are faced with a contradiction: on the one hand, they want the cooperation to remain flexible, but on the other hand, they hope that their action will become visible for the EU, for the States and sometimes for the citizens. The building of an institutional frame, whatever its legal status, allows for long-term cooperation. Conversely, the legitimacy of this cooperation is not always established since there are no cross-border elections. One of the issues of governance is to lay the foundations for an efficient cooperation based on trust, mutual understanding and a strategy which all the actors may benefit from, in a win-win logic. In this context, a community often takes a leadership, as it is endowed with human or financial resources usable for cooperation.

This cooperation is also a process of learning which is confronted with political or legal difficulties inherent to the presence of the border, but also with misunderstandings and tensions, all parts of interculturality. In that sense, cross-border cooperation is indeed the rediscovery of the geographic proximity made possible by the devaluation of European borders. However, this is not always sufficient for cooperation to become efficient: it has to be accompanied by an institutional and organisation proximity. This undeniably relates to the notion of governance, linking different levels of power in cross-border proximity. Cooperation cannot be reduced to the local scale and to a bottom-up logic. It supposes an open regime, on a small scale, as is the case for the EU. The existence of integration frameworks which also aim at creating a territorial cohesion on the European scale shows that cross-border cooperation obeys a top-down logic which operates rescaling on the local level and connects different territorial levels. If cross-border cooperation is a truly political process with a geographic component, it is accompanied by a process of rescaling.

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# Sociology

# Borders and cross-border cooperation in Europe from a sociological perspective

Philippe Hamman

## 1. Introduction: Addressing borders and cross-border cooperation (CBC) in sociology

In sociology, the concept of border relates to several interconnected dimensions:

− Borders are analysed as a dialectic between circulations and boundaries, regarding concrete human, social, economic, political, cultural and/or ecological issues (Hamman, 2006a; Rumford, 2014); as well as for the constitution and the dissemination of theoretical, institutional, critical and/or practical forms of knowledge (Choné, Hajek, Hamman, 2017).

− Borders are sites of conflicts, socio-economic inequalities as well as hybridization processes, i.e. social transactions (Hamman, 2005, 2013a): this determines their social thickness, making them more than just a dividing line between two territories or states on a map. As Malcolm Anderson (1996) explained, borders are political and social institutions – in the sense that they determine a legal regime, rights, duties and modes of territorial regulation vis-à-vis a given population. Max Weber (1959 [1919]) named this the state's "sovereignty", holding a "monopoly on the legitimate use of physical force". They are also processes that play a large part in shaping the "imagined political communities" formed by nations (Anderson, 1991) and more largely, relationships to oneself and to others, to the individual and the group. Lastly, "border" is a discursive term that may prompt various political, popular and academic perceptions which overlap but never coincide; these divergences are precisely part of the border experience (Anderson, 1996; Hamman, 2008).

– Borders are analysed at different levels: in addition to national borders, there are regional or local borders, for instance within urban areas (between rich and poor districts…) as well as between urban and rural areas (Hamman, 2017) or between societies and the environment or nature (Choné, Hajek, Hamman, 2017), which are all the result of social inclusion and exclusion dynamics.

– Borders are both material (spatial boundaries, social morphology, economic issues, conflicts of interest…) and symbolic (social inclusion within a group, or exclusion; conflicts of values, interculturalism…). "Border effects" are related to both dimensions (Hamman, 2005, 2013a).

It is important to account for the social thickness of border spaces and the co-operations forged in them. In 2002, James Anderson, Liam O'Dowd and Thomas M. Wilson noted that when borders appeared to be relatively stable, they were neglected by social scientists, whereas now that they are affected by economic globalization and European integration, they attract more interest. (Cross-)border studies are at this point well established, as is attested by the existence of two major handbooks (Wastl-Walter, 2011; Wilson, Donnan, 2012) and of the *Journal of Borderlands Studies*. These publications extensively discuss filter effects pertaining to a number of disjunctions – between the freer circulation of capitals and the stricter regulation of migration; between economics and politics, culture and ecology; between the state and other levels of supra- or infra-national social organization, etc. Cross-border co-operation involves direct neighbourly relations between the infra-state authorities of border spaces, in a variety of fields and with the participation of actors at different levels (Birouste, 2002).

In this sense, cross-border studies require *comparisons*:

- between large cultural areas and/or national states and/or regional/local spaces.
- between different socio-economic and legal systems.
- between different representations of a society and of how people live together.
- between different methods of sociological analysis informed by different national academic traditions.

Such comparisons involve examining the issues of comparatism (from a methodological standpoint) and of comparability (for instance between case studies).

This chapter considers the theoretical framework for the study of borders and CBC in sociology, detailing its main advances and challenges, and analyses the salient characteristics of CBC (genesis, actors, governance and outcomes). It draws on empirical material from the border spaces of Eastern France and the neighbouring countries, and documents the roles of borders as frames, objects and levels of analysis.

## 2. The conceptual framing of borders and CBC from a sociological perspective

### *2.1 Key conceptual assumptions*

#### *2.1.1 The polysemy of borders*

Classically, borders are perceived as spaces – territorial, social, political, etc. – that divide, are associated with change and rupture (in terms of country, language, legal system, etc.), posing a distinction between inside and outside, here and elsewhere (Anderson, 1996). Yet, borders have also been synonymous with openness, with new opportunities that have for centuries attracted merchants and smugglers or tourists. Despite filters at the borders, the flows of individuals, goods, capitals and information are particularly intense today. Borders stand at the crossroads of three main challenges: protection (an extension of the past need to protect territories against enemies), control (and its corollary, passage) and differentiation (between regulatory, social organization and technical systems). These can be limiting, but they also offer opportunities – think, for instance, of purchasing cheaper products in a neighbouring country enjoying lower taxes. Beyond cases of open conflict (Israel/Palestine, etc.), such asymmetries and their different uses are plainly visible in a variety of border spaces (Cultures et conflits, 2009a, 2009b).

Border spaces are particularly conducive sites for the study of territorial allegiances and of the transformations of relevant spaces for public policies. In this sense, cross-border commuters give us an opportunity to study how Europe is made on a daily basis through those who practice free movement (Hamman, 2005, 2006a, 2008). These individuals who are technically foreigners in their country of employment come to build a shared space and fulfil a "mirror function", revealing how each country considers them (or not) (Allal *et al.*, 1977).

Cross-border workers are defined by their residing and working in two different adjacent and clearly delineated national spaces between which they "commute" (Hamman, 2006a, 2013a). Like Georg Simmel's "stranger" (2009 [1908]), they have ties to a group (local, professional, etc.), and not simply "passing through" like tourists, but they are not part of it originally (they have come from the neighbouring country for a job), entirely (depending on the European co-ordination in specific sectors, they fall under one country or the other for various purposes) or at all times (they go back and forth between the two countries).

As of 2012, there were for instance over 160,000 cross-border workers in the Eastern French region of Alsace-Champagne-Ardennes-Lorraine (ACAL), working in one of four border countries: around 70,000 in Luxembourg, 46,000 in Germany, 36,000 in northwestern Switzerland, and 8,500 in the south of Belgium. In employment areas within close proximity of the border, numbers are particularly high – in 2012, there were respectively 33,800, 22,200 and 23,100 cross-border workers in the areas of Thionville, Longwy (near Luxembourg) and Saint-Louis (near Basel, Switzerland), making up half of the region's commuters. Whereas the share of cross-border workers in the regional working population is 7% (a fairly high proportion in itself), it is five to seven times higher in those areas. This also applies to the areas of Sarreguemines and Forbach, in the east of Moselle (France), which house 17,500 of the 46,000 cross-border workers employed in Germany; and of Wissembourg, in northern Alsace, with 6,800 cross-border workers: they make up a third of the working population there.[1]

Although cross-border workers have often been depicted as "weak actors" (Payet, Giuliani, Laforgue, 2008) – their numbers are low nationally, they are scattered along several borders and were a long time been under-represented by national unions (Hamman, 2009) –, these groups have managed to develop collective initiatives to demand the recognition of their original situation (Hamman, 2008).

This embodied approach invalidates discourses on the "end of borders", assumed to be made obsolete by the rise of networks and mobilities and materialized by the disappearance of customs posts between EU Member States. Far from bringing about the "end of territories" predicted by some (Badie, 1995), globalization has stimulated the "territorialization

[1] *INSEE Analyses Grand Est*, n° 3, 26 February 2016, https://www.insee.fr/fr/statistiques/1908466.

of space". Customs agents are still at work, but in different places – airports, logistics centres, etc. – scattered across the entire national territory. Borders are becoming specialized and more complex than in the Westphalian state model. In the EU, this is exemplified by the emergence of economic and monetary borders.

In this sense, the border is primarily an in-between space, which connects worlds, ways of acting and thinking, an in-group and an out-group, and promotes categories internalized by actors, and a filter, or to use a biological metaphor, a membrane, a surface of separation endowed with its own complexity (Dagognet, 1993).

### *2.1.2 The consistency of borders*

Correlatively, borders do not have similar meanings for nomadic and sedentary populations. To the former, it evokes roads and their delimitations – a set of lines; to the latter, they are edges of the spaces where they have come to live (Hassner, 2002, p. 38). However, this second sense has different usages (Prescott, 1987), exemplified by the duality between the English terms *frontier* and *boundary* and the German words *Grenzraum* and *Grenzlinie*.

In each case, there is a dialectic at work between mobility and anchoring, reminiscent of the "disembedding of time and space" described by Anthony Giddens (1986) as a defining feature of modernity. Multiple socio-spatial embeddings are possible. We find dual tensions between spatial proximity and social distance that echo the avenues of research opened by Norbert Elias. Based on John Scotson's late-1950 study of the British community of Winston Parva, he explained the emergence of mechanisms of exclusion between long-term residents and those who moved into a new housing estate despite the relative similarity of their sociographic backgrounds: the newcomers were English and working-class just like most of the long-term residents. He evidenced a "racism without race" and "exclusion without an economic divide", that can only be understood in light of the territorial processes of construction of social cohesion, whereby neighbours can be distanced (Elias, Scotson, 1994).

In this sense, Henri Lefebvre's argument (1968) that space is the "projection of social relations on the ground" and therefore that the social goes beyond the spatial, is still current. This is admittedly a reductive definition, as relation between spaces and societies are in fact much more dialectical and circular (Remy, 2015). But it is a valuable counterpoint

to the idea that mastering spatial forms mechanically favours specific social behaviours; for Lefebvre (1968), the social prevails over the spatial, but the latter's influence isn't neglected. This calls for analysing borders as interfaces, invested by the actors, experienced as limitation and opportunity.

### *2.1.3 From borders to border spaces: Analysing cross-border cooperation*

Investigating borders as social constructs that have been fetishized throughout history (Spyer, 1998) requires reassessing the old natural/artificial borders dichotomy. Natural borders are those who have a physical, material existence (a river, a mountain range, etc.), whereas artificial borders were created by political agreements and human constructions (a wall, a fence…). But both the former and the latter are the outcomes of social and cultural conditions of emergence: all borders are artificial, even though those that follow a visible divide can be subjected to a political process of "naturalization" (Nordman, 1998, p. 11) to a greater extent than others. Anthony Giddens (1985, p. xvii) showed that borders are produced in stages, within the nation-state system entailing a claim to sovereignty over demarcated borders, and their administration, which involve national identities as well as forms of surveillance. Cross-border cooperation is similarly characterized by a social thickness that has been addressed by so-called pragmatic and critical approaches.

1. The pragmatic studies have primarily aimed at evidencing under what conditions cross-border cooperation is possible. The impact of borders is correlated with socio-economic, political and administrative imbalances between neighbouring spaces to establish cooperation.

The first strand of pragmatic research focuses on cross-border socio-economic relations. Marina Van Geenhuizen and Remigio Ratti have developed a typology of borders as barriers, filters or open spaces. In their view, when regions are isolated by barrier borders, disparities endure, and only open borders make the development of cross-border economies possible. They also point out the important role played by "supporting spaces", chiefly public institutions – especially local government bodies (Van Geenhuizen, Ratti, 2001). They can for instance prevent the duplication of infrastructure – in the Upper Rhine, the development of the tri-national Basel-Mulhouse-Freiburg Euroairport is a case in point. Ricardo Cappellin and Peter W.J. Batey (1993) also argued that thanks

to cross-border cooperation, neighbouring spaces can perform better in global competition by relying on their greater shared capacities of negotiation.

Other studies have questioned the role of the European Union by researching the development of Euroregions in the light of actors' games. Markus Perkmann (2003) found that out of 73 cross-border European regions, only 30 involve "high co-operation intensity", owing in particular to the participation of local authorities – more than regional ones. He also noted windfall effects relating to the allocation of European funds, especially around borders with new Member States and the EU's neighbouring countries.

A third set of studies have conducted comparisons between cross-border cooperation in Europe and in other continents. According to James Wesley Scott (2006), in Europe, cross-border cooperation is organized essentially by institutions and policy-makers, but in the US and Mexico, it pertains mostly to economic interdependence between border spaces, commercial actors and NGOs. This contrast was confirmed by Joachim Blatter (2004), who built on the work of sociologist Manuel Castells (1996) to distinguish between "spaces of flows" (of people, goods…) in North America and "spaces of place" in Europe, characterized by territorialization.

2. The critical studies are more concerned with the perceptions, identities and behaviours of the actors involved in cross-border cooperation. Eiki Berg and Henk Van Houtum (2003) stress that borders are not only physical barriers; they are also affective and mental barriers. In their study of the behaviours of businesses around the Dutch/Belgian border, they emphasize the role of the "mental distance" that steers investors towards central areas of countries even when pursuing ventures in border spaces would be more profitable.

As Anssi Paasi (2002) and Anke Strüver (2005) have shown, borders are products of the representations of the Self and of the Other in our everyday narratives; they perpetuate our perceptions and identities in territories with their own anthropological dynamics (O'Dowd, Wilson, 1996). Some neo-regionalist studies, pointing to rise of regions, also account for that dimension, exemplified by Martin Jones's and Gordon MacLeod's distinction between "regional spaces" and "spaces of regionalism". The former term refers to forms of regional differentiation relating to economic processes; the latter to socio-political mobilizations

surrounding issues like cultural identity and citizenship. Scholars have shown that the production of regional spaces requires combining these economic and socio-political dimensions in space as well as including a cultural dimension (Jones, MacLeod, 2004, p. 448).

## 2.2 Two challenges of CBC for sociologists

### 2.2.1 Dealing with the lack of functional equivalence between systems: comparison and comparatism in sociology

Conducting a cross-border empirical study and coming up with an analytical framework for different national and regional systems are challenges that raise the question of comparison and comparatism in sociology in practical terms.

The difficulties in organizing common policies illustrate this. Between France and Germany, examples include Moselle Est/Saarland and the inter-municipal initiative *SaarMoselle Avenir*, which has remained limited to touristic or promotional events like the annual cross-border cycling tour *Vélo Saar Moselle* (Hamman, 2006b), and the collaboration of Strasbourg's urban community (now Eurometropolis) and the Ortenau *Kreis* (district), whose Eurodistrict founded in 2005 with much fanfare has struggled to actually take off. Only in the spring of 2017, for instance, has the project of extending line D of Strasbourg's urban tram to Kehl finally materialized. Cooperation remains mostly functional and applied to fairly specific areas, beyond symbolic landmarks (Hamman, 2013a, pp. 111-122).

Imbalances are inherent to the very object of research here, with respect in particular to the socio-economic structure of border spaces from the perspective of labour and residential migrations. This suggests rethinking the definition of the cross-border metropolises and regions that are currently developing in Europe by going beyond the administrative dimension and institutional motivations. These spaces can be seen as a fabric of human and social relations (Hamman, 2013a): there are standards and rights (consulting a physician, receiving unemployment benefits…) but some make use of them while others do not.

In light of these challenges, a number of methodological criticisms have been voiced against comparative social science approaches, accused of being artificial (the collection of national cases), overly removed from reality (no fieldwork), reductive (based only on statistical data) or biased

(determined by pre-existing hypotheses) (Hassenteufel, 2005, pp. 117-118). Additionally, processes of disruption of continuity have often been neglected in the literature, for instance in approaches in terms of networks – the existence of a network entails a degree of stability in interaction. This is particularly true at the cross-border level: as scholars focus on "national" (or regional) specificities and diachronic continuity, they risk underestimating changes (Jobert, 2003, p. 327; Hassenteufel, 2005, pp. 121-122). In this sense, cross-border studies stand to gain from going beyond the classical territorial/relational divide (Paasi, 2012).

Therein lies the value of adopting a sociological approach involving genuine fieldwork, with three main concerns in mind. The first is to investigate a sufficiently diverse range of situations to go beyond monography. Comparisons can for instance be made among EU Member States as well with Switzerland. The latter country is not a EU Member but is bound by bilateral agreements since 1 June 2002, which are regularly targeted by Swiss populist parties, especially regarding cross-border migration. This shows that between political and economic territories that do not always overlap, actors' practices keep contributing to the redefinition of the pertinent spaces.

The second, related concern is to maintain an adequate degree of socio-historical depth. For instance, France is the European country that brought in the most cross-border commuters in the first half of the 20th century: Belgian workers in the Nord's textile and coal industry, Saarland workers in the Lorraine coal basin, Germans in the steel and oil sectors in Northern Alsace, etc. Flows progressively changed directions. Between the French and Belgian Ardennes, as of 1995 there were 3,597 workers residing on the French side and working on the Belgian side, *versus* only 519 doing the opposite. Twenty years later, the ratio was completely inverse: 18.6% of cross-border workers resided in France and 81.4% in Belgium. Over the same period, there was a general increase in the number of cross-border workers in Western Europe, from around 250,000 in 1975 to 420,000 in 1995 (Ricq, 1981; Hamman, 2006a, pp. 13-37).

These labour flows are ultimately long-term processes: cross-border work has been a genuine professional prospect for several decades regardless of the country. A French cross-border worker and union member in Luxembourg noted: "The first generation were mixed careers, and in the second generation we'll tend to have single careers, because the people who begin working in Luxembourg try to spend their entire careers here"

(7 April 2004 interview). This trend is corroborated by an official at the Lorraine prefecture: "we witnessed the emergence of cross-border work in Moselle-Saarland in the early 1970s; at first it was a temporary thing, and now these workers cross the border their entire lives" (28 February 2002 interview). A mayor in the east of Moselle has no second thoughts when it comes to working with his German neighbours: "I have an afternoon meeting with three CEOs who've come to prospect. Let's not beat around the bush here, what we need to do is advertise ourselves effectively! In our industrial park, the first *big* companies that set up shop have been German. […] Currently we also have a large number of workers that go and work in Saarland on a daily basis. We depend on the strength of German companies" (9 October 2001 interview).

Thirdly, cross-border cooperation cases yield insights into broader changes. For instance, the "Polish plumber" coming to take the jobs of French workers by offering lower prices was frequently used as a bogeyman by the opponents of the 2005 European constitutional treaty in discussions on the Bolkestein directive. This law on opening up the services market precisely addresses relations between regulations in countries of residence and of work. The position of the cross-border workforce thus sheds light on some upcoming challenges of European economic and social integration in a globalized world.

### *2.2.2 Facing a lack of territory-oriented knowledge: The place of scales in sociology*

Scholars working on border areas must contend with somewhat loaded narratives, beginning with the opposed discourses on European construction: top-down integration, related to the Commission in Brussels, perceived as a bureaucratic institution suffering from a democratic deficit, is contrasted with bottom-up integration, associated with the promises of "European citizenship" and of a "Europe of the regions". This reminds us that "scale (at whatever level) is not and can never be the starting point for sociospatial theory, the kernel of the problem is theorizing and understanding 'process'" (Swyngedouw, 1997, p. 141).

As Dominique Desjeux (2004) argued, spaces and social relations are qualitative or quantitative "degrees", whose measurement varies based on the scale adopted – macro- or micro-social. When our point of view changes, reality and observed facts change as well: what appears at a given

scale may disappear at another – the same thing that happens if you look in succession at maps of Europe, France, a region and a city. Admittedly, this argument on the discontinuity of scales can be criticized if one chooses to rely on a single macro or micro scale to explain society as a whole – think for instance, roughly speaking, of Pierre Bourdieu's habitus concept (1994) and Raymond Boudon's emphasis on the aggregation of multiple individual decisions (1977). Yet the value of this approach in terms of scales lies in showing that social reality cannot be boiled down to a single equation. It is because reality changes depending on the scale at which one looks at it that research stands to gain from cutting across scales to account for constantly changing cross-border spaces of exchanges. The role of scales of analysis is also to inform on the position of the observer, and by extension on the scope of validity of what they perceive and convey: this is one of the key conditions for action and for sociological interpretation.

## 3. Interpreting the main characteristics of CBC from a sociological perspective

### *3.1 Genesis: rethinking the Europe of regions?*

The study of how European policies take shape and make sense at regional level requires a new outlook on two analytical traditions. First, European policies are transforming the territorial frames of public policy. In the border spaces, administrative and socio-economic perimeters are being redefined. This is exemplified by the movement of transnational organization of national trade unions: Interregional Trade Union Councils (IRTUCs) have been set up at Euroregion level; their activities are coordinated by the European Trade Union Confederation (ETUC). The European Employment Services (EURES), organized at interregional level and bringing together national administrations and social partners, are another illustration of this. These crosscutting territories are often shifting and in competition with each other. In the Euroregion of Saar-Lorraine-Luxembourg, for instance, there are two IRTUCs and two EURES areas; there are also two IRTUCs in the Upper Rhine (Hamman, 2004, 2013a, pp. 123-189). This shows that policies produced by European organizations are subject to territorialized appropriations by various actors, underpinning their capacity to act politically.

Even though the "Euroregion" label directly relates to a European positioning, actual practices tend to suggest that bi- or tri-national realities prevail, in which the tools used are informed by the interplay of actors at regional, national and European level. Interdependent factors and variables pertaining to globalization, to the mutations of the center(s)/periphery(ies) relationship, to EU programs and to "local society" itself, all have an impact (Börzel, 2002).

This is not necessarily a contradiction. European incentive programs lead the actors both to position themselves on different interacting levels, as representatives of "their" territories and to adopt a European repertoire of discourse. This informs the definition of decentralized and/or cross-border cooperation, which concurrently goes on at three different levels: the regional level, which is being strengthened; the national level, still inevitable to make inter-governmental agreements; and the European level, as the international relations of regions tend to be perceived by the institutions as EU "internal affairs".

The histories of the Europeanization of interregional policies and of the Interreg initiative, launched in 1991, go hand in hand. For instance, the rise of the cross-border Pamina space (Southern Palatinate/Mittler Oberrhein/North Alsace) must be understood in the light of the distinction from French-German-Swiss cooperation. The Upper Rhine was split into two Interreg programs (Pamina and Center-South), until both areas were reunited with Interreg IVA (2007-2013). The dynamics at work in different Interreg programs make sense both in the light of local specificities and of the role played by the European Commission, which started following them more closely after Interreg IIA (1994-1999), promoting the consensual image of a European "laboratory".

The presence of European regional policy at cross-border level is also illustrated by the creation of new bodies, such as in the Upper Rhine, *Regio TriRhena* in 1995, the Upper Rhine Council in 1997 (consisting of elected regional representatives from France, Germany and Switzerland, for political consultation and coordination), and the regional working groups of Interreg. Institutionalization processes at the inter-regional level are also supported with the elaboration of new cross-border legal frameworks, such as the Karlsruhe Agreement of 23 January 1996, which provided for the creation of Local Cross-Border Cooperation Groupings

(LCCG).[2] The growing role of the European Commission, which seeks to gain autonomy from the states within the framework of European regional policy, coincides with the emergence of allied regional actors. Regulation 1082/2006 created the European Grouping of Territorial Cooperation (EGTC), a tool dedicated to "transnational cooperation" in the form of an autonomous legal entity, acting on behalf of local authorities in areas defined for projects encompassing the entire EU.

Interregional cooperation translates into policies that are objectively limited, but perceived as gratifying by local actors who see them as a form of "diplomacy of proximity" (Dupeyron, 2008). In terms of Europeanization, this means that vertical relations are combined with horizontal logics (Hamman, 2006b). They can be understood in light of the competition between decision-makers at the same level – for instance, two mid-size cities competing to attract investors in their industrial park, like Forbach and Sarreguemines in eastern Moselle –, and the interaction between several territorial levels regarding economic and regional development. We witness the emergence of new resources with no mechanical connection to European construction, and which can be utilized locally, for instance in the competition for territorial leadership between regional authorities and big cities promoted to the status of European metropolises (on the case of Strasbourg in Alsace, see Hamman, 2013a, pp. 111-122).

### *3.2 Actors' games*

A territory can be read as a lived social space, characterized by power relations and actors who appropriate and organize that space. In that sense, "more than the State apparatus, [it] now constitutes the locus of definition of public problems" (Duran, Thoenig, 1996, p. 582) and of the mobilizations triggered by that process. Cross-border areas are constantly reshaped by these actors' games.

For instance, cross-border workers are a product of a labour market that extends beyond national borders. Their status has been historically defined by bi-national agreements, and increasingly by European regulation. However, concerning social protection, unemployment benefits, pensions and taxes alike, legal differences remain between the

[2] The scope of the Karlsruhe agreement is limited to the German Laender Baden-Württemberg and Rheinland-Pfalz, the French region Grand Est, Luxembourg, and the cantons of North-Western Switzerland.

various countries and prompt disputes (Hamman, 2006a). Overall, cross-border work is perceived as an opportunity for territorial development, insofar as the jobs performed in the neighbouring country bring benefits in return. Even if the cost of education and professional training is borne exclusively by the state or even the municipality of origin, economic benefits are shared between the companies in the country of work and the employees, mostly in the country of residence even if purchases are made across the entire cross-border area.

These forms of mobility become more and more complex, as the flows of cross-border workers coincide with residential flows in the opposite direction – for instance, German, Swiss or Luxembourgian citizens who continue to work in their country but have chosen to reside in France – which in 2008 was the case of 7,000 Germans in Alsace according to the INSEE census. These residential flows tend to go both ways: there are also Alsatians who make their home in Germany. In 2008, there were 1,000 Alsatians living in Kehl, an attractive urban area across the Rhine from Strasbourg.

The interplay between the two processes is a source of tension: high flows (of people, goods, etc.) reflecting a dynamic of integration, and new interactions reshaping identities, with possible hybridizations (resulting for instance from working together) and redefining alterity (bedroom communities…). Many individuals strive to make the best both of the benefits of increased European unification and of the perks relating to national specificities (wages, access to health care, consumer prices…): their relationship to Europe takes shape in these conflicting everyday experiences.

These intersecting processes at work raise the question of who cross-border workers are as a group. Many competing representations coexist. Are they less protected than others due to the discrepancies between national legislations? An example of this is the different scales for calculating disability levels in France and Germany, causing some individuals to only receive social minimum benefits after an occupational injury. Are they, on the opposite, privileged few, moving to get the best pay checks and the best tax advantages? For instance, individuals with similar qualifications may be paid 20% to 40% more in Luxembourg than in France and pay fewer taxes and social contributions. Are cross-border workers accomplished lobbyists, considering they have managed to be exempted from paying the French "Generalized Social Contribution" (CSG) on their wages after bringing their case to the European Court

of Justice (15 February 2000 judgment)? Or are they, as they like to define themselves, "pioneers of Europe" in everyday life? (Hamman, 2006a, 2008). "We're a part of Europe, since we experience it every day in our work, in our way of life in Germany, so we're the pioneers. We're practically the source of the debate on free movement in Europe!," claimed the leader of a French group (13 February 2002 interview).

Within the EU, the status of cross-border workers is partly defined by Regulation no. 36/63 based on articles 48 to 51 of the Treaty of Rome, and by Regulations no. 1408/71 then 883/2004 on the coordination of social security systems. The legislation of each country still applies, but bridges have been introduced in order to establish a system applicable to these mobile individuals. These guidelines, however, do not suffice to address all of the varied and often technically challenging individual cases encountered. In the absence of European standards, bilateral agreements cover the taxation of cross-border workers, so that they do not have to pay taxes in both their country of work and their country of residence. "Border effects" still exist.

Besides, the legitimate definition of European integration is a source of conflict according to leaders of cross-border worker groups. The "Europe of Maastricht" is regularly denounced. For instance, the first trimester 2013 issue of *Le Frontalier*, the Moselle committee's paper, featured the headline: "'Europe protects you', they say – the nerve!" above a picture of Mario Draghi captioned "President of the European Central Bank and Golden Sachs's man". But, while these groups support the free movement of people instead of capital and a social Europe, they also extoll the virtues of EU law. An objective alliance has been forged between partners that seemed initially at odds: advocacy groups little inclined to support the Europe of Brussels and European civil servants, who are often held as symbols of the wrongs of bureaucracy. Yet, as a leader of a Moselle-based group of cross-border workers points out: "we're moving in the same direction on certain things, sure. The only way they can make some progress is thanks to the complaints submitted to them" (1 March 2004 interview).

Ultimately, the question of reflexivity arises with respect to these go-betweens. Their posture makes them appear both as torchbearers and as involuntary supporters of the Europeanization process – for them Europe serves both as a reference and as a normative framework. The cognitive command of the issues may also vary between the cross-border

workers, who are first and foremost concerned with their everyday life, and their representatives, who are more politicized (Hamman, 2015).

### 3.3 Governance and outcomes

The cross-border arenas and bodies that have emerged are not on a higher level – they have relations among each other and with States. This raises the question of the capacity of coercion and classification of public policy, in terms of impacts on legitimate categories of perception and policy implementation. Here governance depends on govermentality – meaning the practical conditions making interdependent decision-making systems governable (Foucault, 1978, p. 656).

In this sense, cross-border cooperation should be read as a range of perpetually ongoing processes. The examination of the foundations of cooperation in the Upper Rhine evidences economic and human flows, but also the weakness of cross-border legal bases (Newrly, 2002), which explains why early exchanges were primarily informal. An example of this is the development of twin towns, which has since the 1950s included civil society initially for the purposes of French-German reconciliation, bringing together teachers, clerics, sports clubs, elders who witnessed World War II, etc., for occasional events such as a field trip, a sports tournament, or a concert (Hamman, 2003, 2006b).

The local and regional levels also interact, with differentiating effects, illustrated by the case of the *Festival des Deux Rives* held in Strasbourg and Kehl. Within the framework of the traditional German *Gartenschau*, a rotating horticulture show, Kehl was selected to organize the summer 2004 edition, which officially became a joint project, but did not attract as many people as expected. Criticisms targeted prohibitively high entrance fees and the lack of a genuinely cross-border organization, with one festival on each side of the Rhine. Ultimately, the matter of which local authority should be accountable for the deficit of nearly 8 million euros was brought to the courts (*Kehler Zeitung*, regional newspaper, 7 March 2005).

The study of cross-border cooperation cannot afford to neglect configurations of competing spaces in border areas that may serve as "niches" for local leaders, i.e., a setting in which minimal investments may yield high benefits. However, this view limits the deepening of cooperation; policy-makers are reassured by the presence of a framework that remains easily manageable in economic and political terms (Hamman

2003). This is also why actors who are thought to have an overly activist approach are dismissed, including for projects emphasizing cross-border citizenship – like the "people-to-people" projects in the Upper Rhine. The German group of citizens VBG (*Verein Bürger/innen im Grenzgebiet*) is a case in point. Its members are Franco-German couples living in the German district of Ortenau, near Strasbourg, who face a number of issues in their everyday life pertaining to health coverage, unemployment, pensions, taxes, etc. The group has failed to make its voice truly heard by elected representatives due to the atypical nature of its concerns (Dupeyron, 2008, pp. 112-115).

At odds with the narratives on broadened partnerships for "good governance", processes of exclusion are at work: where twinnings used to bring together citizens and residents directly (Hamman, 2003), the increasingly institutionalized cross-border partnerships tend to be monopolized by local elites, as happened with the creation of the Eurodistricts in Basel (2007) and Strasbourg-Ortenau (2010) (Gireaud, 2014), resulting in flaws if not "structural gaps", as in the Saar-Lorraine-Luxembourg area (Neumann, 2015). While the European Commission provided incentives for cooperation through its Interreg funds, these trends also reflect a broader social order. Different development policies intensify competition between territories. The setting up of cross-border relations is an attempt to face this heightened competition, at a time when under the combined effects of European construction, decentralization and globalization, local arenas are getting increasingly complex, weakening the capacities of isolated actors and encouraging the construction of original social spaces. Learning the language of the neighbouring country is in that sense a key issue in terms of mastering the codes of a cross-border market and securing jobs (Dupeyron, 2008; Hamman, 2013b), with a number of socio-cultural variables at work: level of attainment, knowledge of the neighbouring country, logistical arrangements between place of residence and place of work, etc. (Goulet, 2015).

In this context, following biographical trajectories allows us not only to study how the actors shape cross-border cooperation, but also how this cooperation affects these actors. This impact has been clearly demonstrated in the case of spokespersons for cross-border workers (Hamman, 2009, 2013a). Through extensive training, they have acquired specialized skills, including lobbying and litigation, making them effective promoters of these workers' interests as well as representatives that enjoy more recognition from policy-makers (Hamman, 2008, 2015).

More broadly, through the longitudinal examination of a variety of individual and collective trajectories in actors of cross-border cooperation, the Europeanization of cognitive references has also been evidenced: "We find, in particular among the younger agents, a continuity or consistency in socialization patterns in some of the individual under study: the openness to regional European integration, experienced for instance during a fraction of their higher education in a EU country (Erasmus-Socrates programme) finds an extension to varying degrees in cross-border professional sociability", in the words of Bruno Dupeyron (2008, p. 16). This is exemplified by the backgrounds of members of the public cross-border information organizations called Infobest (Informations- und Beratungsstelle − Centre d'information et de conseil) in Alsace: they are for the most part young graduates in law and administration, with a rather high turnover. After one or two years, Infobest staffers frequently move on to other positions, in cross-border cooperation or elsewhere, often in local authorities (Hamman, 2004).

Ultimately, in cross-border areas, European institutions and regulations serve as opportunities to seize for mobilized groups ranging from elected representatives to community activists. Yet, cross-border cooperation has often been over-determined by institutional approaches that do not fully account for long-term dynamics at work in economic and social spheres. Bruno Dupeyron describes cross-border policies as doubly limited: first due to their low financial resources and secondly due to the lack of material and symbolic resources of cross-border actors and networks, also marred by internal competition. Dupeyron calls them "low-intensity" policies (Dupeyron, 2008, pp. 243-248). To some extent, practical cooperation indeed occurs at different levels. Some issues make it to the political agenda due to the emergence of social pressures – as in the case of the mobilizations of cross-border workers. Other institutional initiatives, like the Eurodistricts, do not result in similarly concrete incarnations because they do not have the same echo in border areas.

## 4. Outlook: The dynamics of border spaces

As we have noted, the term "border space" accounts for the materiality of space while being embedded in a spatial/social dialectic, in which the question of uses is crucial. These dynamics do not affect the original worlds mechanically or similarly. Yet, they open up the field of possibles in spaces of encounter that also witness conflicts, as diverging traditions

and views on society and the economy interact. Two main dynamics can be observed:

- an internal one, corresponding to interworlds: as some of the routines of established social words are left behind, practical compromises are achieved that may involve a degree of innovation that can be held up as an example (a "laboratory" of Europe) or on the contrary concealed, in the context of local power coalitions.
- an external one, when transformations (even limited ones) occur in various original worlds. For instance, French community activists can become specialists of cross-border issues in German unions (Hamman, 2009).

Ultimately, the conceptualization of border spaces in sociology has a double value. First, it is a relevant tool to consider public policy and ordinary mobilizations and practices jointly. Secondly, it sheds light on what is at stake at junctures when the usual boundaries between established public policy and ordinary practices are blurred due to the emergence of new issues on the agenda. Cross-border cooperation has involved cases where community activists (in the case of twinnings and workers' mobilizations for instance) play a frontline role before regulatory intervention by State or local authorities (through the setting up of *ad hoc* cross-border bodies, etc.) (Hamman, 2009, 2013a). This echoes Georg Simmel's (2009 [1908]) analysis of borders as social facts with geographic consequences rather than geographical facts with social consequences. In other words, it is by constructing the space of society that we can analyse social phenomena (Remy, 2015), including the symbolic importance granted to the territory.

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# Examining aspects of cross-border cooperation from a sociological standpoint. Contributing to a toolbox of transdiciplinary analysis in the social sciences

Cédric Duchêne-Lacroix

"The border is not [first of all] a spatial fact with sociological impact, but a sociological fact that takes shape spatially" (Simmel, 1908a).

***The Kappeler Milk Soup*, Albert Anker, 1869**

## 1. Janus: The God who separates and divides

A joyful encounter in hostile attire: The soldiers of the two warring armies, who should have been fighting each other, are organizing a shared meal, a milk soup, on the common border of their respective territories, while in the distance their leaders are negotiating a truce. The context is the First War of Kappel (1529) that would end without a single battle being fought. Whether true, false or merely fiction, this legendary episode in Swiss history brings to mind many social aspects of cross-border cooperation. What are we stating if we define cross-border cooperation as an institutionalized collective action that generates links and common solutions between two or more local authorities on either side of a shared border? A breeding ground of paradoxes under tension: at the very core of this definition surface the paradoxes of the "common" and "separation," of the interplay of territorial, social, and cultural interlocking, as well as the grade of the border and its crossing and liberation, paradoxes which Janus, the ancient god of gates personifies (Debray, 2013; Van Houtum, 2010), and which Albert Anker's painting illustrates:

First: cross-border cooperation is contingent upon **territories,** while at the same time transcending them, forming another that does not eradicate the former. Such cooperation stitches territories in such a way that all transactions and cross-border relations are threads interconnecting two territories as social fabrics (*frontière couture* [border sewing], Courlet, 1988). Pictorially, the cauldron sitting on the border occupies the painting's centre; the warring parties remain on either side of the border all while interacting beyond its limits. The frontier space is depicted as a familiar place almost as though it were protected by the groves.

Second: cooperation generates **commonality all while activating divergences** (behaviour of stakeholders; divergences in procedures, even in the very meaning of this cooperation, etc.). The border co-produces these divergences; it produces the other just as much as it places it at a distance (Van Houtum, 2010). Hence, beyond the political realm, cross-border cooperation also impacts intercultural relations and the social and territorial identification created and reconstructed not only by artefacts, narratives, laws, and events, but also by encounters and social relations between and among people on either side of the border as well as at different levels between inhabitants, between actors in the same institutions, between local actors and those at varying levels of

the political scale (inter-communal, departmental / district, regional / state, national, European). Notwithstanding that the soldiers are wearing distinct uniforms in the painting, a family atmosphere prevails.

Third: border cooperation generates both **solutions to common problems and a social link** in a formal relationship of mutual recognition. As in Anker's painting, the soldiers fraternize with one another, enjoying an improvised festive get-together that solves an immediate question of a meal; while in the distance their leaders are discussing more political and perhaps abstract issues. We can here recognize the distant echo of the Westphalian Treaties, mutually recognizing sovereignty with their territories and their borders, the first step in constructing a supra-state law, which today in Europe, for example, has taken form in the European Union and which facilitates cross-border cooperation (e.g. the subsidized cross-border cooperation policy known as *Interreg*).

Fourth: cross-border cooperation is **also a communication tool and for forging identity.** If fraternisations between warring parties did indeed take place, the shared milk soup at Kappel features among Switzerland's founding myths. Anker's objective was to depict firm unity amid Switzerland's diversity (inter alia among denominations).

Fifth: while the border is a **permanent presence, it is shifting historically**. Given that a border is wrought onto material space, guarded by border agents, reproduced in artefacts such as maps, and thus mentally imposed on everybody, it acquires a permanent tangibility, and yet it is not immutable; it evolves. *The Kappeler Milk Soup* makes one smile due its antiquated viewpoint, also out-dated in the political sense, for Kappel, the site depicted in the painting, no longer stands on the border. Cross-border cooperation, however, remains at once a topical concern and one concerning the future, for we have observed right across Europe – and also throughout the entire world – following the fall of the Berlin Wall, four distinct shifts in terms of borders: multiplication, grade, flow, and metaphor.

Firstly, far from disappearing, **new political frontiers have emerged**. "Never before has the boundary line been so negotiated, defined, demarcated, characterized, equipped, monitored, patrolled. […] The world is being systematically surveyed" (Foucher, 2007). There is thus an automatic forging of cross-border relations; either links are created, or previously internal relationships become cross-border ones. At times the cross-border region existed ever before the States did (Ruggie, 1993).

Hence, cross-border links between local authorities are not limited to their merely functional "cooperation."

Secondly, depending on the region of the globe as well as interstate relations and historical developments, the grades of these links are being modulated or prone to fluctuation. In Europe, there is a common policy of **free *internal* movement** of goods, persons, services, and capital, as well as an *external* strengthening of controls at the Union's outer borders, as stated in official texts. For example, the Lisbon Treaty (Art. 3) stipulates:

> The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.

The Schengen Agreements go further and more concretely in this direction. But contrary to the wording of Article 2.2 of the Lisbon Treaty, there has been no end to internal borders, but rather a change in their uses or grades. This wording echoes that which Régis Debray moreover denounces: "A stupid idea enchants the West: humanity, which has gone awry, will be better off without borders" (2013). Besides, as the current migrant crisis demonstrates, EU member states have taken steps to restore strict controls at their borders, or even the reappearance of secure borders, as can be witnessed at Hungary's southern borders and Sweden's borders to the European land mass. These measures were not always introduced, however, in a spirit of cross-border cooperation.

Which leads us to the third point, flows. Cross-border cooperation has several objectives: Territorial management and gathering of competencies to create a communality of policies (e.g. on daily commuting of workers and consumers, on trucks passing through Europe, migrants from outside Europe crossing Europe's internal borders or tourists).

Lastly, there is a **displacement (a "metaphor" in the etymological sense) of these physical boundaries**, a political institution, in other forms and on other levels. Hence, the Schengen Information System (SIS) has helped to virtualise the border (not in the sense of dissolving it, but rather of introducing a database, a radar screen, administrative management, etc.); just as a swollen river would overflow. And yet, free cross-border movement renders other characteristics of the border more significant, those less material, such as the question of divergent or shared cultural, economic, and identity traits on either side of the border. In

other words, it is less the physical boundary that is at stake than other political and practical aspects that the border constructs and renders visible.

Hence, this preamble, which in itself serves as a basis for reflection, and moreover acts as a means of updating sociologically analytic viewpoints of cross-border cooperation. Cross-border cooperation can be interpreted in multiple ways: Political relationship at different levels and according to divergent legitimacies, loosely linked cultural relations (historical, linguistic,), social relations, identity relations with a loosely shared and depth of sentiment, more or less organized to be part of a whole, on either side of the border. Obviously, these political, cultural, social, and identity-related aspects are intimately inter-linked in reality. Less visible by illustration, they are also constructed in accordance with other aspects of cross-border reality, notably economic relations, population concentration, and cross-border mobility of peoples.

This contribution begins with a socio-spatial epistemological approach of cross border cooperation that is strong anchored with the concept of territory. This part leads to the proposal of a grid of four analytical dimensions of cross border cooperation. Then I propose a selection of very contrasted classical sociological to decode different aspects of the cooperation: shape, reciprocal action, policy making, everyday life and actor network.

## 2. Some epistemological considerations between Space and Sociology

Cross-border cooperation is a complex subject that "goes beyond the bounds" both in terms of a social reality and an object of analysis. In other words, the subject "cross-border cooperation" deals with the issue of national containers and, more broadly, the polysemic concept of territory in itself.

Here, territory can be defined first and foremost as the spatialization of a political power, its scope of action over that mass information–still formatted according to these territories–is disseminated inter alia by means of the press, radio, and regional television channels. But territories also serve as a reinforcer of meaning "for those who live there, and a principle of intelligibility for those who observe it. […] They are relational and historical, and provide a sense of belonging"(Augé, 1992, p. 69).

Territory is thus an *appropriated space* both in political terms (including as a stronghold of legitimacy for the exclusive exercise of violence (Weber, 2002); in cognitive terms (this place belongs to me because I have experience of it); in terms of usage (I implement it); or even in terms of belonging with regard to a landscape, a social group and/or a culture that is confined to a geographical area ("I'm from the Baden region)," the "Alsatian culture," "the Upper Rhine," and so forth). Inversely, a political territory constitutes the framework for administrative obligations for inhabitants and workers. Hence, it is not the end of territories as such (Alphandéry, Bergues, 2004), but rather the end of its too simplistic use, thereby enabling "to at once link process, structure, and functioning of a space" (Schiebling, 1998, p. 155). Cross-border cooperation is contingent upon these "container" territories, the spatial legitimacy of a political power, all while transcending them by establishing mixed entities, common policies, and intercultural links. Moreover, it takes into account, activates, and forges common identity references, rolling out policies based upon experiences such as those of workers who cross the border and thereby go beyond the confines of the political territory.

The territorial containers do not merely act on the object under study but also on ways of analysing cross-border cooperation. Ways of thinking about and conducting studies specific on these territories are taking shape, which on a country level leads to methodological nationalism (Beck, 2006; Chavel, 2014; Martins, 1974). We need to objectify them in the empirical design in order to objectify this ethno-centric problem. Hence, any analysis of cross-border cooperation must also be a cross-border analysis in its methodology and on all levels: data collection on either side of the border; data relating to "facts," but also interviewees' narratives; not only local but also regional and national observations and their scale relations (Guédez, 2013; Revel, 1996); observations from either side but also scientific analysis from both; analysis on a particular border area but also comparisons with another such. All this will reinforce the reliability[3] of the results, and not alone that.

These scale games, these multi-localisations, these intersections of viewpoints constitute adjustments to an object that is equally concerned with levels of scale and spaces. Cross-border cooperation is certainly being developed, organized, and enacted in zones close to the border,

[3] This is similar to triangulation methods (data, interpretations, feedback from respondents) (Flick, 2011).

and also in the major cities of the regions concerned, including those regions under the auspices of the Department of Regional and Urban Policy (DG-Regio) of the European Commission. So, that here, too, "The variation in scale lies first and foremost on the side of the object. It is neither the researcher's prerogative, nor primarily the product of the research's construction process. First and foremost, it is the actors' lot… "(Lepetit, 1996, p. 81). Depending on the nature of the cooperation, the linking of seats of power and of activated measures will not be the same. This can be observed, for example, in the differences between "small-scale" associative projects undertaken close to the border and those larger projects involving universities participating in the Conférence Transjurassienne, a Franco-Swiss cross border cooperative body operating in the Jura region. More than a uniform territory, one senses that cross-border cooperation deals with multi-localities with variable geometry, to use the lexicon of research on mobility or migration of multi- or trans-locality (Brickell, Datta 2010; Duchêne-Lacroix, 2013; Greiner, Sakdapolrak, 2013). Each form of cross-border cooperation effectively activates a specific multi-scale process (Verger, 2011). But the European venture makes this even more possible, for it enables local authorities to implement European policy (subsidiarity); to participate in international politics (decentralized cooperation); and to sidestep national authorities by establishing their own international networks.

By invoking the European Commission in our substantiation[4] or the identity relationship to the territory, we can discern that the socio-spatial analysis of cross-border cooperation **cannot be confined to concrete geographical space.** If "cross border cooperation" denotes inter-state boundaries, it is equally a linear physical symbol of a larger set of manifestations of physical as well as social territorial (dis)continuities (as much as links between politicians and administrations as between beneficiaries of this cooperation); virtual (e.g. Internet use, telephone links, data networks); or imagined (here, one could not only include the actors' representations of cross-border cooperation, but also their form of abstraction).[5]

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[4] Another example is the Council of Europe and the 1995 Madrid European Convention on trans-frontier co-operation between territorial communities and the authorities.

[5] We draw inspiration from John Urry's sociology of space categories (2006). More broadly, following the turning point regarding space (Döring, Thielmann, 2008), space concepts in the social sciences have undergone major shifts with contributions

Furthermore, cross-border cooperation operates and links all these aspects beyond the border posts. For example, the establishment of Franco-German armed patrols during the Christmas market season on either side of the Rhine is certainly legal and is based on the Prüm Convention (European Council, 2008); it is equally, however, an intercultural instrument and creation that is at once localized, functional, and identity-based. The development of a frontier zone can only be understood by dint of institutional, legal, and political sources (Casella, 2013). Inversely, cross border cooperation operates over a multitude of space, or to a certain extent concrete spatial representations that correspond to these institutions or disciplines (cross-border assembly; customs clearance parking zone; map of common cross-border region; zone to be part of an Inter-regional project; living environment for frontier workers, and so on).

Finally, *also* thinking beyond territorial containers and methodological nationalism does not mean overlooking the border and the differences it demarcates. On the contrary, the approach we're proposing enables us to better observe and analyse the (dis)symmetries, the balance of power, the inequalities between regions and between actors involved in the cooperation, irrespective of their location. In limiting ourselves to the legal framework, we might surmise that there exists a theoretical equality between the stakeholders in official cooperation, as, for example, between nation states. But, in reality, the symmetry of cooperation is an exceptional state of affairs. We will note, for example, differences in attribution and autonomy of similarly scaled regional authorities. In a somewhat centralized or federalist state system, however, we can observe the presence on one side but not the other of urban concentration, economic activities, natural resources, or even workers resident on the other side of the border.

Moreover, to understand cross-border cooperation from a sociological viewpoint, we need to think in conjunction with other disciplines that shed light on the relationship to the territory, to the other, and so on, and to think in terms of both the forms and aspects of cooperation, as well as

from social geography, history, the sociology of space, the social sciences, and the psychology of space. Space is no longer the geographer's exclusive domain, in that way a territory is that of the political scientist or the historian. Conversely, geographers point out that there is no longer a single space, but rather half a dozen different concepts (Weichhart, 1999).

how they intertwine. This is why we will propose a socio-spatial grid of cross-border cooperation.in the next segment

## 3. Aspects of creating cross-border cooperation

To take stock of what is playing out in cross-border cooperation, we can deconstruct the border-space (Wille, 2012) in which it unfolds according to several analytical aspects.[6] This border-space possesses multiple physical and social realities that do not fully adapt to that which makes it a dynamic object. This principle of "factorial" decomposition (as one would perform in a multivariate analysis) enables us to isolate the various aspects, to visualize its forms and effects, as well as the interactions, and to standardize the comparisons in time and space, and, finally, to uncover solid, albeit not highly visible, relationships. Cross-border cooperation might be treated as an assemblage, in the Deleuzian sense of the term (DeLanda, 2010), or an Eliasian configuration (Ref) enabling us to understand the situation as well as its shifts by incorporating the actors' viewpoints. And finally from the Simmelian point of view (refer to the epigraph) as well as one held by Lefebvre that a "(social) space is a (social) product" (Lefebvre 1974, p. 35).

Four key aspects are to be distinguished: territorial, experiential, discursive, and eco-systemic, which underline action's immediate and universal driving forces and its comparatist objective. At the same time, these aspects imbue border space with distinct attributes.

### *3.1 Territorial aspect*

The fundamental aspect of cross-border cooperation is the stakeholders' political territory. Political territory is an institutionalized construct, with legitimate and dominant levels: there is the segment of mapped physical territory, on which institutions with diverse attributes are slotted together. In this territory, there is both a resident population and a population to administer; various publics for public policies; and facilities to realize and maintain (e.g. Euro Airport, Central Commission for Navigation on the Rhine, hydroelectric dams and so on). Moreover, there are services to

[6] The concept of space is polysemic (Weichhart, 1999). Its decomposition into spatial aspects is not unique to cross-border cooperation. Hence, to understand the Tamil place of worship in Basel, we fell back on an ontological separation in different aspects relating to a physical space (Duchêne-Lacroix, Beutter, 2011).

promote, safeguard, and reform; common sites to save and enhance, and so forth. This aspect − to simplify but also to emphasize its interaction with the following aspects − is similar to a "designed space" (Lefebvre, 1974). This aspect of cross-border cooperation is shaped not only by power struggles but also by the legitimacy of public actors: to simplify the legitimacy of local, national, and European actors. On a local level, the reality on the ground and the concrete ramification of measures; on a national level, cohesion and national homogeneity and the relationships between one State to another State; and on a European level, the rule of law and transnational cohesion. Hence, the driving-force institutions in cross-border cooperation are "naturally" both local (department, region / state / canton, large urban area) and European, as well as being objective allies on this point (Duchêne-Lacroix, 2015 + Ref). It is no coincidence that there are more than two hundred "regional embassies in Brussels".

Institutional cross-border cooperation is based on these politico-administrative territorial structures, which the sociology of public action can analyse (refer to section 4 of the chapter) and which variously invest border spaces. For instance, cross-border cooperation is subject to both a national and supranational border regime (Schengen Area), which is based on legitimate powers, characteristics of population (living and working places, professional activity, nationality, length of stay in a place, etc.).[7] Depending on one's nationality, the difficulties encountered in crossing the border will vary somewhat. Statistics have evolved along these lines (for example, the conventional statistic of the number of cross-border commuters in Switzerland only takes into account non-Swiss cross-border workers).

Conversely, the inhabitants, even those using these territories, can exercise their rights and act in accordance with their attributes: by nationality-voting as a resident abroad in the internal elections in the country of nationality; or, receiving of a pension from the country in which one worked whilst living abroad due to past employment record. Citizen participation is often restricted with respect to voting; one's voting rights are naturally linked on having the nationality of that country, of a supranational level (vote for European Union nationals).

[7] Jean Gotman contrasted the contradiction between two geo-political terms, namely, flow and control: the importance of territory.

### *3.2 Practical and capacity aspect*

Cross-border cooperation is a daily activity. It is generated by the actions of dedicated personnel, the activation of measures, the process of public actions, the actors' choreographies including, where appropriate, target audiences, or even chronotopes (Drevon *et al.*, 2017). According to the French-German Institute in Ludwigsburg (Vogel, 2006) there are more than 800 institutions or associations in the Upper Rhine region alone dealing with cross-border issues. This aspect thus demonstrates that cooperation imbued with such attributes in the cross-border ties is taking place on both sides, and not alone in their procedures but also in implementing the actors' skills and capacities.

The capacities and skills of the actors involved in cross-border cooperation are, in addition to those they deploy in other circumstances, fundamentally geared toward overcoming distances: not only physical through mobility, but also cultural (the "cultural barriers," Clavel). Hence, we can highlight people's motility, i.e. their mobility capital (Kaufmann *et al.*, 2004) as well as intercultural skills, and in particular for institutional actors a "transnational administrative culture" (Duchêne-Lacroix, 2015). In this case, demonstrating cultural skills not only entails comprehending, but also, and above all, knowing how to deal with the habits and customs, the rationales, the interests, the legal systems, and the multiple supranational, national, or regional institutions, as well as personal contacts (Comte, Levrat, 2006; Defrance *et al.*, 2010; Saez *et al.*, 1997). It even requires knowing how to interpret implicit meanings and the unsaid,[8] that is to say to have acquired and fostered an intercultural sensitivity (Dussap-Köhler, 2011). These national divergences in ways of doing things are barely known or sometimes even neglected in intercultural situations, which, in turn, has led to the slip-ups that numerous practical works allude to (Moog, 2000, 1991) and attested to by the actors interviewed (Becker-Beck, Beck, 2012; Duchêne-Lacroix, 2015).

[8] The "unwritten rules" are loosely part of these unsaid things. Most survey respondents agree with the assertion that they ought to respect the cooperation's smooth functioning (Becker-Beck, Beck, 2012).

### 3.3 Discursive and identifiable aspect

Cross-border cooperation is a narrative created through words and symbols that are part of a broader semantic and discursive set; they generate meaning for diverse audiences and groups of actors. Cross-border cooperation is thus not merely an institutionalized rational product but also of the myths and ceremonies that underlie it (Meyer, Rowan, 1977).

Cross-border cooperation produces both transgression and a normative framework. It shifts the border posts, like a metaphor, through deeds charged with symbols, rituals, events, and concrete manifestations rendered visible in the physical landscape (a bridge, a building, the use of flags, maps, logos, brochures, posters and so on), as well as in the media (press reports, video footage, etc.). Thus is built an identifiable reality of cross-border cooperation, even an identity complex that possesses almost everything that a political territory has: symbols, institutions, policies, staff, target populations, and the dissemination of this reality in media discourse and in political ties beyond the region created. It is mainly an identity produced "from above."

Cross-border cooperation works the perception of and the relationship to "the other." Stakeholder institutions (local and particularly European) and political supporters of cooperation generate a political discourse in the broadest sense, stressing the virtues of cooperation, common or complementary attributes (historical, economic, cultural, technical, linguistic, etc.). These are to be readily found on the websites of established cross-border institutions (e.g. the knowledge community in the Jura region of France and Switzerland: communautedusavoir.org; the Trans-Jurassian conference: www.conference-transjurassienne.org; EURCOR, the "European Campus" consisting of the five universities in the Upper Rhine region by legally forming a sixth: www.eucor-uni.org/en; the Upper Rhine Conference: www.conference-rhin-sup.org; the Cross-Border Statistical Observatory of the Jurassic Arc producing cross-border statistics: ostaj.org).

### 3.4 Ecosystemic dimension

Cross-border cooperation acts for a territory already shaped by a great deal of fluidity as well as of links that are: 1) regional cross-border; 2) internal to one of the national regional areas; 3) national trans-regional; or 4) international. In other words, irrespective of cross-border

cooperation, there is to a certain extent intense as well as numerous cross-border links. These links are movements of people, goods, capital, services, data, and interpersonal links. Should these links be particularly intense and circular in nature, we will speak of an integrated cross-border region. Thus the *commune* of Saint-Louis (France) bordering on Basel (Switzerland) is closely linked in a hinterland-metropolis relationship and this by virtue of the continuity of existing constructions and living spaces for inhabitants: workers and cross-border shoppers. Cross-border cooperation raises the issue of cross-border mobility, more so in the rationale behind transport and infrastructure than in a fine understanding of the multiple aspects of mobility. Furthermore, these movements are subject to judicial criticism in certain regions: to jettison the clichés about winners and losers in these flows, we need to think about the circular nature of local economic exchanges and in particular the impact of the "in-place" economy (Davezies, Lejoux, 2003; Hmamda, Quillery, 2015).

### *3.5 Interdimensionality*

The aspects of cross-border cooperation are also a way of isolating the elements in order to better reveal how they interrelate. For example, whenever an inter-regional co-financing budget is proposed on a European level within the Upper Rhine region (territorial aspect), locally directed toward fostering a cross-border regional identity (discursive-identity aspect), engenders work on an identity narrative and on institutional practices to achieve this (practical aspect), as well as questions to be asked about characteristics of cross-border movement and cross-border social links (ecosystem aspect). At the same time, we can assume that there are dissonances for each aspect: positioning by various actors, definition of identity, ways of responding, and so on.

## 4. Which sociology to apply?

Is an understanding of cross-border co-operation achieved through a particular field of study or by means of a meta-discipline that would combine perspectives, and establish and circulate concepts adapted to the subject? Thematic sociologies can furnish frameworks: the sociology of organizations, of space, of action, of public action, of culture, of mobility, and so forth. Let us bear in mind, however, that disciplines in themselves are not homogeneous. Dogmatic positions could render

a "sociology" more distant from another sociology than from another discipline. Some years ago, in this spirit of transcendence and dialogue, Hervé Domenach proposed a framework for research on migration, and came up with a name for the field of study: migratology (1996). For present purposes, we can talk about border studies (with a journal and an eponymous network, etc.) or borderlands studies,[9] or cross-border Studies. The German term *Borderologie* has been proposed (Höffe, 2006), *frontièrologie* in French, or *limologie* (Dorion, 1963) without, however, providing these proto-disciplines with a broad and precise framework. Not only this contribution, but also, for example, our text "A Sociological Point of View on Transnational Administrative Cultures (TACs)" (Duchêne-Lacroix, 2015) focus on sociology but by integrating many extra-disciplinary contributions to co-build a realistic and trans-disciplinary framework (Wickson *et al.*, 2006).

### *4.1 Sociology of forms of socialization (Vergesellschaftung)*

As a set of reciprocal actions and at the same time a product of these, cross-border cooperation is deployed across different aspects (refer to point 3); it assumes distinct forms and is (re) created in the dynamics of spatialized human interactions. For a phenomenological and spatial analysis of cross-border cooperation, **Georges Simmel's** conceptual toolbox of socialization retains all its heuristic potency. First, there are the fundamental socio-spatial characteristics: functional exclusivity at a particular location, a border; meeting / pivoting point, distance, mobility, domination, but also neutral space to allow encounters take place on an equal footing (Simmel, 1908a).

Secondly, the much-used digression on the foreigner (Simmel, 1908b) enables us to situate the cross-border worker by means of analogy as both close to everyday life *here* (workplace) and *there* (place of residence) while at the same being socially removed from other workers and other inhabitants. That could also be said of the administrations responsible for managing daily cooperation between them. Simmel universalizes the idea in another short text: "In the immediate as well as the symbolic sense, in the physical as well as the intellectual sense, we are at any moment those who separate the connected or connect the separate" (Simmel, 1909).

[9] The eponymous international association can be accessed on this site: absborderlands.org.

Thirdly, this paradoxical highlighting between meeting point, distance, and domination can be deepened by using the bridge and the door as metaphors: "By overcoming this obstacle, the bridge symbolizes the extension of our volitional sphere over space" (Simmel, 1909). A door emphasizes creating an interior and the potential to manage mobility or inclusion/exclusion between inside and outside.

> The enclosure of his or her domestic being by the door means, to be sure, that they have separated a piece from the uninterrupted unity of natural being. But just as the formless limitation takes on a shape, its limitedness finds its significance and dignity only in that which the mobility of the door illustrates: in the possibility at any moment of stepping out of this limitation into freedom. (Simmel, 1909)

Cross-border cooperation continues to position and to symbolically use doors and bridges in space (territory) and in relationships with stakeholders. Other metaphors illustrating co-operative *couture* [stitching] could be added, such as the market (resources, exchanges, donations, recalling Simmel's "pivot"), as well as a "shared home."[10] The border is itself the subject of a trans-*formation* to the status of a shared home by means of *resémentisation* [applying a new meaning], as can be observed in the Jardin des Deux Rives, the Two Shores Garden in Strasbourg that stretches across the border between France and Germany (Reitel, Moullé, 2015)

## *4.2 Sociology of public action*

Research will be able to focus on the public policy cycle of building a problem to resolve in cross-border cooperation and putting it on the agenda for policy evaluation (Knoepfel *et al.*, 2007). Here, we can develop an analysis of the public justification for cooperation, its management, and its results (Boltanski, Chiapello, 2005; Boltanski, Thévenot, 2006). We will likewise be able to analyse the organization and institutionalization of cooperation, the bureaucratization and rationalization of tasks, as well as the effectiveness of implemented policies.

Research will be able to focus on the actors' involvement and the quality of partnership, the relationship of devolution and subsidiarity

[10] Here, we are freely inspired by four ways of understanding borders, as outlined by Anderson and O'Dowd (Anderson *et al.*, 2003): Borders as bridges, barriers, resources, and symbols of identity.

in governance, the appropriateness of stakeholders' objectives, strategies, and programs, and finally on a common regional or local structure with financial autonomy. All these factors constitute indicators of good cooperation policy according to the Association of European Border Regions (AEBR, 2000), and to which could be added sustainability, a critical criteria in selecting projects to be co-financed by Interreg Europe.

Cross-border co-operation boosts diverse political institutions by dint of their remit and capacity on either side the border and their different scale levels. Moreover, these institutions do not follow the same political agenda and do not pursue similar objectives. Hence, it is not uncommon for there to be alliances between non-contiguous institutional levels (a local with a European level, for instance) to lead a project. "And yet, it functions" − cross-border cooperation. There is a complexity of processes and actors participation similar to that which political sociology observes and renders intelligible (Perrin, 2011). The use, for example, of instruments "as both a technical and social device" (Lascoumes, Le Galès, 2005), as is the case with Interreg projects, is an effective means to generate public action beyond the divides and the institutional and cultural divergences. Conversely, the relationship between cross-border actors is ambivalent, precisely because local actors seek to loosen the shackles of those rules instigated by the European Union that have been taken up by regional authorities (Verger, 2011). The configuration and power game of the stake holders produce different forms of governance that Joachim Blatter proposes to situated through four ideal-types − "commission, connection, coalition and consociation" (Blatter, 2000) −, mainly according to the type and engagement of actors, as well as the political and geographical scales.

Finally, from a perspective of institutional dynamics, we can also define the criteria for successful cooperation in a "polity" point of view: 1. developing activities; 2. acquiring decision-making autonomy and increasing the scope of activities; 3. diversifying resources; and 4. taking control over cross-border activities (Perkmann, 2007). Lastly, it is not only a question of initiating cooperation but also of producing a *specific* cross-border (Certeau, 1984), a focal point for concentrating power and knowledge.

### *4.3 Sociology of procedures and standards*

This creation of a more or less successful commonality, depending on the individual case, can be examined from the cultural angle through the procedures and levels of commitment.

Hence, cross-border cooperation also entails generating stakeholders' procedures (Certeau, 1984), which, in fact, fluctuate between cultural hybridization, discovery, and confrontation. The research will observe the daily routines of cross-border organizations and departments on both sides responsible for cooperation. It will compare ways of preparing, conducting, and participating in joint meetings; it will detect certain standards and values that underpin behaviour and that actors have internalized (refer to the concept of habitus as developed by Bourdieu (1984) in connection with those of capital and field of activity).

The analysis of procedures would be too culturalist or deterministic should we omit, on the one hand, the pervasive latency of diversity in our societies (Varro, 2003) and, on the other, the actors' interplay, skills, and reflexiveness. Hence, respecting our interlocutors' verbal or non-verbal cultural expectations is part of the (inter) cultural skills that can be acquired in the field and/or during (academic) training (Bartel-Radic, 2009; Dervin, 2015).

As we have shown elsewhere, cooperation is equally contingent on the commitment of multiple stakeholders. To a certain extent, this commitment can be firm (Armstein's Ladder and our schema (Duchêne-Lacroix, 2015)). One of the goals of cooperation or its initiators is precisely to mobilize the stakeholders. Here, we are concerned with the sociology of engagement and participation. Laurent Thévenot has opened the way to differentiate different systems of engagement depending on the situation and one's relationship to the world (Thévenot, 2006). This sense of commitment could be all the stronger, for it is motivated by feelings of identification with a collective or an ideal (Paillé, 2005). Nevertheless the sense of being a partner in a cross-border project is not shared among the general public and even among administrative agents (Beck *et al*., 2015).

With regard to further concepts and references on this topic, due to a lack of space we refer readers to an earlier contribution on *transnational administrative culture* and to its references (Duchêne-Lacroix, 2015).

### 4.4 Relational sociology of complexity: the Actor-Network Theory

Naturally, it is possible to apply other "sociologies." Let's present a final one that enables us to take into account the complexity of the phenomenon all while making more room for things and interactions: the actor-network (Callon, Latour, 2006; Latour, 2005). Cross-border cooperation involves not only tangible actors but also physical and conceptual technical objects developed in order to establish this policy. By dint of this epistemological approach, all elements of the actor-network in "cross-border" cooperation (staff, websites, the Madrid Convention, Interreg data entry form, public transport links, etc.) are, inter alia, agents placed on an equal footing in order to avoid the actors' rudimentary choices and to better understand the whole by the positioning of the constituent parts.

## 5. Conclusion: Cross-border cooperation – A central object

Anker's *The Kappeler Milk Soup*, which served as our introduction, presents an episode at a border whose symbol was to become a fundamental element in creating Switzerland. As in the painting, cross-border cooperation lies at the core of our advanced modern societies, and this for multiple reasons.

First and foremost for practical reasons; Europe is largely made up of border regions with borders that have become internal borders. These borders have become symbols, for they are the place where there is a lack of control and the place where two territories join, at which coordinated, concerted, common, and integrated policies are developed in order to improve the quality of cross-border transport, to facilitate the daily life of those living in the border zone, and so on.

Secondly, cross-border cooperation is indicative of our advanced modern societies and their ambiguities: given there is territorial governance on either side of the border there could be an institutional framework or projects that unite them there. Cross-border cooperation is a product and a process of vicinal organisation between stability and movement. It is a laboratory to think differently about purely domestic and also international policies, of more distant cooperation or at a higher level of the scale.

Ultimately, border cooperation, as with numerous issues in our societies, is a complex subject, or as Marcel Mauss, sociologist, anthropologist, and great advocate of interdisciplinarity, would say, a *total social fact* which can only be analysed by multiplying points of view from the national and the methodological to the disciplinary perspective. The proposed epistemological approach is undoubtedly sociological but with trans-disciplinary emphasis.

Cross-border cooperation can be grasped by means of a sociological-spatial approach (refer to point 2), by reflecting over the multi-scalar characteristics, and the polysemy of such key terms as territory, border, and space. This is why we have proposed a heuristic dimensional division of complexity. Cross-border cooperation can be analysed according to four dimensions, namely, territory, practices, narrative, and ecosystem, in order to better understand each dynamic within it, but also to grasp the inter-dimensional interweaving of a complex phenomenon and to propose it as a comparative framework. The territorial aspect highlights "the conceived space" of polity, politics, and policy. This aspect deals with the institutionalization of cooperation and also of multi-layered political organizations and stakeholders' interests. The practical aspect is that of how cooperation operates in everyday life; it is cooperation put into practice. The "production" of cooperation is also discursive in nature, by means of speeches, websites, events, press articles, and so on, borrowing a particular semantics, and thus disseminating and institutionalizing cooperation in peoples' minds. Finally, the ecosystem aspect is the intricate web of social relations that are forged with, outside, or through cross-border cooperation.

Cross-border cooperation undoubtedly aims to "build bridges" beyond territorial separations, but not alone that. Here, we can primarily appeal to formal sociology and spatial metaphors to specify the forms generated by reciprocal actions in cooperation. Cross-border cooperation is primarily a political phenomenon; hence, it stands to reason that is analysed by the current instruments of this sociology (analysis of cycles, public discourse, instruments, reasons for success or otherwise). Cross-border cooperation brings together divergent procedures and different cultures, as well as producing a cross-border culture by institutionalizing cooperation. Here, we will draw on everyday sociologists, practices, and interculturalism. Finally, we could multiply the applied sociologies, we could use the actor-network approach, which broadens the focus of interactions due to cooperation to embrace both material and conceptual

things. Hence, *The Kappeler Milk Soup* depicts an on-the-spot cross-border co-operation in which the cauldron is a central agent – along with the spoons and so forth! – and yet non-human, for it embodies and enables the establishment of a fraternal and trusting relationship, between soldiers who have lain down their weapons and their body-armour.

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# History

# Borders, objects of historical studies

## Case-studies from the Upper Rhine and Catalan Region in the West and from Central and Eastern Europe

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## Introduction

The interdisciplinary nature of research into cross-border regions has become a reality in recent times. However, it should be noted that historians were undoubtedly later in discovering borders than other disciplines (Stokłosa, 2010). That is largely due to the fact that research concentrated more on the appearance of Nation States rather than regions in Europe. Later on, researchers explored borders as part of the History of States. Outside Europe, for example, the border between the USA and Mexico has attracted researchers' interest (Nail, 2016). Western European borders initially drew attention only among European researchers. Particular interest was focussed on the border created between France and Prussia in 1815. The majority of the population accepted this border at first as it did not obstruct movement across the border. It was only with the redrawing of the national border in 1871, and in the 1880s in particular, that the border gradually became a barrier (Riederer, 2007; Schlesier, 2007a, 2007b). It took a little longer for interest in the Central and Eastern European borders and border regions to emerge. It was far more difficult for historians to gain access to sources for these borders, which fell largely within the Soviet Bloc, as numerous sources of archival material were off limits, effectively hidden away under lock and key.

However, there is a large need for historical investigation: The stamp of History marks indeed the specific and original nature of border

territories. Border regions switched allegiance depending on historical events in different nations, while conserving notable features of their legal and educational structures, linked with the instability of the border line and their difference in nature to the interior regions. This history and these individual structures have shaped original border and cross-border behaviour in most of the ancient and modern border regions of both Western and Eastern Europe, extending the complexity and specificity of the border problem throughout Europe.

In the field of Contemporary History, European borders are often considered the source of painful memories of war, conflict and loss. But, since the European construction process launched after World War II, they have also become symbols of hope for the reconciliation of the peoples of the continent (Klatt, Wassenberg, 2017). Border region researcher Kathleen Staudt (2018, p. 110) observed indeed that "History matters in the establishment and successes of European integration". Given that border regions have been shaped by numerous conflicts in the past, it is entirely plausible that almost all historians researching borders and border regions first commit themselves to a reappraisal of the difficult aspects of the relevant history. In this respect, the question of what impact the relevant perception of History has on the configuration of contemporary relationships plays an important role (Serrier, 2013).

The dual symbolism of European borders as an expression of the paradoxical tension between the functions of separation and integration is of course first and foremost felt in the territories located in immediate and tangible proximity to the borders, i.e. in the European border regions (Amilhat Szary, 2015, pp. 1-10; Elvert, 2011). For the pioneers of European cross-border cooperation, such as Alfred Mozer, one of the founders of the Association of European Border Regions (AEBR) in 1971, the main purpose of this cooperation was to "overcome national borders" and thus to "heal the scars of history" (Mozer, 1973, p. 14). From the 1950s, this process of cross-border reconciliation that historians investigate took first place in Western Europe. Indeed, Central and Eastern European borders were cut off from the rest of Europe by the iron curtain and thus, until the end of the Cold War, no cross-border cooperation could take between Eastern and Western European border regions or among Eastern European regions themselves.

This contribution will illustrate the historical approach to cross-border cooperation via three case-studies which follow in a chronological

order: first, we will deal with one of the Western pioneer border spaces, the Franco-German-Swiss Upper Rhine Region, where cross-border cooperation started as soon as in the 1960s; second, it will explain cross-border relations in the Franco-Spanish Catalan region which are based on historical links but only developed dynamically from the end of the 1980s onwards, after the end of the Franco dictatorship and the integration of Spain into the European Community. Finally, it will move on to cross-border cooperation in Eastern and Central Europe since the 1990s which, spurred off by the end of the Cold War, has specific functions of reconciliation.

## 1. The case of the Upper Rhine Region

In the Upper Rhine Region, a territory where three national borders − those of Germany, France and the Swiss Confederation − intersect, the dialectical relationship between the border as a subject of integration and as a scar of history emerges as a common theme in the development of border relations (Wassenberg, 2016a). This region has clearly been characterised by the historical weight of Franco-German conflict, from the Thirty Years' War to the end of World War II (Vogler, 1996, p. 97). It is also characterised by the existence of several natural borders: the river Rhine and the borders of three mountain ranges: the Vosges on the French side, the Alps on the Swiss side and the Black Forest on the German side (Kutter, 1988, pp. 21-22). However, since the 1960s, close cross-border cooperation has developed in the region. It may currently be described as one of the "oldest" and "most tested" cross-border areas of Europe; some have even pointed to it as a model for European integration (Wassenberg, 2007).

Has the Upper Rhine Region changed in character? Has it evolved from a place of separation, a scar of history, into a model of integration, a source of innovation? If we chart the history of cross-border cooperation in the Upper Rhine Region from 1963 up to now, we can identify three phases of development: the first, from 1963 to 1990, constituted the border's healing phase; the second, from 1990 to 2000, the border's Europeanisation, and, finally, from 2000 to today, what can be described as the phase of territorial redefinition (Wassenberg, 2011).

### 1.1 The aims of Franco-German-Swiss cooperation from 1963 onwards: healing the scars of History

Cross-border cooperation was initially launched in the Rhine Region by private stakeholders from Basel. In 1963 they created the *Regio Basiliensis*, an association whose purpose was to promote cooperation between the city of Basel and its neighbours in the French department of Haut-Rhin and the county of Baden (Briner, 1974, p. 2).

The motivation of the Swiss instigators was, of course, primarily of economic nature. The Basel agglomeration is located in an enclave and is geographically cut off from the rest of Switzerland by mountains so that it can only envisage economic expansion towards the neighbouring French and German regions. The stated objective of the *Regio Basiliensis* was therefore to promote the economic development of the city of Basel and its surrounding area in Baden and in Alsace (Zoller Schepers, 1998, p. 32). This was reflected in cross-border activities related to the "economic corridor" across the border: analysis of the usefulness of the workforce from the neighbouring countries, the customs-related and tax problems for the border workers and the fiscal problems which could arise for the industry within the framework of the implementation of a project in one of the three countries (Bucher, Maurer, 1965). For example, the association promoted the establishment of Swiss companies in the neighbouring States, such as *Roche* and *Migros*, which were set up in Huningue (on the French side) in the early 1970s (*Regio Report*, 1973, p. 73). It also made every effort to improve the cross-border transport network. There were numerous projects: Basel planned the construction of dual carriageways in the city, a link between the French and German motorways and the development of the regional railway network (Wassenberg, 2007, pp. 80-84). The creation of the Basel-Mulhouse bi-national airport, with the opening of the first terminal in 1970, is often cited as the first successful cross-border project (Walser, 1967). But economic necessity was not the only factor to trigger off cross-border Franco-German-Swiss cooperation.

One of the main motivations of the pioneers of the *Regio Basiliensis*, like Hans Briner, its first Secretary General, was indeed "ideological". They sought cooperation in order to "heal the scars of History" left by the two World Wars among the population of the Upper Rhine Region (Wassenberg, 2016b, p. 350). The desire to safeguard peace was a clearly present motivation here, a motivation which can also be found among

the founders of European integration and the protagonists of Franco-German reconciliation (Dominguez, Pires, 2014, p. 23). Behind this goal of peace there lay a vision which regarded cross-border cooperation as a means of bringing the cross-border population closer together by creating a common regional identity (Meyer, 1991, p. 47; Wassenberg, 2009a, p. 95).This regional identity would be based on a common past, the historical legacy of the Upper Rhine Region, whose unifying elements were the Celtic and Germanic civilizations, the Habsburg dynasty and the age of humanism (Scott, Tom, 1997). To enable people to become better acquainted and to develop a sense of regional belonging, the *Regio Basiliensis* promoted numerous cross-border encounters. From 1964 onwards, seminars for teaching professionals throughout the *Regio* were organised to promote school exchanges and sports events for schoolchildren. In 1970, the cities of Basel, Freiburg and Mulhouse even sought to bid for the first *European Olympic Games* (*Regio Report*, 1975, p. 18).

The idea of cross-border cooperation to maintain peace and to bring the population of the Upper Rhine Region closer together became an authentic leitmotif of the *Regio Basiliensis*. This leitmotif also played its part during the phase of the institutionalisation of Franco-German-Swiss cooperation in the 1970s and 1980s, although the participants were not necessarily the same (Witmer, 1979, p. 156). In fact, in 1975, the Bonn Agreement, an intergovernmental Treaty, established the geographical framework and created official governance bodies for cooperation. This included a Franco-German-Swiss intergovernmental commission, made up of members of the Ministries of Foreign Affairs, and two regional committees, one of them bipartite, for Franco-German cooperation in the North, and the other, tripartite, for tri-national cooperation in the South (Official Gazette of the French Republic, 1977).

This agreement did not change the purpose of cooperation: in the correspondence between the three ambassadors, the emphasis was placed on "the need to facilitate the study and solution of problems between neighbours" (Article 1). As Article 2 of the agreement listed practically all the areas of cooperation, it did not suffer from any thematic restrictions and the "healing of the scars of History", the main goal of the pioneers' cooperation in the *Regio*, was able to continue as one of the privileged areas of intervention. However, this institutionalisation brought national stakeholders into the cross-border cooperation in the Upper Rhine Region. Particularly on the French side,

the Quai d'Orsay and the Prefecture, the national State representative in the Region, became involved, and they did not necessarily favour (trans-) regional integration (Pätzold, 1987, p. 116). Thus, one of the aims of Paris in initiating the intergovernmental Bonn Agreement was to control cross-border cooperation (Wassenberg, 2007, pp. 90-93). At this point the scars of History acted as a counter-current to relations between neighbours: out of fear of Alsatian autonomy or separatism, the French State created intergovernmental cooperation structures placing emphasis on the national border rather than weakening it.

A second change of direction for the Upper Rhine Region occurred in 1988, when a new component of institutional cooperation was introduced. The focus was once again placed on erasing the scars of History, as this was a regional initiative on behalf of Franco-German reconciliation. Lothar Späth, the Minister-President of the *Land* of Baden-Württemberg and Marcel Rudloff, the President of the Alsace Region, decided to establish tripartite congresses (Rudloff, 1987). These new cross-border manifestations formed part of the perspective of Baden-Würtemberg's regional policy on the one hand and that of Alsace on the other; each of the partners undertook to engage in this new area of cross-border cooperation in order to promote the region as a transnational entity in political terms; the national border became blurred at this point (Wassenberg, 2008, p. 236). The aim of the thematic congresses was to involve new partners from government bodies and the associative and private sectors in the cooperation and the development of joint projects on the topics discussed (Rouessard, 2000, pp. 29-31). For the Alsace Region, the new Alsatian territorial authority which had been set up in 1985, it was also a matter of finding a place in the cross-border cooperation and liberating itself from the Prefecture, which dominated all the official bodies of cooperation (Wassenberg, 2007, p. 174). From 1988 to 2012, the tripartite congresses established themselves as a true regional component of cooperation in the Upper Rhine region, promoting the French territorial communities.

### *1.2 The Europeanisation of the border (1990-2000)*

While the processes of European cross-border cooperation and integration developed in parallel until the 1980s, a link was created between the two via the 1987 Single Market project (Mestre, 1992). The consequence of this link for the Upper Rhine Region was that the border

became Europeanised. In fact, in terms of cross-border cooperation, the European Economic Community (EEC) border would now play a much more important role than the national borders. The goal of cross-border cooperation became one of contributing to European integration (Grom, 1995).

Specifically, this qualitative change occurred in 1990, when the European Commission decided to implement a pilot project in ten European regions, including *Pamina*, the Franco-German region in the north of the Upper Rhine (Beck, 1997, pp. 136-140). The intention was to stimulate cross-border projects, giving cross-border stakeholders the opportunity to receive co-financing of 50% from the EEC. In 1990, this approach became widespread with the introduction of the Interreg Community Initiative Programme in all the border regions (both internal and external) of the EEC Member States. This meant that the Swiss cantons, without being part of the EEC, could also participate in Interreg projects (European Commission, 1990). By means of the Interreg programme, the European Commission granted the cross-border regions the role of laboratories for European integration. Its aim in promoting cross-border cooperation was to create a dynamic of integration in the cross-border regions, which were the first to be affected by the implementation of the four freedoms envisaged in the Single Market: the free movement of goods, capital, services and people (Köhler, 2011). Therefore, the establishment of the Single Market and cross-border cooperation pursued the same objective: the removal of economic borders to improve mobility in the EEC. To achieve this goal, it was necessary to prepare the border regions for the conditions of the internal market, which offered them the chance to capitalise on the opening of borders and to transform their peripheral locations into "central" regions (Reitel, Wassenberg, 2015). The Upper Rhine Region thus became a pioneer area of European construction. Two Interreg programmes were put in place in 1990 (Pamina and Interreg Centre-South, which merged as late as 2006, when the Interreg programme was included as a fully-fledged objective of European regional policy).

This function of integration was not incompatible with the function of "healing the scars of History". Indeed, the Interreg programme also took into account a humanitarian aspect which recalled the ideals of the pioneers of the *Regio*: the declared symbolic objective was thus to support cross-border regional activities with a view to bringing people on the borders of the EEC closer together (Wassenberg, 2014). With this

Community programme, which has undergone five major programming periods, from 1990 to 2020, the border of the Upper Rhine Region indeed became a source of innovation: nearly 500 Interreg projects were carried out in highly diverse fields of intervention: transport, the environment, education, land development, research and innovation, etc. In summary, from the 1990s onwards, the Interreg programme introduced a new dimension into cross-border cooperation in the Upper Rhine Region. Cross-border cooperation assumed a role in European construction, as the cross-border regions were intended to be models of integration (Beck, 2011). The objective of overcoming borders thus served the purposes of European integration. The initial objectives of cooperation in the *Regio*, namely to "heal the scars of History", to safeguard peace by bringing the population closer together, were united with the ideal of European integration (Wassenberg, 2017, pp. 220-222). The only problem with this development was that Switzerland, despite the fact that the cantons were able to participate in the Interreg programme, was not a member of the European Union (EU) and, therefore, did not necessarily subscribe to the integration objectives enshrined in the Community Treaties, especially with regard to the goal of achieving an "ever closer union among EU members" (Friesecke, 2017). Thus, the European Community border also became a source of separation between the German and French border regions on the one hand, and the Swiss border region on the other.

With the help of Interreg funding, it became also possible to reinforce the institutional support for cross-border cooperation in the Upper Rhine Region. In 1991, the two regional committees thus merged into the Upper Rhine Conference which, from 1996 onwards, had a permanent joint secretariat funded by Interreg (Upper Rhine Conference, 2000, pp. 7-9). Other cooperation structures were created with EU financial support: four advisory bodies for citizens (the *Infobest)* and a consumer information centre, as well as two Interreg management secretariats, which were merged in 2006 (Wassenberg, 2014, p. 164). The consolidation of the cross-border institutions using EU financial aid made it possible to increase the (trans-) regional integration aspect of cooperation, a function which would be emphasised even more in the 2000s, when a process for the territorial redefinition of the Upper Rhine Region was conducted.

### *1.3 Territorial redefinition (2000-2014)*

By the years 2000, cross-border cooperation in the Upper Rhine Region was marked by two main trends: on the one hand, a return to the local scale, a kind of application of the principle of subsidiarity in cross-border territory (Lambertz, 2010), and, on the other hand, a territorial redefinition at a regional level, by means of "cross-border metropolisation" (Iten, Striff, 2008). Indeed, the two tendencies each corresponded to one of the cooperation objectives which had previously characterised the development of the border relations. Returning to the local scale once again meant underlining the function of "healing the scars of History", while the Metropolitan Region constituted the will to move forward along the road of European integration (Wassenberg, 2015, pp. 94-96). However, this time the two trends continued simultaneously and in parallel to each other.

The return to the local scale began in 2000, when the Alsace Region planned to organise a tripartite Congress on the subject of the citizens of the Upper Rhine Region. Indeed, the need was felt to involve the population of the Upper Rhine Region in cross-border cooperation. The Kehl-Strasbourg *Infobest* had conducted a study compiling the wishes and opinions of the population regarding the cooperation and the results of this work were surprising. The inhabitants, if they regularly crossed the border to make purchases and were generally favourable to cooperation, identified many inter-cultural difficulties (linguistic problems, administrative differences, education, etc.) preventing them from tying closer relations with their neighbours, to forge non-commercial links and to feel part of a cross-border community (Beck, 2002). More than 50 years after World War II, the scars of History did not appear to have healed completely (Wassenberg, 2011). The holding of a tripartite Congress in 2002 on the subject of "living together in the Upper Rhine Region" therefore constituted a return to the more idealistic and humanitarian objective of cross-border cooperation, which sought to bring the population closer together.

This resurgence of the interests of the citizens required a territorial approach different from that of cross-border cooperation so far. In fact, the level closest to the citizens was the local level, and this is where important innovations would take place in the institutional architecture of cross-border cooperation (Frey, 2004-2005, p. 7). The initiative for this territorial reorientation came from the bilateral Franco-German

intergovernmental level: President Jacques Chirac and Chancellor Gerhard Schröder launched the concept of setting up a Eurodistrict in the Upper Rhine Region on the 40th anniversary of the Élysée Treaty in 2003 in Strasbourg and Kehl (Wassenberg, 2009b, p. 95). The two Heads of State proposed creating a living space which would be economically and administratively aligned in the Strasbourg-Kehl/Ortenau region, whose inhabitants would be the initial beneficiaries (Joint Declaration, 2003).

In 2005, upon the basis of their Joint Declaration, the City of Strasbourg and the Ortenaukreis of Kehl signed an agreement for the establishment of the Strasbourg-Kehl *Eurodistrict*. The concept of the *Eurodistrict* was local, economic and political at the same time. It involved establishing inter-communal areas for cross-border development, as well as promoting political cooperation between the municipalities concerned (Wassenberg, Woessner, 2011). This concept was quickly exported to other areas of the Upper Rhine Region (Wassenberg, 2009b, p. 104). In 2005, the cities of Colmar and Freiburg agreed to create a *Eurodistrict* called the "Grand Pays de Colmar-Freiburg Region". In January 2007, the tri-national conglomeration of Basel created the Basel *Eurodistrict*, which included the municipalities around Basel, Lörrach and Saint-Louis. Finally, in 2008, the *Regio Pamina* also decided to turn itself into a *Eurodistrict.* With the formation of these *Eurodistricts*, cross-border cooperation acquired new facets which were more local and more accessible to civil society (Wassenberg, 2012).

Alongside this new process for the decentralisation of cooperation structures in the Upper Rhine Region, the need for a new regional approach was also perceived. The idea of designing a cross-border land development scheme in which national borders were no longer important and which was based on a global vision of the whole Upper Rhine Region, had already been discussed in the 1990s, in a working group of the Upper Rhine Conference. But it was the EU which, with the Lisbon Strategy approved in 2000, pushed for the creation of Metropolitan Cross-Border Regions. This strategy formed part of the overall goal of making the EU competitive in the global market (Fondation Robert Schuman, 2007). Following the approval of sectoral agreements on the liberalisation of trade between the EU and Switzerland in 2002 and 2004 and the accession of Switzerland to the Schengen area in 2008, the possibility of a Tri-national Metropolitan Upper Rhine Region (TMR) appeared feasible.

The Upper Rhine Conference supported the creation of a TMR as a dynamic and competitive element in comparison with other cross-border regions in the EU. Thus, a study of the metropolitan region was conducted by the Swiss consultancy firm BAK in Basel (BAK, 2006) which was submitted in 2006 at the 10th tripartite Congress in Freiburg. This Congress, entitled "The future of cooperation in an enlarged Europe", sought to economically position the Upper Rhine Region with regard to other cross-border regions. The principle of the TMR was ultimately retained by the politicians and a working group was created within the Upper Rhine Conference to monitor this project, under the responsibility of the *Regierungspräsidium* of Freiburg.

The specific organisation of the TMR was then established at the 11th tripartite Congress in Strasbourg in 2008. For the first time at a tripartite congress, together with the regional leaders (Presidents of Regions and Departments, *Ministerpräsidenten* and *Regierungsräte*), the mayors of the major cities of the region were also invited to sign the final declaration (Final Report of the 11th tripartite Congress, 2008). The local dimension of cross-border cooperation was therefore taken into account for the TMR project. The objective of the TMR, which was finally created in 2010 (Offenburg Declaration, 2010), was compatible with the Lisbon Strategy. It involved making the cross-border region competitive at a European level by means of the undertaking of scientific and economic projects and the concept of global land development for the Upper Rhine. A new institutional structure was also set up to implement the project. Thus, the TMR was based on four pillars, the first economic, the second political, the third scientific and the fourth related to civil society (Declaration on the Creation and Strategy of the TMR, undated). The fourth pillar provided proof that co-operation for and with citizens and their groupings would, from then onwards, form a mandatory part of the cross-border policy and projects in the Upper Rhine Region. Thus, the local and regional approaches to cooperation went hand in hand, as did the objective of integration and cooperation for bringing citizens closer together.

Overall, the history of cross-border cooperation in the Upper Rhine Region can be evaluated as a success story. It began in the 1960s, when most other European border regions did not yet maintain regular relations between neighbours. European integration became an objective for this cross-border cooperation from the 1990s onwards with the introduction of the Interreg community programme. The stated ambition was to

contribute to European integration and for the region to become a model for the free movement of people, goods, capital and services. From the 2000s onwards, the cross-border region was then sub-divided into more limited and integrated territories to facilitate the daily life of the cross-border populations. The national borders in these micro-spaces became blurred for their citizens. Furthermore, the project to create a TMR emphasised the strong regional integration within the EU. Regional and European integration went hand in hand here, with a vision of management on a European scale which was no longer conceived in terms of national political borders.

This promising development of cross-border cooperation in the Upper Rhine Region should not obscure certain disturbing current-day trends. First of all, the scars of History rapidly become visible when the German, Swiss and French stakeholders cooperate on a daily basis: there are numerous intercultural problems hindering the undertaking of projects and the borders in the mind often turn out to be the most difficult to overcome. Secondly, with rising levels of Euro-scepticism, the terrorist and migration crisis, the agenda is today focused on the re-building of borders: increased police and customs controls on the borders, the reinforcement of the immigration conditions in the new Swiss legislation, the mistrust of foreign neighbours, etc. As a result, cross-border co-operation is currently stagnating and some regional stakeholders even fear a new tendency towards disintegration.

When looking at the Catalan border region between France and Spain, similar trends can be observed today even though the history of this cross-border region has developed quite differently with regard to that of the Upper Rhine Region.

## 2. The case of the Catalan cross-border Region

Already when taking into account the character of the physical border, the Catalan Region is very different compared with the Upper Rhine Region: The Pyrenees mountain range, forming a border since the 1659 Treaty of the Pyrenees, confers on the Catalan region its chief characteristic, specifically a delineation that creates a very stable border, a border, which has nonetheless also been a point of tension during the Spanish Civil War and World War II. It has two enclaves, Andorra and Llívia. Its extensive span entails the greatest complexity of all the

French borders, due to ancient usage rights and customs being respected (Foucher, 1991, pp. 547-548). The counterbalance of this distinctiveness has been the preservation throughout History of perennial relationships, a veritable melting pot of civilization, between the village communities on the two sides.

## *2.1 The characteristics of the border between France and Spain and historical cross-border relations*

The establishment of boundaries between France and Spain was achieved by means of a series of treaties signed in Bayonne over a decade. Performed methodically from West to East from 1856 onwards, the delineation of the Franco-Spanish border was completed by a treaty definitively establishing it, as well as the usage rights and privileges corresponding to the border communities of the two countries, which was signed in Bayonne on 26 May 1866 by the department of the Eastern Pyrenees and the province of Girona, stretching from Andorra to the Mediterranean. The demarcation was put into effect by means of 602 bollards and crosses between 1886 and 1950.

The first treaty resulting from this lengthy interaction was that of 2 December 1856, which formalised and delimited part of the border and the rules on pastoral migrations. This document touched on the agreements or treaties on *lies and passeries* or *faceries*, regarding grazing between the valleys to the North and South of the Pyrenees, especially those lying between certain municipalities resulting from arbitral awards. It acknowledged the right of the people and representatives of these valleys, one they had always had, which specified that, for a fixed period of time, subject to the mandatory intervention of the competent authorities, they could enter into grazing contracts or others which might benefit their interests and good neighbourly relations.

In fact, the border between France and Spain is 350 years old (Brunet, Bruner, Pailhes, 1993) and is therefore one of the oldest European borders between two States. In 1790, the new province of Roussillon became the department of the Eastern Pyrenees (Northern Catalonia). The last Treaty of Bayonne in 1866 established the international dividing line between Northern Catalonia and the province of Girona. Article 17 specified the need to demarcate the boundary line by physically delimiting it. The annexation of Roussillon, Vallespir, Conflent and Capcir by France on the one hand, and the simultaneous choice of the

Pyrenees as a line of separation between the Kingdoms of France and Spain on the other hand, did not erase the socio-economic reality of belonging to the same geographical area, the Mediterranean Pyrenees, a reality reinforced by a feeling deep-rooted in the mentality, the cultural community and the sense of inclusion within a nation, Catalonia. Seven centuries of Roman colonisation, relayed by the will of the Carolingian Empire, contributed to the construction of a human ensemble of Iberian, Carthaginian, Roman, Visigoth, Arab and Frankish peoples based on a common language, Catalan, with ancestral practices, literature, a flag and a religion. Although, on a historical scale, the Catalan nation had been in existence for a relatively short time (from the 11th century to the late 15th century), this did not prevent a consolidation of a sense of national belonging and the development of a great mediaeval Mediterranean power. This brief reminder of official Franco-Spanish relations illustrates the ancient nature of the cross-border relationships and the will to provide them with suitable instruments to adapt them to their time.

These relationships were also facilitated by the fact that languages had no barriers to overcome; Gascon and Catalan were spoken on both sides of the border and the people living in the mountains maintained close relationships; evidence of this were the markets and also the hospitals and monasteries, the forerunners of hotels, which lined the Pilgrims' Ways to Santiago de Compostela and Bonshommes. Usage rights allowed the people of these valleys to organise the democratic management of their collective goods and rights of passage and grazing. These agreements, known as *lies and passeries* or *faceries*, have existed throughout the Pyrenees since the 14th century (Lies et passeries dans les Pyrénées, 1986). People have always crossed borders to pursue their personal and economic interests. This is a phenomenon still visible nowadays with regard to tobacco, alcohol, prostitution and drugs, but also in cultural events, outdoor activities, work and so on.

## 2.2 Contemporary Cross-border cooperation in the Catalan Region

Diminished by the Treaty of the Pyrenees, but still alive until the Spanish Civil War, Franco-Spanish cross-border relations underwent a slowdown during the thirty-six years of the Franco regime. During that time they were confined to the economic domain (imports and exports of goods) and the summer migrations of tourists to the Costa Brava and

the autumnal trips of "Spanish" fruit pickers to Northern Catalonia and beyond. The thaw took a long time to come about and it was only in the 1980s that, driven forwards by the winds of European construction, cross-border encounters were forged. However, as a peripheral area increasingly marginalised from the political and economic centre of the EU, the Catalan space became the subject of the particular attention of Community institutions. The financial aid granted by the EU was coupled with the desire to instil a political dynamic to engage the infra-state authorities. The border was not envisaged as a mere demarcation line, but as a territory in its own right. With regard to Pyrenean mountain range, this first led in 1983 to the Working Community of the Pyrenees (Euskadi, Navarre, Aragon, Catalonia/Aquitaine, Midi-Pyrénées, Languedoc-Roussillon/Andorra) and in 1991, at the instigation of Jordi Pujol, President of the Government of Catalonia, to the creation of a Euroregion between Catalonia, Midi-Pyrenees and Languedoc-Roussillon (Roigt, 2003).

At the time, cross-border cooperation agreements proliferated in Europe upon the entry into force of the Single European Act, on 1 January 1993, which permitted the free movement of people, goods and services among the States constituting the EU. The Maastricht Treaty, the opening of borders and the single currency all acted as catalysts for the development of North-South cooperation initiatives. The number of initiatives multiplied. Following the signing of the Treaty of Bayonne on cross-border cooperation between territorial communities in 1995, about thirty agreements between the French and Spanish authorities were signed, mostly at a local level. Four cross-border *consortia* (structures of Spanish public law) were created: Bidassoa-Txingudi (1999) between the Municipality of Hendaye (Atlantic Pyrenees) and the municipalities of Irun and Fontarabie (Autonomous Community of the Basque Country); the Working Community of the Pyrenees acquired a consortium to manage European structural funds in 2005 with its headquarters in Jaca (Aragon); Bourg-Madame-Puigcerdà (2005) between the municipality of Bourg-Madame (Eastern Pyrenees) and the municipality of Puigcerdá (Autonomous Community of Catalonia) and finally the Aragnouet-Bielsa Tunnel (2008) between the General or Departmental Council of the Hautes-Pyrénées and the Autonomous Community of Aragon.

In 2004, the signing of the Act of Constitution of the Pyrénées-Méditerranée Euroregion marked the creation of a new flexible structure for cross-border and inter-regional cooperation, made up of two French

regions, Languedoc-Roussillon and Midi-Pyrénées, which became the Occitanie Region, Pyrénées-Méditerranée (in 2017, the appeal requesting that the region should be called Occitanie-Pays Catalan was rejected by the Constitutional Court), and three Spanish autonomous communities: Aragon,[1] the Balearic Islands and Catalonia. The Euroregion covers 157,316 km$^2$ and has more than 14 million inhabitants (Sabartés, 2010, pp. 17-18). It was necessary to wait until 2009 for the Pyrénées-Méditerranée Euroregion to have a legal instrument, the European Grouping of Territorial Cooperation (EGTC), with its headquarters in Perpignan since 2017 and previously in Toulouse. In 2014, the Committee of the Regions distinguished the Euroregion's "creamed" project to support young entrepreneurs from Languedoc-Roussillon, Midi-Pyrénées, Catalonia and the Balearic Islands. Such a distinction marks the EU's acknowledgement of the new Euroregional structure capable of steering benchmark projects regarded as priorities: job creation and support for young entrepreneurs (Garcia-Duran Huet, 2005).

It has to be underlined, that within the Catalan Region, there are some areas more inclined towards cross-border cooperation than others. Until today, the more urbanised Basque (Atlantic side) and Catalan (Mediterranean side) communities are characterised by highly dynamic cross-border cooperation. The Cerdan plateau**,** over the middle of which passes the border known as the *ratlla* (line) by its inhabitants, is a veritable melting pot of cross-border life, at an altitude of 1,200 metres, reachable on the French side through the Têt Valley and Mont Louis and via the Cadí tunnel on the Catalan side (opened in 1984, see Mancebo, 1999). Puigcerdá and Bourg-Madame and the Spanish enclave of Llivia are the only urban settlements on the Cerdan plateau, juxtaposed to permit the development of significant cross-border relations (Bragula, 1969) including the construction of a unique project in Europe, the first cross-border hospital, located in Puigcerdà and in operation since September 2014 (Conill, Rodriguez Galan, 2003), as well as the creation, in September 2011, of the Pyrénées-Cerdagne European Grouping of Territorial Cooperation (EGTC) to structure the cross-border agglomeration of 30,000 inhabitants, the cooperation for the administration of the River Segre and the cross-border slaughterhouse, among other projects.

[1] Aragon suspended its participation in the Euroregion's work on 25 May 2006 due to the dispute with Catalonia concerning the sacred art of La Franja.

Finally, the border region is also characterized by the presence of a third partner, the Principality of Andorra which constitutes a specific territory, embedded between Spain and France. It is only connected by a pass into France at an altitude of 2,000 metres (on the borders of Ariège and the Eastern Pyrenees) and a valley of 800 metres above sea level in Spanish Catalonia. With densely populated valleys − 73,103 inhabitants in 2016 − Catalan-speaking and an economy long based on trade (the untaxed sale of modernisation products) and tourism, the Principality embarked on a vast modernisation plan which was both economic (diversification of its economy, openness to foreign investors, introduction of a tax system, etc.) and political (institutional opening towards Europe, partial integration into the cross-border Interreg POCTEFA programme, participation in the Working Community of the Pyrenees, the revival of partnerships with the French side, etc.) (Becat,1993). This desire to boost cross-border cooperation was also reflected in the amendment of the Treaty of Bayonne in 2010 to mark the accession of Andorra. To improve its participation in the cooperation initiatives with the Catalan and French local authorities, the Andorran government signed a protocol amending the Treaty of Bayonne in February 2010.

### *2.3 The Catalan cross-border Eurodistrict: a shared reality?*

The Catalan cross-border Eurodistrict, with a surface area of 10,246 km$^2$, a population of 1,130,000 inhabitants, 13 municipalities and counties, from Cerdanya to Empordà and Roussillon, two agglomerations around Perpignan and Girona. Beyond these statistics, has developed a strong will to establish essential and eagerly-awaited cross-border cooperation (Harguindeguy, 2007). The political institutions of the North and the South, encouraged by the open involvement of the citizens, became aware of the economic, social and political challenges. The framework agreement for cross-border cooperation, signed on 29 June 2006 by the General or Departmental Council of the Eastern Pyrenees and the Catalan Government, envisaged close collaboration leading to the structuring of a "true melting pot of cross-border life" (Castex, 2017).

A cross-border territorial diagnosis was requested from the *Mission opérationnelle transfrontalière* (MOT)[2] and the University of Girona

[2] Created in 1997, the MOT brings together local authorities (municipalities, communities of municipalities, departments, regions and even States like Luxembourg

conducted an exploratory study to lay the foundations for the strategy of a Catalan Eurodistrict. The aim of this cross-border territorial diagnosis was to help to establish a reliable reference framework within the context of the development of the Eurodistrict approach. This should lead to better understanding of the territory as a whole and of its different components, its functioning and development, but also to better understanding of the similarities, differences and complementarity on each side of the border. Finally, upon the basis of this territorial analysis, coupled with that of the functioning of the stakeholders it was decided to construct a cross-border territorial strategy. This document constituted the first step towards a truly cross-border organisation and the basis for all coordinated cross-border actions. Until this study was carried out, it is clear that very few cross-border territorial analyses existed.

A global challenge arises from this territorial diagnosis: "that of engaging the cross-border territory of the Eurodistrict in a truly coherent strategy…" (White paper of the Eurodistrict, 2008, p. 81) by developing a basic level of mutual understanding, valuing a common and shared Catalan culture, conducting concerted policies and the emergence of constructive and intelligent cross-border governance involving all the socio-economic stakeholders. Indeed, the state of play of cross-border cooperation within the scope of the Eurodistrict has highlighted the lack of understanding of the stakeholders in the territory, their functioning, their characteristics and their institutions. This is a challenge to be rapidly overcome, because mutual understanding constitutes a preamble to any cross-border cooperation. A dissymmetry of competences is exercised on both sides of the border: On the northern side there are numerous stakeholders, set against the southern side, where the Catalan Government advocates itself as the public entity, with significant financial and technical resources and a large number of competences. There are differences in the culture of the Eurodistrict project on each of the border, where the financial logic of the project has sometimes appeared better controlled by stakeholders in the South compared with those in the North (Castex, 2005). It appears necessary to promote the practical learning of Catalan and French to work better together. Finally, the lack of a global cross-border strategy must be highlighted. This is evident in

and Andorra) and economic and social operators and institutions seeking networking to provide their expertise within the context of European integration. From 1998 onwards, the MOT positioned itself as a platform for trade and took on the form of an association responsible for networking the cross-border project leaders.

the fragmentation of the initiatives conducted in this territory, from both a sectoral and a territorial point of view. All these factors may weaken the final mental resistances, age-old reluctances and other protectionist temptations and work towards relations and cooperation based on cross-border territories and their local stakeholders.

The rapprochement between the populations and institutions of the border territories in the Catalan Eurodistrict also poses a major challenge for European integration. They have been transformed from isolated peripheries into laboratories of Europeanization. From now onwards, the exchanges between the stakeholders in these regions will proliferate so as to work together for the common, shared and logical development of the territory. Today, these people are organising themselves to propose a local response to the future challenges of regional and of European integration. However, despite the efforts made, all the conditions for the success of this exchange and the construction of a true "melting pot of existence" in the Eurodistrict are not currently met: there is still a lack of understanding and use of the respective languages and a lack of knowledge of the administrative and economic functions and the culture between the northern and southern Catalan operators. Challenges and issues have arisen in each of these areas. The reciprocal lack of understanding thus poses challenges of the promotion of knowledge of the territory and its stakeholders among them. Communication and exchange are the key words. The exchange of good practices and experiences is to be constantly developed to permit a true rapprochement of the stakeholders on both sides of the cross-border territory.

There is no intergovernmental committee on the Franco-Spanish border. The high degree of autonomy of the Autonomous Community of Catalonia and the other Spanish regions has had the effect of reducing the involvement of State power. But the Working Community of the Pyrenees, under the impetus of the Council of Europe, is the structure for cross-border cooperation which includes all the regions on the two sides of the border and the Andorran State. This is one of the particular features of this ancient border. Only the Pyrénées Méditerranée Euroregion, structured today as an EGTC with its current headquarters in Perpignan, covers the border at a regional level, with the exception of Navarre and Aragon in Spain (Bataillou,2002). As for the Eurodistrict, it is still under construction, because the creation of the EGTC to initiate and create ease of movement between the two territories has not yet been validated by the French and Spanish heads of State. However, it must be emphasised

that the new ease for movement due to the high-speed train line linking Perpignan to Barcelona undoubtedly favours the porosity of the border and will have economic, social and territorial consequences over time in the Catalan cross-border Region.

### 2.4 A local cross-border cooperation close to the citizens

In the Catalan Region, relationships were mostly formed on the initiative of local elected representatives and members of associations on both sides. In 1992, their development was embodied in the creation of the *Albera Viva* association to the North of the mountains, bringing together 13 municipalities and 23 from the South, and the *consortium* of the same name. This duality of structures was not the result of the will of its creators, but rather the absence of a common legal structure of European law. *Albera Viva* undertook cross-border initiatives in different areas: walks, fairs, encounters (the *Diades*), conferences, the publishing of a "cross-border abbey itinerary" in 1996 and a "cross-border walking guide" in 2000. In the same period, a similar approach was conducted by the mayors of the nine municipalities between Collioure to Cadaqués. This gave rise to the *Cap de Creus-Cap Sant Vicens* association, whose objective was to develop meaningful projects in the different villages: to prevent marine pollution, to promote common tourist development, etc. In 1999, the *Pays Pyrénées Méditerranée* devoted one of the four areas of its Development Charter to cross-border cooperation, with the aim of facilitating local exchanges, developing and diversifying regular cooperation between similar institutions on both sides of the border and carrying out common projects. At an operational level, it was equipped with a cross-border section to support all the initiatives in the area.

These collective commitments echoed more targeted actions: in the cultural field, Saint-Génis-des-Fontaines and Rabós attempted to promote a common dynamic around their respective Benedictine monasteries, while the *Association of Friends of the Sea and Water* (ASAME) in Banyuls and the *Girona Association of Friends of the Sea* joined forces in a cross-border joint publication entitled: "L'Exocetus volitans". With regard to rescue at sea, Port-Vendres and Roses twinned their two rescue stations in 1997, thus formalising bonds of solidarity between sailors forged over many years. Furthermore, in 1997, the Arago Laboratory in Banyuls-sur-Mer joined forces with nine laboratories, including those of the universities of the Principality of Catalonia, to set up a European sea

science laboratory. In 2007, Banyuls and Portbou came together to create "The Walter Benjamin Road", a cultural trail in the footsteps of the great German-Jewish philosopher who, fleeing persecution by the Nazis, died in Portbou in 1944. Twin towns were created − Collioure and Llançà, Laroque-des-Albères and Bagà among the most recent − thus promoting cross-border cultural, sporting and educational exchanges.

The 2000-2006 Interreg III-A programming period mobilised 41 project leaders from the Eastern Pyrenees, who implemented 54 cross-border cooperation projects, co-financed by the EU. The most active typology of stakeholders during this Interreg programme was that of the local authorities, with the participation of 14 of these. The vast majority of the groups mobilised within the framework of this European cross-border cooperation programme were from municipalities of the department of the Eastern Pyrenees. In second position came the healthy participation of 13 public institutions, chiefly represented by trade unions, institutes and stakeholders from the university world and in third place in the ranking stood associations with the mobilisation of 11 structures. During this European programming period, the associative sector was heavily mobilised in the establishment of cross-border cooperation links. Finally, the participation of two consular chambers, the Chamber of Commerce and Industry of Perpignan and the Chamber of Agriculture of Perpignan, must be highlighted. The 2000-2006 France/Spain Interreg III-A programme mobilised a large number of operators, more than half of which were small associative structures and municipalities in the Eastern Pyrenees. Although their financial capacities were not significant, their cross-border cooperation initiatives maintained dynamism within this cross-border region.

The POCTEFA IV (Interreg IV 2007-2013) programme corresponding to the Spain-France-Andorra operational programme for cross-border cooperation laid an additional foundation stone. One of the innovations of the 2007-2013 POCTEFA IV A was the integration of Andorran project leaders and partners, but they were subject to specific rules, particularly with regard to funding. They were not able to benefit from European co-financing, as Andorra did not form part of the EU and any project for cross-border cooperation involved self-financing by the Principality. The 2007-2013 POCTEFA programming period led to the undertaking of 25 cross-border cooperation projects in the Eastern Pyrenees. The development and management of these cross-border cooperation initiatives required the involvement of 27 project leaders

from the Eastern Pyrenees representing 5 different types of stakeholders: public institutions, local authorities, associations, consular chambers and "other" types of structure. The most dynamic typology of stakeholders in the Eastern Pyrenees during the 2007-2013 programming period was represented by public institutions with 9 structures in all. Participation was similar between the associations and local authorities, which had 6 representative structures each. To finish, there was the "other" category, with 4 structures, as well as the involvement of 2 consular chambers (Pedrero, 2012-2013, p. 161).

However, the shift from the 2000-2006 France/Spain Interreg III-A programme to the 2007-2013 POCTEFA programme had an impact on the reality of the stakeholders of the cross-border cooperation in the Eastern Pyrenees. The change in European programming led in fact to the exclusion of most of the associative structures. This phenomenon was chiefly due to the financial difficulties linked to the public co-financing obligation and the delays in the reimbursement of expenses incurred, which were far too long for structures with limited financial resources. These difficulties, coupled with a selection of projects which had to go beyond a minimum basic financial limit, caused a whole series of very active stakeholders to step aside during the previous period. In 2008, in order to support this typology of stakeholder, highly involved in the establishment of relations on both sides of the border, the Departmental Council of the Eastern Pyrenees and the Catalan Government set up a financial mechanism entitled "the Fund for supporting cross-border micro-projects in the Catalan cross-border region".

During the 2008-2013 period the support fund for micro-projects in the Catalan cross-border region then prompted the mobilisation of 126 structures upon the basis of the implementation of 108 cross-border cooperation projects supported by the General Council of the Eastern Pyrenees. The most represented typology of stakeholder there was that of the associations, with 71 participants or 56.35% of all the project leaders in the department. For the vast majority of the above, the common fund was the only financial mechanism which could support them in their cross-border cooperation. This was one of the main reasons for the creation of this support fund in 2008. It was therefore natural to find significant participation among the community in this category. The second most represented typology of stakeholders is that of the local authorities, with 28 participants or 22.22% of common project leaders. The groups designated here were the municipalities, which established

increasing links on both sides of the border. We should also mention the participation of 21 public institutions (16.67%) and 2 consular chambers (1.59%). In last position comes the "other" category of typologies of stakeholders, with a total of 4 participants, in other words, 3.17% of all project leaders in the Eastern Pyrenees common funds for the 2008-2013 period. The support fund for micro-projects in the Catalan cross-border region meant considerable financial support for the small project leaders in the Eastern Pyrenees. It was essential to keep this mechanism open, as it generated many cross-border projects every year. These regular initiatives made it possible to forge links on both sides of the border. The establishment of lasting relationships could lead to the creation of more structured projects by mobilising European funding. The common fund enabled the project leaders to get to know each other and to gain cross-border experience, two conditions which were essential for the implementation of more ambitious projects.

In sum, concerning the Catalan region, the years of work have enabled the different partners, institutions, academics and associations to get to know each other better. The Eurodistrict came into being as a result of the political will of the elected representatives of the North and South in 2006. Its objective was to "reinforce, structure and harmonise the Catalan cross-border region". However, at present this cross-border organisation is still waiting for the allocation of its EGTC, applied for in 2008, whereas the Country of Art and Cross-Border History of the Catalan Valleys of Tech and Ter received an EGTC in 2015 and the EGTC of the Pyrénées Méditerranée Euroregion has been based in Perpignan in 2017. Despite this, the cross-border relations continue and are put into effect in the projects and their perpetuation.

Cross-border cooperation in Central and Eastern Europe is a completely different issue. Not only do border relations have to wait to be re-established until after the end of the Cold War, but also research of historians in this geographical area is subject to different material and methodological conditions.

## 3. Central and Eastern Europe

Concerning cross-border cooperation in Central and Eastern it was indeed only after the political changes in the late 1980s and early 1990s that new opportunities for research into border areas began to appear.

Suddenly, East Central European borders became sought-after objects for research. Border Region Studies began springing up like mushrooms for historians. Researchers from Western as well as Eastern European universities and institutes flocked to national and regional archives in Eastern and East Central Europe. As early as the mid-1990s, the first results of this research began to be published, originating from the European University Viadrina in Frankfurt (Oder) and universities in Edinburgh, Ljubljana, Nijmegen, Poznań, Vienna, Wrocław, Zielona Góra, and the South East Institute in Przemyśl.

Informal contacts became an interesting field of research for both economic historians and general historians with regard to borders within the Eastern Bloc. Increasing numbers of historians addressed the question of how the grey area functioned between what was officially recognised as formal and informal. This issue was examined with reference to various border regions. Topical issues were also different when compared to Western Europe. Thus, regardless of whether it was the German-Polish, Polish-Czechoslovakian or the Hungarian-Slovakian border region, smuggling played an important role in the day to day Socialist market economy. Illicit trade helped to compensate for deficits, which were individually more or less pronounced in the various People's Republics (Borodziej, Kochanowski, von Puttkamer, 2010). Shopping tourism mostly occurred in the course of holiday trips or family visits to the other side of the border. Travellers bought goods in larger quantities and then sold them illegally on the other side of the border (Bottoni, 2010; Logemann, 2010). Shopping tourism, smuggling and illicit trade were therefore variously found in unofficial, informal and criminal spheres (Logemann, 2010). Frequently, the so-called "ants" crossed the borders several times a day, but always only carrying the permitted amount of wares, in order to maintain the illusion of legality (Byrska-Szklarczyk, 2012).

### *3.1 Research on conflicts in the past and on reconciliation*

At first, the new post-war order was an area of great research interest for East Central European historians and border region researchers. The majority of changes affected Eastern and East Central Europe in particular. Almost all borders in this part of Europe were given a new guise. Borders and entire populations were shifted, quickly turning into expulsions and displacement of people on a massive scale (Ther, 1998; Schultz, 2001; Stokłosa, 2003). As a result of these forced, and often

violent, movements of populations, the majority of national borders also became unequivocal language borders (Lozoviuk, 2009). Each and every city that has been divided in the 20th century is located in Eastern and East Central Europe. One section of the divided village or locality remained part of the old power and one section became a new part of a different country (Schultz, 2004). In the light of the current debate about migration, numerous historians draw attention to the fact that any analysis on this topic really needs to include consideration of the mass migrations occurring throughout the 20th century if one is to gain any genuine and accurate understanding of this modern day phenomenon.

Above all, East Central European historians discovered and identified the Iron Curtain as a particular type of border. It was the most heavily armed border fortification, built from 1949 on the Hungarian, Czechoslovakian borders and the Western border of the German Democratic Republic (GDR). With the construction of the Berlin Wall, the Iron Curtain achieved a new pinnacle of symbolic power and meaning (Becker, Komlosy, 2004). After the collapse of the Socialist regimes, this border between systems largely lost its specific character and it came to represent a border of prosperity instead.

After the impact and aftermath of World War II had been researched, research into the process of reconciliation took place. Historians began to examine whether, and under what conditions, the consequences of the war and the post-war period might be overcome. However, border region researchers began to address the East Central and Eastern European border regions much later than Western European border regions as the conditions for establishing cooperation simply did not exist in these regions in the post war era. Borders within the former Eastern Bloc had long since been hermetically sealed (Stokłosa, 2003). Following the collapse of the Eastern Bloc, numerous historians then turned their attention to the question of how a shift from divided memories to a common, collective remembrance might potentially be achieved in the Eastern and East Central European border regions. In this respect, the *histoire croisée* approach proved to be particularly helpful (Serrier, 2013).

### *3.2 Cross-border contacts, co-operation and actors*

As the first cooperation since World War II was initiated in the Western European border regions, it comes as no surprise that these regions became the original objective of research on the topic. German-French

reconciliation and development of the sense of neighbourhood in the German-French border regions marked more than just the beginning of ongoing European integration; it was also symbolic of the institutionalisation of cross-border collaboration in Europe (Sternad, Knappitsch, Mundschütz, 2012).

The German historian Helga Schultz identified that cross-border collaboration and cooperation did not develop as a self-organising reality straightaway, even when potentially the most optimal conditions existed, such as a common history, mutual interests, bilingualism, family or kinship relationships and an open border (Schultz, 2004). According to her, clearly, institutionalisation of cooperation is required if functional cooperation is to be achieved. Border regions and above all twin towns need agreements and regulations more than partners within the one state, because two different systems of law, cultures and governances are affected (Schultz, 2009). Euroregions also played and continue to play a significant role in the development of cross-border cooperation and collaboration. In addition to sociologist and economic scientists, historians also began to investigate the impact of Euroregions on the development of neighbourhood relations. As the first Euroregions were established in the Western European border regions, these were logically the first to be analysed.

It was not until much later that Euroregions came to be established, and subsequently researched, in East Central and Eastern Europe (Stokłosa, 2007). After reconciliation on an official level had been researched from all possible points of view, border region researchers turned their attention to answering the question of what preconditions might be necessary to establish understanding and communication on an interpersonal level. In most cases, practical reasons, such as cross-border trade or the use of infrastructure on the other side of the border played a decisive role (Stokłosa, 2012). However, the role of cross-border love affairs and marriages should not be underestimated in this context (Stokłosa, 2014). The shape and form of the neighbourhood depends on a number of factors that will now be introduced individually. In essence, these are always interpersonal relationships, which can have either a positive or a negative impact on the neighbourhood. In regions belonging to two or three different countries, in which there are effectively no villages or towns, meaning no local inhabitants, and, at the most, only border crossing points, it is not possible to discuss the cross-border neighbourhood in any real sense, given that there are no direct

neighbours. The concept of neighbourhood is shaped most strongly in the case of twin cities, in those localities where the past has been divided, and the modern day community belongs to two different countries. Inhabitants of these communities rely on cooperation to a far greater extent that in other regions.

In every border region there has always been a particular group of people who contributed to a greater extent in the process of cross-border cooperation and collaboration. These might be politicians or employees of various institutions for which the social, cultural and/or societal development of the region assumed a high priority. Professional life and business requirements often became a matter of the heart for this group of people. They can also reasonably be called "activists" (Jajeśniak-Quast, Stokłosa, 2000) or "non-traditional actors" (Johnson, Jones, 2014). Specifically, it was this group of people that made a significant contribution to the process of reconciliation and cooperation in the German-Polish border region. What might have started as a professional assignment, quickly became a matter of the heart for these activists and subsequently led to the development of personal friendships (Jajeśniak-Quast, Stokłosa, 2000).

### *3.3 Borders, prejudices and border feelings*

Concerning Central and Eastern Europe, more and more frequently, the issue of prejudices and stereotypes is arousing considerable interest, whether among sociologists and anthropologists or, more recently, on the part of historians. The question is often asked as to whether prejudices that have arisen as the result of painful experiences in the past might be overcome in the present-day, and if so, then how? A particularly relevant example of this sensitive question pertains to the famous prejudice over the "Polish economy" (Orłowski 1996), a prejudice that first emerged in the 18th century, and was adopted in later periods. At issue was the question whether it would be easier to break down this prejudice in the German-Polish border region as a consequence of more frequent cross-border contacts than might be possible in the country's interior. In addition, numerous historians sought an answer to the question of whether cross-border contacts would promote the reduction, or even elimination of prejudices under any circumstances (Besier, 2014). Under what conditions would everyday encounters lead to such a breakdown of

prejudices, and when might this alternately lead to existing stereotypes in fact being strengthened (Borodziej, Kochanowski, von Puttkamer, 2010)?

It is one thing how a neighbourhood looks in individual border regions, but quite another how it is received by the local residents. Steadily, more historians are realising the importance of not simply writing a bare representation of historical events and processes; instead, they are investigating deeper as to how these were retained in the individual and collective memory (Stokłosa, 2014). It is not just conflicts, but also how they are perceived, how they influence and develop emotions, and emotions, in turn, have to do with the experience that a country has had with its neighbouring country or countries in the past. In most cases, living together at the present looks best when there are no markedly bad experiences in the past. However, considering that it is almost always neighbouring countries that have caused a community's bad experiences, it comes as no surprise that fear is mostly turned towards the direct neighbours and that most prejudices are created with reference to these neighbours. In this respect, one can cite the following examples:

> In the past, the Finns have feared the Russians, the Armenians have feared the Turks, the Irish have feared the British, the British have feared the Germans, the French have feared the Germans and the Poles have feared the Germans. By contrast, the Spanish have no problem with the Finns, the Estonians have never had cause to wage war against the Portuguese and the Hungarians are not known to be troubled by murderous thoughts directed at the Swedes. (McCall, 2014, p. 25)

In the German-Polish, Polish-Ukrainian and Polish-Russian border regions, World War II and the immediate post-war era continue to remain at the forefront of consciousness for local inhabitants (Stokłosa, 2013). However, positive experiences have also made a deep impression on the memories of the border region inhabitants. For example, in the German-Polish border region, the first opening of the border in 1972 is one such memory, occurring as it did between two Socialist countries, the GDR and the Polish People's Republic. This event enabled the first contacts between inhabitants on both sides of the border (Lisiecki, 1996). There were various reasons behind people making this border crossing: from shopping trips to going to the cinema or even going to a swimming pool on the other side of the border (Stokłosa, 2003). However, the second opening of the borders can probably be described as more firmly established in the collective memory, possibly also as it is a more recent

event: the opening of the borders between the newly re-unified Germany and Poland in 1990.

The early 1990s saw a whole series of seismic upheavals in the politics of Eastern and Central Europe. German reunification, the dissolution of the Warsaw Pact and Poland's accession to NATO represent just a few. The upheaval in the social and economic systems of the region also had an effect on border controls and Poles and Germans could once more cross their common border without the need for a visa (Jajeśniak-Quast, Stokłosa, 2000). June 1991 saw the conclusion of a treaty between Poland and a re-unified Germany, recognizing the permanent nature of the Oder-Neisse line as the German-Polish border (Stokłosa, 2012). Life in the German-Polish border region after the second opening of the border and the personal experiences there also had a feature in the region's collective memory. Testimonies on life in the divided towns provided by those on both sides of the border include reports of phenomena typical to this period involving criminality, prostitution, smuggling or car theft. Almost all those individuals interviewed mention unemployment, the levels of which were higher than the respective national average on both sides of the border. Nevertheless, both Germans and Poles have retained positive images of the period, involving the cooperation between the two international neighbours in a range of spheres, common meetings as well as cross-border acquaintanceships and friendships (Stokłosa, 2014).

The older borders are, the stronger the sense among the border region's residents that their history represents a common, unifying heritage. This is, however, relevant to a far greater extent for the inhabitants of Western European border regions, in contrast with residents of Eastern European border areas (Schultz, 2004).

## Outlook

Research into border regions represents the abandonment of one's own limited horizon of research to work in an area where exciting cultural processes and interactions take place. However, further comparative studies are certainly needed if the field is to be adequately researched. The research landscape continues to be dominated, for the most part, by case studies from different geographical areas in Europe (Western and Eastern Europe). It would be important to categorise these and to undertake comparative analysis. Furthermore, a greater amount of interdisciplinary

work is particularly important, because it is only through moving beyond one's own discipline and collaborating with other disciplines that the phenomenon of collaboration across borders can truly be clarified. Numerous historians are already reaching out to find methods that might be utilised by representatives from other disciplines, as it is becoming clear that the use of archive resources alone is simply not adequate or sufficient for their purposes. This approach of openness needs to prevail even more without researchers having to fear the criticism that somehow, in the process, one has abandoned the field of historical study.

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# Law

# The diffusion of legal systems in the cooperation of cross-border public entities

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## 1. Introduction. The outline of the phenomenon "diffusion"

The diffusion phenomenon is well-known in the world of science. It is understood as a process of spontaneous mixing of substances.

A similar phenomenon can be observed in the realm of cross-border cooperation law. Neighboring foreign legal systems of two countries, separated by a clear demarcation line, in the border region begin to spontaneously spread beyond the border, delimiting the area of territorial exclusive competence of a specific legal system.

In the case of private and criminal law, diffusion processes are contained in the conflict-of-law rules of private international law and international criminal law. The sources of the former are currently codified in the European Union by the Rome I-IV regulations.[1] In this case, it is for the conflict-of-law rules to clearly define the applicability (e.g. by the national court) of the rules of foreign law.

[1] Regulation (EC) No. 593/2008 of the European Parliament and the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) [OJ L 177, 4.7.2008. p. 6-16]; Regulation (EC) No. 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) [OJ L 199, 31.7.2007, pp. 40-49]; Council Regulation (EU) No. 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation [OJ L343, 29.12.2010, pp. 10-16]; Regulation (EU) No. 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession [OJ L 201, 27.7.2012, pp. 107-134].

However, there is no codification of cross-border cooperation of public entities in a form that could be described as cross-border cooperation law. Firstly, we are dealing mainly with regulations of public and legal nature. However, public international law or administrative international law, within the meaning of the conflict-of-law rule preceding substantive law, in principle exists only as a concept in legal studies. There are no regulations under private international law that are identical with respect to the spatial application of public law provisions, also outside the area of the respective "home" state.

In practice, however there exist several cases where public entities (States, regional authorities, local authorities, public enterprises, etc.) interact with entities of the same nature in another country. One of the major areas in which this interaction takes place is cross-border cooperation. This specific field illustrates which mechanisms cause diffusion of legal systems in the area of public law. This requires, in the first instance, defining the concept of cross-border cooperation.

## 2. The Notion of Cross-border Cooperation

German national law does not contain a definition of cross-border cooperation, although it uses the term (grenzüberschreitende Zusammenarbeit), e.g. the Constitution of the Land Mecklenburg-Vorpommern[2] (Art. 11) or the Baden-Württemberg Spatial Planning Act (Art. 17 Landesplanungsgesetz BW[3]). Despite these two legal sources there are scarcely definitions of cross-border cooperation that can be found in the German legal documents. Hence, the legal sources for cross-border cooperation can be found in supranational law, in particular the law of the Council of Europe and of the European Union.

One of the most important and reliable definitions for further consideration is the 1980 Madrid Outline Convention[4] in Article 2: "For the purpose of this Convention, transfrontier co-operation shall mean any concerted action designed to reinforce and foster neighborly relations between territorial communities or authorities within the jurisdiction of

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2 Verfassung des Landes Mecklemburg-Vorpommern of 23 May 1993 [GVBl. M-V 1993, p. 372].

3 Landesplanungsgesetz of 10 July 2003 (GBl. 2003, p. 385).

4 European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, Madrid, 21.V.1980 (ETS No. 106).

two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose." Transfrontier co-operation shall take place in the framework of territorial communities' or authorities' powers as defined in domestic law.

By contrast, EU law indicates that cross-border cooperation is part of a larger picture, which is referred to as territorial cooperation. Article 2 ETC-Regulation,[5] therefore, defines cross-border cooperation from the perspective of the European Union as: cooperation between adjacent regions to promote integrated regional development between neighboring land and maritime border regions in two or more Member States or between neighboring border regions in at least one Member State and one third country on external borders of the Union.

It follows from these quiet general definitions of cross-border cooperation that the concept is based on the interaction of public actors (regions or communities and territorial authorities) in the joint implementation of decisions, strategies, policies and measures.

The objectives of these actions may vary. The European Territorial Cooperation objective is "to promote integrated regional development" and in the scope of application of the Outline Convention "reinforcement and fostering of neighborly relations". However, this does not affect the diffusion process itself, which is catalyzed by joint action solely.

## 3. The Effects of Diffusion in Theory and Practice

The spontaneous diffusion seems to have negative effects on entities that move between legal systems.

For public law bodies (actors and institutions from territorial cooperation) it is important that their activities do not only have a legal basis (rule of law) but also fall within the scope of their national legislation. Otherwise, cross-border cooperation activities may be legally invalid. The invalidity of agreements, liabilities or accounts may also have significant economic consequences. Activities performed outside the permitted area can also have political implications.

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[5] Regulation (EU) No. 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal.

For private law bodies (individuals), on the other hand, it is crucial to know which health and/or social security system (pensions, family benefits, unemployment benefits) is appropriate for them and their family members. In the case of so-called cross-border workers (commuters), however, this is not so clearly defined. In some cases (where one of the family members is a cross-border worker and the other works exclusively in his place of residence), there may even be complex combinations (patchwork of legal systems) of tax law, social security law, etc.

## 4. Diffusion and related phenomena

The catalyst for diffusion is the political will and the necessity for cooperation. In general, cross-border cooperation is performed to carry out tasks together in order to achieve maximum efficiency and a favourable economic balance.

The following examples will show the areas in which legal systems diffuse across borders. For the first time there is a diffusion with the initiation of cross-border cooperation.

### *4.1 The Undertaking of cross-border cooperation by public entities*

Nation-states are quite reluctant in dispensing national regulations concerning cross-border cooperation of their units. For clarification, Poland represents a good example of a cautious approach to cross-border cooperation between public entities.

#### *4.1.1 The national law as basis for cross-border cooperation*

Poland has not ratified any of the Additional Protocols to the Madrid Outline Convention for Transfrontier Cooperation.[6] Therefore, Polish local governments have almost no freedom and leeway in conducting paradiplomacy – the so-called small/regional foreign policy. Article 172(2) of the Polish Constitution empowers local governments solely to join international associations of local and regional communities and to cooperate with local and regional communities in other countries. The details of joining and acting as a member of associations are regulated

[6] Officially "European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities".

by the Act on the principles of accession of local government units to international associations of local and regional communities.[7] However, this act explicitly prohibits the delegation of public tasks to associations in a broad sense and associations of international character. Therefore, under Polish law, Polish self-governmental entities cannot perform public tasks with any foreign self-governmental entity by creating a joint unit. In the remaining scope, however, the Constitution entitles Polish local governments to cooperate with local and regional communities of other countries, but without creating joint structures. In this respect, the self-government regulations only repeat this competence and give it the status of a municipality's own task (Article 7 (1) (20) of the Act on Municipal Self-Government). In other respects, however, there is a legislative vacuum, so it is not clear what the nature of cooperation between municipalities and local and regional communities in other countries can be.

German local authorities, on the other hand, can rely directly on Article 28(2) of the GG (BVerwG, 1991, p. 685; Niedobitek, 2001, p. 402). This implies a general competence to undertake cross-border activities, provided that the implementation of the task in such a form is related to activities for the benefit of the local community in a given local governmental unit. Thus, Article 28(2) of the German Constitution, which grants local authorities a broad right to autonomy in the performance of their own tasks, also grants them a comprehensive right to cooperate with local authorities in other countries (Storbeck, 2016, p. 60). This interpretation of constitutional regulations is supported by the 1980 Madrid Outline Convention, which encourages the Member States of the Council of Europe to facilitate cross-border cooperation.

As a result of these differences, in the case of the intention to cooperate between Polish and German entities, we are dealing with the activity on completely different legal bases. Any attempt to take joint action shall be limited in each case to the spectrum of tasks assigned by the national law to the body to which its national law confers a lesser remit in cross-border cooperation. In this situation, diffusion is based on the fact that the law of this (Polish) entity determines also the possibilities of cooperation of another (German) entity. Thus, Polish law in a way also restricts German local governmental units in their ability to cooperate with entities from Poland.

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7 Act of 15 September 2000 (*Journal of Laws* of 2000, No. 91, item 1009, as amended).

Due to the very low competences of Polish self-governments, cooperation is basically limited to the participation of Polish entities in associations. Hence, little legal interaction across the German-Polish border is the logical direct consequence.

### 4.1.2 International Law as basis for cross-border cooperation. Conventions of the Council of Europe

These problems, caused by the incompatibility of national law, should be addressed by international agreements. These bi- and multilateral agreements create a uniform legal basis for cooperation between all countries. Actors and institutions of cross-border cooperation can, thence, rely on the same legal standards.

However, the condition for cooperation by applying a universal legal instrument is the ratification by the states whose local authorities intend to join cross-border cooperation structures. The absence of such ratification virtually eliminates the possibility of cooperation. This is the current situation on the Polish-German border. Firstly, the so-called Treaty of Good Neighborhood and Friendly Cooperation (from 1991) does not provide a legal basis for direct cooperation between local governments. Secondly, of these two countries, only Germany has ratified the 1980 Madrid Outline Convention with all its additional protocols. Poland has limited itself to ratifying the Convention itself, and this does not allow the creation a legal basis for direct cooperation. It merely encourages the Member States to create such a basis by means of international agreements, models of which are annexed to the Convention. The legal basis for undertaking cross-border activity is generated only by the 1995 Additional Protocol,[8] the application of which was extended to interregional cooperation by Protocol No. 2.[9]

This is not the case, however, for cooperation between local authorities from countries which have either adopted specific cooperation agreements under the Madrid Convention or adopted additional protocols, which contain appropriate competences of cooperation. In this case, local

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8 Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159). Strasbourg, 9.11.1995.

9 Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communties or Authorities concerning interterritorial co-operation (ETS No. 196). Strasbourg, 05.05.1998.

governments meet at one common level. Only to the extent that the provisions of the Protocols or of multilateral or bilateral agreements do not lay down rules on cooperation shall national provisions be applicable. In this case, instead of diffusion, other authors use the concept of coexistence: "It is not a matter of contacts, competition or a clash of legal systems which form the basis for the establishment of conflict-of-law rules, identifying a single legal order among several competing legal systems" (Kusiak-Winter, 2015, p. 29).

#### *4.1.3 Conclusions*

If cross-border activities are based on international or EU acts, it is a uniform legal basis. The actors and institutions in cross-border cooperation, hence, rely on the same rules. Therefore, diffusion is only apparent where − under the provisions of national law (e.g. constitutional law) − the application of universal provisions takes place. In this case, national regulations come into play only to a limited extent, to the extent that they supplement the provisions of an international agreement. This applies in particular to elements such as materiality, forms of action and the law applicable to the actions undertaken. Rather, it is an example of coexistence.

Co-existence also exists where cross-border cooperation is undertaken solely on the basis of national law. They define not only competences, forms of action, responsibilities, etc., but first of all they determine the right to take any action in the international sphere.

### *4.2 Diffusion based on the power of European law and the European Grouping of Territorial Cooperation*

However, the situation is different when legal norms from one country start to determine the situation of legal entities on the other side of the border. In this case, the rules of law are in fact being transposed beyond the limits of their territorial validity. Such a phenomenon can be described as diffusion.

#### *4.2.1 The EGTC – General Information*

The Member States have not explicitly equipped the EU with the competence to regulate the possibilities of cross-border cooperation. Nevertheless, in 2006, the EU has decided to create so-called European

Groupings of Territorial Cooperation (EGTC). It has, thus, been made available to EU public bodies (Member States, their regions and local authorities, public undertakings, bodies governed by public law, undertakings entrusted with operations of services of general economic interest and their associations – Article 3(1) EGTC-Regulation[10]) a cooperation instrument with an own legal personality. EGTC's shall act through their own institutional bodies internally and externally. They have a budget and can recruit staff. They shall carry out the tasks entrusted to them by their members, considering that all of them have the appropriate competence. However, EGTCs may not exercise powers of sovereign nature. The issue of universally binding legal acts by groups, as well as judicial and police activities, are explicitly excluded.

EGTCs are quite controversial in political discourses, because of the Union's competence to reach in into the natural competences of the nation-states. On the one hand, EGTC's are treated as a rather flawed instrument. Although they have a legal personality that allows them to participate in legal transactions on their own, most of them are limited to coordinating or lobbying activities for the benefit of the member regions. However, EGTCs may also perform "hard" tasks, such as building and managing a common infrastructure (Article 7(4) EGTC-Regulation).

As the EGTC Regulation is directly applicable in all Member States, it creates a uniform basis for cross-border cooperation between the entities defined in Article 3, but it does not regulate all issues relating to the groupings, a certain sphere of issues relating to participation in an EGTC is subject to national law which is foreign to at least one member of the grouping. As a rule, this is the law of the country where the EGTC has its seat (Article 2(1)(c) EGTC-Regulation). Thus, firstly, a body governed by public law of one of the EU Member States, in so far as it acts in a grouping, is subject to certain rules of foreign law. Secondly, a grouping, acting by its very nature on a cross-border basis, becomes a transmission belt for the regulation of its home country to the country in which it performs its tasks.

[10] Regulation (EC) No. 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) [OJ No. L 210, 31.7.2006, pp. 19-24].

### *4.2.2 The Diffusion of the Legal character of the EGTC*

The first issue is well exemplified by the legal nature of the EGTC. Without going too much into detail, it should be mentioned that the EGTC Regulation does not define its legal nature, leaving this to the national law of the EGTC's seat (Kubicki, 2017, pp. 105-107). Polish law indicates that groups based in Poland are treated as private law associations (Article 3 of the Polish EGTC-Act[11]). Therefore, foreign entities participating in EGTC which has its registered office in Poland submit to the Polish law on associations within the scope of participation in an EGTC.

However, the legal nature of an EGTC in which foreign entities participate is not limited to the country where the EGTC has its seat. By its very nature, a grouping operates across borders. Therefore, the legal nature of this grouping is also exported to other countries, including those whose members belong to the EGTC. A grouping operating outside its home country shall retain the status it enjoys in its home country. Entities from other countries, including members of the group, must therefore respect this state of affairs, even if their own laws do not allow them to operate under such a formula. It is, therefore, clear that the laws of the home country determine the forms of cross-border cooperation on each side of the border, including the compliance of public entities with the rules of participation in a common institution.

### *4.2.3 Choice of law applicable to the operation of an EGTC*

In the latter case, an EGTC governed by the national law of its country of establishment when establishing itself abroad shall continue to be governed by the law of that country if it has been designated by its members under Article 8(1)(j) of the EGTC-Regulation as the applicable law, either directly affecting the activities of the EGTC carried out under the tasks listed in the convention or because it is the law of the country where the EGTC is established (Article 8(1)(g) of the EGTC-Regulation).

This means that an EGTC is subject to only one set of rules, even if it carries out its tasks across borders. It, therefore, carries out its activities under the law of its domestic nation-state, even if these tasks are carried out outside its borders. In this way, the rules of the member state of the

[11] Act of 7 November 2008 on a European grouping of territorial cooperation (Dz.U. 2008 No. 218, Pos. 1390).

EGTC establishment determines the legal regime of the grouping and it's activities.

This is not a choice of law as a response to conflicts of laws, but refers to an "export" of law abroad (Krzymuski, Kubicki, 2014, p. 1341). The rules set out in the convention "migrate" together with the EGTC to another country and even there determine the legal regime of the grouping's activity.

#### 4.2.3.1 A specific case – joint cross-border public procurement

A slightly different constellation exists in the case of joint public procurement where a grouping has been given the task of carrying out cross-border procurement as a joint entity (Article 39(5) of Directive 2014/24/EU[12]).

The award of contracts by a joint cross-border body shall be subject to the determination of the law applicable to the procedure. The selection is made by the members of the unit through a resolution of the competent authority (e.g. an EGTC's members' assembly), in accordance with the requirements laid down in the unit's statutes. Here the choice of law is a conflicting one. The assessment of its effectiveness and scope is, therefore, governed by the Rome I Regulation. The choice of law must be in favor of the law of an EU Member State. However, the chosen law does not necessarily have to be the law of the seat of the common entity. It may also be the law of any other country where the common entity operates (Article 39(5) of Directive 2014/24/EU). It is also possible to diversify the procedures in terms of substance or territory and to subject them to different rules.

However, whatever the model chosen by the contracting authority is, a joint procurement must not lead to "the avoidance of mandatory rules of public law which are compatible with Union law to which they are subject in their own Member State" (Article 39(1), second sentence, of Directive 2014/24/EU). Point 73 of the introductory part of the general directive indicates that this may in particular be the case for "rules on transparency and access to documents or specific requirements for the traceability of sensitive supplies". However, the Directive does not specify in detail the consequences of attempts to circumvent such provisions. The literature

[12] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, pp. 65-242).

only states in general terms that cooperation undertaken to circumvent these provisions will be "not in compliance with the Directive" (Pawelec, 2015; Art. 39, No. 2). It seems that Article 9 Rome I-Regulation should be applied in this respect and that these provisions should be treated as "Overriding mandatory provisions".

Thus, once again, an EGTC may carry out public procurement on the territory of a country other than its country of origin in accordance with the rules in force in the country of origin of the EGTC, in case that the members decide it this way. Therefore, it is clear that a foreign system of public procurement law has been penetrated into the territory of another country. The only restriction for this diffusion is the mandatory rules laid down in Article 39(1) of the Directive 2014/24/EU.

#### 4.2.3.2 Forms of action of public entities

Another example of the diffusion of law in another country is the cross-border validity of public authority acts. This is understood to mean decisions taken by administrative authorities which have a binding effect on the legal position of other entities. These acts are of an individual (administrative act, administrative decision) or general nature (resolutions, acts of local law).

In general, in accordance with the principle of territoriality, the effect of acts of a sovereign nature is limited to the territory of the state whose authorities issued the act. For the area of cross-border cooperation that we are interested in, it is a different issue as the ruling act is valid in a cross-border context and comes from, for example, a common cross-border institution.

International agreements (bilateral or multilateral) do not contain provisions allowing for the delegation of sovereign powers to international entities. The EGTC has also been expressly prevented from acting in a sovereign manner (see Article 7(4) of the EGTC Regulation). The Karlsruhe Convention (von Malchus, 2006, p. 35) and the German Constitution in Article 24(1a) of the GG represent slight exceptions here.

In the latter case, the German federal states (*Bundesländer*) are entitled to transfer certain competences to a cross-border institution. This shall be subject to the condition that the Länder are allowed to exercise the relevant competences and that the Federal Government give its consent.

This provision takes into account the fact that "specific problems in border areas can only be effectively and sustainably solved in cooperation

with a neighboring country" (Heintschel von Heinegg, Art. 24, point 24). The powers of attorney which may be conferred on a common body shall cover the area of activity which is established by binding legal acts and which can be exercised only by means of authentic acts (Heintschel von Heinegg, Art. 24, point 26 and 8). It is, therefore, a question of the power to implement directly applicable law (Kotzur, 2004, p. 213). It does not matter whether the implementation takes place by means of general and abstract acts (resolutions, regulations) or by means of specific and individual acts (administrative acts and decisions) (Kotzur, 2004, p. 219). As a result of the transfer of the right to exercise these rights to a common, cross-border institution, it is possible for this institution to influence, by means of unilateral legal regulations, directly and without the need to mobilise indirect state instruments, all entities which until now have been subject to the authority of only one − their own – state (Beck, 1995, p. 77; Kotzur, 2004, pp. 218-220). In this way, a cross-border institution can, under the law it is subject to, adopt resolutions or adopt individual acts that are binding in the territory of several countries. Such acts may include, for example, rules for the use of common infrastructure (including e.g. charging) as well as measures of a police and security nature.[13] The aim of such activities should, primarily, be to facilitate the joint implementation of public service tasks in the border area (Kotzur, 2004, p. 215). At the same time, however, the provisions adopted/issued by a common entity in the territory of another state are diffused, along with foreign formal and material provisions regulating the achievement of such acts and their content.

Since Germany's neighboring countries do not contain comparable provisions, which is an absolute prerequisite for a cross-border institution, the constellation considered remains theoretical.

### *4.3 Scientific attempts to master the process of diffusion*

It was mentioned at the beginning that, unlike in private law, there are few sources of law aimed at ordering or at least controlling diffusion processes. Proposals for change are outlined below.

[13] Bundesrat-Drucksache No. 360/92, point 15.

### *4.3.1 International Administrative Law*

The best-known instrument to regulate the diffusion process of legal systems is the International Administrative Law (IAL). The broad concept of IAL includes both conflict-of-law rules and rules on the substance and system of law (Maciejewski, 2013, p. 760). Peine, conversely, refers to the term IAL only as a conflict-of-law rule, as a reference law, which precedes substantive law (Peine, 2014, pp. 947 and 953); in the same way as Ohler, who describes this realm as a public conflict-of-law rule (Ohler, 2005, p. 5).

A IAL may function as a conflict-of-laws rule in the sense that it determines which national public law will apply to which state (Maciejewski, 2013, p. 763; Peine, 2014, pp. 947 and 953; Beyerlin, 1989, p. 323). Originally, it was assumed that the IAL rules of conflict-of-laws law referred exclusively to their own law (Beyerlin, 1989, p. 323). However, it appears that multilateral conflict-of-law rules should already be permitted (Beyerlin, 1989, p. 323).

The sources of law can be national regulations as well as international agreements (umbrella conventions) and EU law (Ohler, 2005, p. 5).

In the area of cross-border cooperation, the so-called European Cross-border Convention has a chance to obtain the status of an act containing conflict-of-law rules for public law provisions (Working Group…, 2017, p. 17). According to the information provided, the Convention can be considered as a tool enabling the application of administrative or legal regulations applicable in a neighboring Member State in a geographically defined border area for the duration of a given project (Working Group…, 2017, pp. 4-5). The application of foreign rules would be based on a decision by the relevant authority of a Member State and on a convention on the application of foreign rules in another State. The regulation of the procedure for obtaining consent on the use of foreign rules is to be regulated in an EU regulation modelled on the EGTC regulation (Working Group…, 2017, p. 7).

At the moment, it is difficult to assess the chances for implementation of the above solution and the perspective in which the adoption of appropriate regulations may be expected. However, if this solution would

be adopted, the diffusion process would have a solid legal basis. In 2018, the Commission has proposed these solutions by means of a regulation.[14]

### 4.3.2 A proposal to apply the "de minimis rules" to cross-border cooperation (J. Beck)

A similar solution was proposed by Joachim Beck. In his view, member states are free to accept the application of foreign rules within their own territory to a certain extent ("de minimis") by virtue of their decisions (Beck, 2014). In his view, on the basis of the principle of mutual recognition, provisions could be made to sanction the application of foreign rules on an exceptional basis (Beck, 2015, p. 21). Beck notes that the percentage of situations requiring recognition is so small that it will not cause a fundamental breakthrough in the system of a given country. It should also be remembered that the European Union is creating a "European Administrative Space" whose principles are common to the Member States and based on democratic values. Therefore, the acceptance of "imported" rules at a certain minimum level should not lead to an undermining of the domestic system. This solution is much simpler in comparison with the aforementioned convention, as it requires only the legislative activity of one country.

## 5. Conclusions

It becomes more and more obvious that public law in the EU member states, like civil law, is increasingly leaving its own territory and migrating abroad. One of the most active catalysts for the process of transferring one's own legislation to another is probably the area of cross-border cooperation between public entities (central, regional and local authorities, and public enterprises providing services of general economic interest). This is due to the fact that the actors of this cooperation are interacting more and more intensively. The possibilities for joint action and the creation of joint institutions (e.g. EGTC) are followed by the problem of taking into account public-law regulations on both sides of

[14] Proposal for a Regulation of the European Parliament and of the Council on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (COM/2018/374 final − 2018/0199 (COD)).

the border. These laws often appear in a foreign legal space spontaneously or are "imported" by citizens moving around in neighboring legal systems.

More and more instruments are emerging that want to frame this diffusion process. A system of international administrative law is therefore emerging before our very eyes which, like private international law, creates conflict-of-law rules for public law. Its origins can be seen in the rules on joint cross-border public procurement. At the EU level, the idea of a comprehensive regulation of this issue by means of a cross-border convention instrument is emerging. By contrast, science has a concept based on mutual recognition of public and legal regulations. It starts from uniform standards in the European Administrative Area.

Therefore, we should expect further development of this process and, to some extent, "de-territorialisation" of provisions related to cross-border cooperation.

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# Cross-border cooperation in the field of EU Energy Policy

## Legal tools for an effective transnational space of access to energy

Fréderique Berrod, Louis Navé

It is a paradox to consider that the EU developed a very substantial set of rules and legal principles to allow for free movement of goods, services, capitals and persons and neglected to concentrate its legal action on cross-border cooperation. Article 197 TFEU gave the EU the task to develop cross-border cooperation as a means to implement EU acts. The formulation is very cautious to respect the institutional and procedural autonomy of member states, acting as executive power of the EU.[1] That is why "the Union *may* support the efforts of Member States to improve their administrative capacity to implement Union law. Such action may include facilitating the exchange of information and of civil servants as well as supporting training schemes".[2]

The EU has more efficiently invested in such cooperation via INTERREG to boost an inclusive cooperation between the 40 existing borders in the EU and the EFTA countries. As the Commission stated in its communication issued in September 2017: "Border regions are places where the European integration process should be felt most positively – studying, training, working, caring and doing business across borders are all daily activities that should be possible regardless of the existence of an administrative national border. […] Measures that go beyond European funding are needed as these ongoing difficulties cannot be addressed through financing and investments alone. This Communication

1 Article 291(1) TFEU.

2 Article 197(1) TFUE (Underlining added).

highlights ways in which the EU and its Member States can reduce the complexity, length and costs of cross-border interaction and promote the pooling of services along internal borders".[3]

As it is underlined in the aforementioned communication, the transposition of Directives allows for a differentiated application of EU law, which can entail specific obstacles to free movement at the border between two member states.[4] A document written by the "Mission Opérationnelle Transfrontalière" (MOT) in France in 2015 described and categorized these remaining obstacles to cross-border cooperation developments.[5] Our study will use these results and will try to show which specific European tools have been developed in the energy sector, and in the building of an Energy Union.[6]

The energy sector offers an interesting field for analyzing what should be done to make cross-border cooperation more efficient. EU rules provide for a robust framework that guides the action of all the actors involved in energy. Three series of Directives and Regulations have organized the liberalization of energy markets since 1996, to reinforce the security of supplies of the EU and to guarantee the protection of EU consumers. The purpose of these legislative acts was to reduce the obstacles at national borders and to enhance competition between undertakings within national markets (Berrod, Ullestad, 2016). One of the main problems encountered in this process was to enable the free flow of gas and electricity whereas limited physical connection existed, and as national networks were not always compatible. The 2017 report by

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3 Communication from the Commission, Boosting growth and cohesion in EU border, COM(2017) 534 final, Brussels, 20 September 2017.

4 The Commission reminds for example that "Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement contains 19 instances where minimum standards apply, for example on setting specific time limits. This creates 19 potential occasions where cross-border public procurement can be particularly difficult, as certain Member States will apply longer deadlines than others".

5 Trans-frontier Operational Mission, "Preparation of the Luxembourgish Presidency of the EU Council, Cross-border Cooperation : Obstacles to Overcome", 19th May 2015. Retrieved from http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/Documents_MOT/Etudes_Publications_MOT/Obstacles_to_CBC_LU_EU_presidency.pdf, accessed 7 May 2018.

6 Communication from the Commission "A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy", Energy Union Package, COM(2015) 80 final, Brussels, 25 February 2015.

ACER on the internal electricity and gas markets[7] shows that only a very limited amount of the cross-border capacity is actually used and offered to trade on the electricity market. Apart from technical obstacles, free trade is also limited by national concerns on security of energy supply. It means that security is still largely organized at (and from a) the national level. National authorities tend to favor national energy supply, thus sometimes neglecting the contribution of cross-border exchanges to energy security. This practice, that the Commission tried to tackle through the Clean Energy for All Europeans package of 2016,[8] goes along with detrimental consequences on energy prices across the EU, and the need to invest in new capacities in the electricity sector, despite the potentially available capacities across the border. Cooperation between experts is therefore an important requirement for the effective functioning of the internal energy market.

Such cooperation has been critical as the very organization of energy markets was characterized in Europe by national markets closed by national monopolies from the production to the supply of gas and electricity. The development of the internal energy market and the implementation of competition rules in the gas and electricity sectors have resulted in the multiplication of regulatory and technical agencies and actors. As it occurred for the reorganization of other network industries, the energy sector is now characterized by a network of bodies and agencies that exercise control over the sector, and allow it to function properly. This notably led the European Commission to come up with a legislative proposal on Governance of the Energy Union, to ensure that "policies and measures at various levels are coherent, complementary and sufficiently ambitious".[9] Despite the development of a general framework and rules, the actual functioning of a European energy market falls to national authorities and depends on their cooperation.

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7 Agency for the Cooperation of Energy Regulators, "Annual Report on the Results of Monitoring the Internal Electricity and Gas Markets in 2016 – Electricity Wholesale Markets Volume", October 2017. Retrieved from http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Publication/ACER%20Market%20Monitoring%20Report%202016%20-%20ELECTRICITY.pdf, accessed 7 May 2018.

8 See European Commission, "Proposal for a Regulation of the European Parliament and of the Council on the internal electricity market", COM(2016) 861 final/2, Brussels, 23 February 2017.

9 European Commission, "Proposal for a Regulation on the Governance of the Energy Union", COM(2016) 759 final/2, Brussels, 23 February 2017.

To some extent, cross-border cooperation remains a weak link for the completion of the internal energy market. Cross-border flows of electricity and gas heavily depend on physical constraints and the development of cross-border interconnection capacities. However, the need to operate and the possibility to use these interconnections in a coordinated manner largely rely on the cooperation of a series of national authorities. The development of the internal energy market and a European energy policy require enhanced cross-border cooperation between those national authorities. This cooperation is organized at EU level, but is ensured in practice at local level. Due to the technical difficulties encountered by undertakings or consumers in borders regions to get access to the market or to materialize their right to choose their energy provider, specific European tools have been developed. They are not based on article 174 TFEU, such as the European grouping of territorial cooperation (EGTC),[10] but are adopted according to article 194 TFEU. The latter legal basis has been introduced by the Lisbon Treaty. It gives the EU harmonization competences to realize the four objectives laid down in the treaty: to ensure the functioning of the energy market; to ensure security of energy supply in the Union; to promote energy efficiency and energy saving and the development of new and renewable forms of energy; and to promote the interconnection of energy networks. It gives also a strong influence to member states, which have protected their exclusive power of decision on their energy mix. Therefore, the successful articulation of the EU and national competences is of a particular importance. Energy is the vital flow of the internal market. The EU has contributed to create a network of national authorities based on formal coordination forums, as well as on more hierarchically designed models of governance with the creation of a European Agency for Coordination of national regulatory authorities.[11] Cooperation is based at the same time on constraints and voluntary coordination, and thus led to a more effective functioning of regulated sectors such as energy. To allow the energy internal market to deliver, this cooperation will provide a set of technical common standards

[10] See Regulation (EU) 1302/2013 of the European Parliament and of the Council of 17 December 2013 on a European grouping of territorial cooperation (EGTS) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings, (OJ 2013 L 347, p. 303).

[11] Regulation (EC) 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators (OJ 2009 L 211, p. 1).

and will authorize the Directives of liberalisation to be effectively applied in a more uniform manner on the entire territory of the EU. More recently the research of common solutions for cross-border cooperation led to solidary regions within the internal market, supported by a specific institutional framework. It results in a new internal market design based on a systematic cross-border cooperation between member states.

Cross-border cooperation between national administration and experts is therefore needed and organized by EU law. The energy sector could play the role of a model to effectively build a space of cooperation based on multi-dimensional cross-border cooperation (Part 1). The legal dimensions of such a space of cooperation are completed by its legal materialization. The EU has provided for many concrete solutions to secure the effective application of cross-border activities. Specific tools have been designed to enshrine energy flows into an effective space of cross-border economic development (Part 2).

## 1. The legal multi-dimensions of a cross-border space of cooperation

The continuous functioning of internal market since 1958 induces flows of goods, services, capitals or persons crossing national borders. We can conclude that, from this point view, the legal rules and principles developed by the Court of Justice of the EU and the European legislation is satisfactory.[12] What is much more complicated is to guarantee that national borders do not constitute a space of non-mobility because of diverging national legislations, incompatible legislative and administrative practices or even lack of common territorial planning. To transform the border into a space of cooperation, EU law is needed to organize an effective multilevel governance (1.1). The development of the principle of free access to energy for each EU citizens also implies a legal framework to organize the horizontal dimension of cross-border cooperation. It is somewhat more difficult as it is based on the complementarity of a multi actor governance (1.2).

[12] Even if evolutions are still needed to adapt the internal markets to these new objects (see the Digital Single market) or to get rid of persistent national obstacles to free trade (see the problems faced by the free movement of services in this respect).

### 1.1 Vertical dimension of cross-border cooperation: elaborated multilevel governance

It is quite easy to understand that the effective functioning of the internal market needs a strong cooperation between member states. States have always been an essential actor of international cooperation. Such cooperation is even a strategic tool to make the internal market efficient for undertakings and consumers. As the Court of justice of the EU recently restated in its *Altun* judgment,[13] cooperation between national administrations is a key principle of EU law, which is especially relevant considering the role of administrative cooperation in the internal market. Administrative cooperation is a result of the principle of sincere cooperation which lies on EU institutions and Member States,[14] and has proven to be useful in the energy sector. Indeed, this fundamental principle helps organizing the relations between the European Commission, which has an important role in this sector, and the national authorities that are involved in the functioning of the European energy system. The EU had to define some common principles to allow for effective cross-border cooperation, which is necessary for the proper functioning of gas and electricity markets.

The establishment of the rules on the internal energy market results from the application of Regulations and Directives by national authorities. This entails a risk for the uniform application of EU rules (Lavrijssen-Heijmans, Hancher, 2008, p. 127), but it also introduces more flexibility into their actual application. The implementation of EU law primarily resorts to national administration according to the so-called principle of indirect administration. By this administrative organization, national authorities keep a certain room for maneuver, in order to implement national priorities when they are compatible with EU objectives. To avoid discretionary decisions bound to national political interests, the EU Directives organizing the internal energy market imposed the creation of independent regulatory authorities.[15] These national regulatory authorities

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13 Judgment of 6 February 2018, in Case 359/16, *Altun e.a.* (published in the electronic Reports of Cases).

14 Article 4(3) TFEU.

15 See especially Directive 2003/54/EC of the European Parliament and of the Council concerning common rules for the internal market in electricity, (OJ 2003 L 176, p. 37), and Directive 2003/55/EC of the European Parliament and of the Council concerning common rules for the internal market in natural gas (OJ 2003 L 176, p. 57).

(NRA) are in charge of the day-to-day functioning of the internal market. Their most important task is to guarantee an effective access of gas and electricity to national markets, especially by ensuring the independence of Transmission system operators (TSOs).[16] In close cooperation with competition authorities, NRAs must also pay heed to any abuse of dominant position by former state monopolies.[17] This control by NRAs' is therefore necessary to the functioning of the internal market, and this is why their powers have been reinforced in 2009, to allow them to sanction illegal practices of energy operators on national markets.[18]

Free movement of energy on gas or electricity infrastructures implies trans-border cooperation. Energy infrastructures have been built by member states on a national basis. This means that free flow of energy between member states is difficult due to many technical barriers. As the EU energy policy has been developed since the Lisbon Treaty entered into force, the EU institutions decided to organize a common entity to develop a European expertise to solve common problems encountered by NRAs. According to the priority given to the internal energy market in article 194(1) TFEU, the EU institutions proposed to format a European approach to guarantee a more uniform access to national markets.

That is why the Agency for the Cooperation of Energy Regulators has been created in 2009. Its objective is to develop cooperation between national agencies to make the internal market a common level-playing field. The negotiations for the creation of the ACER were mainly concentrated on its powers: is it a simple forum of discussion or should it be a European regulatory body? The ACER is actually empowered to advise the Commission but is mainly concentrated on the activation of the cross-border cooperation to design the technical conditions needed to regulate the trans-border flow of energy. In case of conflict between national regulatory authorities, the ACER can even adopt binding decisions concerning the right to access to trans-border infrastructures.

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16 See, for instance, article 36 and 37 of the Directive 2009/72/EC of the European Parliament and of the Council concerning common rules for the internal market in electricity (0J 2009 L 211, p. 81).

17 See, for instance, the fines imposed by the *Autorité de la concurrence* to ENGIE for abusing its dominant position by having used historical data files of to convince its customers into choosing its offers regarding contracts for gas and electricity, http://www.autoritedelaconcurrence.fr/pdf/avis/17d06.pdf, accessed 9 May 2018.

18 According to article 37(4) of Directive 2009/72/EC, regulatory authorities are granted powers such as "to carry out investigations", or "to impose effective, proportionate and dissuasive penalties".

It also regulates the activities of the TSOs, especially devoted to the operational functioning of trans-border cooperation. It is interesting to see that the EU must act to establish a legal framework for trans-border cooperation. In the field of energy, such a regulatory intervention is fairly logical, as it results from an operational cooperation between national experts. The EU had to incorporate national authorities into a real European administrative network to enable the EU to implement its rules governing the internal market of energy. The common agency is playing a role of coordination of the national regulatory agencies, which should be enhanced in the next reform discussed in 2018.[19] It institutionalizes a bi-dimensional administrative cooperation between EU institutions and member states and between national regulatory agencies.

The need to organize the administrative and technical cooperation to guarantee the application of the Directives in the gas and electricity markets induces a constant movement of reinforcement of a vertical cooperation between technical entities independent from national administrations. The traditional cooperation between member states is not sufficient to monitor the day-to-day coordination needed to administer free movement of energy within the EU.

### *1.2 Horizontal dimension of cross-border cooperation: complementarity in multi actors governance*

Despite the progressive constitution of a structured and somehow hierarchical network of administrative and technical bodies in the energy sector, this infra-state level has long remained poorly organized and coordinated. This impression mainly stemmed from the lack of common rules and the profusion of new authorities, and advisory or representative bodies. The first steps of the creation of an internal energy market were primarily focused on the reorganization of national administrative and market structures, with little emphasis on the transnational issues that would eventually arise. That is why horizontal structures of cooperation have progressively taken place to create the conditions of a cooperation among actors of the energy system in the EU (see Scott, 2017).

From the beginning of the liberalization process, the need to create special forum of discussion between national experts has always

[19] See European Parliament, Legislative Observatory, 2016/0378(COD), 30 November 2016 Legislative proposal, http://www.europarl.europa.eu/oeil/popups/summary.do?id=1466642&t=e&l=fr.

existed. The Madrid,[20] Florence,[21] London[22] and Copenhagen[23] forum have gathered national experts to exchange views and find coordinated approaches. The Madrid Forum, for example, was created to discuss issues regarding the creation of the internal gas market. The participants gathered national regulatory authorities, EU national governments, the European Commission, Transmission System Operators, gas suppliers and traders, consumers, network users, and gas exchanges. The objectives of such discussions are to address the implementation of the network codes and the cross-border trade of gas and other technical and commercial barriers to the creation of a fully operational internal gas market. The advantage if such forum is that it mixes different national and EU experts, European and national authorities and energy operators meeting at the same time to try to find very concrete solutions to common problems. It expresses a need as energy encompasses very technical issues, but it is also a means to make the European regulation at the same time efficient and appropriate.

However, these places of rather informal dialogue did not necessarily lead to more convergence and cooperation, at least on a voluntary basis. To some extent, this remains the case nowadays despite the considerable increase in powers and responsibilities given to the administrative and technical bodies in the organization of the sector. The third energy package establishing new rules for the internal energy market in 2009 has shaped most of the current networks of cooperation among actors of the energy sector, but this cooperation remains unevenly developed on a horizontal and cross-border level. NRAs have been entrusted with news competences that included for instance the surveillance of the market, the management of renewable sources of energy and development of infrastructures, alongside the traditional mission of granting transparent and non-discriminatory access to the network for all market participants (Ladoucette, 2013). But this evolution did not go along with a horizontal cooperation mechanism between NRAs or European network of national regulators (Grard, 2015, p. 88). At the same time, the creation of ACER

[20] It was set up to discuss issues regarding the creation of the internal gas market. See https://ec.europa.eu/energy/en/events/madrid-forum, accessed 9 May 2018.

[21] It was set up to discuss the electricity market. See https://ec.europa.eu/energy/en/news/florence-forum-discusses-eu-electricity-market, accessed 9 May 2018.

[22] The issue of energy consumers is normally discussed in the London Forum. See http://ufe-electricite.fr/europe/edito/article/london-forum-the-prosumers-at-the-heart-of-energy-union, accessed 9 May 2018.

[23] Also known as the Energy infrastructure forum. See https://ec.europa.eu/energy/en/events/energy-infrastructure-forum, accessed 9 May 2018.

did not produce cross-border cooperation on local issues, but rather a form of "centralized cooperation" (*ibid.*), as this Agency exerts supervision over national authorities.

On the contrary, the organization of TSOs entails more cooperation at cross-border and horizontal level, because of the tasks they have been given and their very nature. The effective unbundling of TSOs and their full independence from market undertakings allow them indeed to take a greater part in the organization of the energy markets. TSOs are the necessary technical and physical support to an energy system, which has become transnational by nature. They actively contribute to the internal balance of the system, while allowing member states to benefit from inputs of energy flows from abroad. And as the energy system has become European wide, their tasks include the management and creation of interconnections to neighboring energy networks, that work as additional links increasing the balance and resilience of the whole system. As such, TSOs do not only allow third parties a transparent and non-discriminatory access to the national network, but also promote exchanges with other energy systems. To this end, TSOs have been granted specific obligations relating to cross-border cooperation.

For instance, the 2009 Directive on the internal electricity market aims at promoting the "cooperation of transmission system operators at a regional level, including on cross-border issues".[24] This requirement may be directly related to the very tasks of the TSOs, which are *inter alia*, to ensure security of supply, taking into account exchanges with other interconnected systems.[25] Therefore, in the accomplishment of their tasks, TSOs of different member states must exchange information, as they have to "provide the operator of any other system with which its system it connected sufficient information to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system".[26] European Networks of Transmission System Operators have been created in 2009 for both the gas and electricity sectors,[27] so as to provide a forum of dialogue in order to further develop

[24] Article 6(1), Directive 2009/72/EC of the European Parliament and of the Council concerning common rules for the internal market in electricity (OJ 2009 L 211, p. 55).

[25] Article 12, c) and d), Directive 2009/72/EC.

[26] Article12, e), Directive 2009/72/EC.

[27] Directives 2009/72/EC and Directive 2009/73/EC concerning common rules for the internal market in natural gas (OJ 2009 L 211, p. 94).

cross-border trade and ensure coordinated operations and technical evolutions arising from transnational exchanges.[28]

This fundamental feature of the European energy system reveals another characteristic, which is the implication of a large number of stakeholders to legitimize specific solutions to manage the interconnection of different systems of law. These solutions can be either the negotiation of common rules, or pragmatic solutions to interconnect and find compatibility between different legal systems. This approach may appear even more relevant as the development of the energy market should spur the creation of new authorities. For instance, the creation of common rules harmonizing at the European level the procedures and technical issues necessary to allow energy to flow from one energy system to the other would also require the establishment of specific operators. Nominated Electricity Market Operators should be created under a new Regulation of 2011, to ensure the functioning of cross-border markets where energy is exchanged, *i.e.* market coupling activities.[29] This entails matching and allocating orders from market participants on a specific time-frame, to improve the liquidity and transparency of the energy market (Feltkamp, Hendrikx, 2016, p. 63).

Considering the completion and effective functioning of the internal energy market, this highlights the need to either create authorities that will be bound to cooperate because they have been created according to common and harmonized rules, or to ensure that existing authorities and bodies cooperate actively at cross-border level. Indeed, informal coordination on a voluntary basis has allowed for the exchanges of good practices and lead to the adoption of common rules and guidelines. However, this is merely a starting point, as a more constraining and institutionalized framework would be necessary to prevent national authorities to act according to national priorities and preferences (for instance, in so far as security of energy supply is at stake). Precise rules governing exchanges of energy, as well as a more institutionalized cooperation would also provide legal certainty to users and operators. It implies a legal materialization of the content of cross-border cooperation.

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[28] For the electricity sector, see Article 4, Regulation (EC) 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges of electricity (OJ 2009 L 211, p. 15).

[29] Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ 2015 L 197, p. 24).

## 2. The legal materialization of a cross-border space of cooperation

The priority "to strengthen functional and citizen-oriented integration" requires avoiding obstacles in cross-border territories.[30] In its 2015 study, the MOT inventoried four categories of instruments to solve cross-border obstacles: ensure the compatibility of two or more national systems without any additional law; new legal solutions to apply the same law on each side of the border; ensure legal certainty to *ad hoc* solutions through a framework agreement or to relax European rules in outermost regions with third states. We can trace these various solutions within the Energy Union, with a preference for common new legal rules to get rid of border-effect (2.1). For an effective organization of cross-border cooperation, it seems that the internal energy market paves the way for specific forms of cross-border institutionalization (2.2).

### *2.1 Legal techniques to avoid border effects*

Borders were very strong amongst the national energy markets before the adoption of the first Directive on the internal electricity market in 1996. Most markets were organized on the basis of public monopolies, following the lines of national borders, just as the infrastructures that were nationally-based, with limited possibility of interconnection due to technical incompatibilities. From this perspective, the internal energy market starts from scratch and cross-border cooperation had to be invented in this field.

The principle of mutual recognition helped to spur such cooperation on the basis of a more transparent market. EU acts governing the development of gas and electricity internal markets underline the necessity for member state to work on the transparency of the conditions of access to the network for example.[31] With more transparent procedures and a minimal standardization of technical information, a national authority can develop cross-border cooperation to organize its needs and to propose its energy surplus to consumers in other member states. The EU first used mutual recognition to create an incentive in favor of cross-border cooperation between all stakeholders in the field of energy transport and distribution.

30 Trans-frontier Operational Mission (2015), p. 3.

31 Articles 14, 15 and 16 Regulation 714/2009.

The specificity of energy markets explains why the principle of mutual recognition has a limited impact. The markets are heavily fragmented and need more common rules to operate. The EU institutions have first used Directives to do so and are currently developing Regulations, to enhance uniform application of common standards. To solve the problem of cross-border movements of energy, meaning that energy can be transported across borders on the electricity grid, it is necessary to develop common technical standards as a first step for cross-border cooperation. The progressive development of network codes and guidelines[32] meets this necessity. They are legally binding as they are adopted in the form of a Regulation of the Commission, while having been elaborated by ENTSOs and ACER through a cooperative process.[33] These codes and guidelines seek to harmonize the formerly more nationally designed energy markets by pooling national expertise in a co-creating process (Meeus, Schittekatte, 2017). Such a process clearly pushes for more cross-border cooperation to find common solution and then to implement it. The guidelines comprise, for example, processes whereby a set of TSOs at Pan-European or Regional level must develop a common methodology after, in most cases, a public consultation. The EU offers a space of discussion and surveillance of the practice of the energy operators, to guarantee that energy can flow without excessive technical or legal constraints through national borders.

Another example of resolution of border effects by enhanced cooperation is the so-called capacity mechanisms. The transformation of the electricity system across Europe, and the challenge induced by an intermittent and variable generation of electricity from renewable sources, has led many member states to develop capacity mechanisms, to ensure security of electricity supply. Indeed, the stable and continuous supply of electricity into the system may sometimes only be guaranteed through the remuneration of certain power plants, with which a contract is concluded, to produce electricity in times of peaking demand or to limit their production.[34] The development of these mechanisms, most

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32 Three main groups of network codes can be distinguished: market codes, connection codes and operation codes.

33 See Regulation 714/2009.

34 The evolution of electricity systems, and mainly in relation to the increase of Renewable sources of energy (RES), has lead to an overcapacity of electricity available on the market, which caused a general price decrease. The low prices of electricity on the wholesale market has created important difficulties for electricity utilities over

of the time remunerating national power plants, or operators in case they are requested to produce or to stop their production, has led the Commission to insist on the necessity to explore and reinforce cross-border capacity allocation, before resorting to national production.[35] Of course, this requires sufficient cross-border interconnections, but also a more active role of TSOs in calling upon cross-border flows of electricity.

The Commission has recognized that such capacity mechanisms could sometimes be necessary and legitimate, as long as all other options have been explored. It means that market solutions should be privileged, and that cross-border participation in such capacity mechanisms must be considered in priority. The TSOs are therefore encouraged to call for imports from neighboring member states before requesting national plants to guarantee a constant volume of supplies on their national network. As the Commission puts it, "in view of differences in national energy systems and technical limitations of existing electricity networks, the best approach to achieving progress in market integration will often be at a regional level", considering that "Transmission system operators across the borders should facilitate interested generators wanting to participate in capacity mechanisms in other Member States".[36] The Commission's proposal for a Regulation on the internal electricity market also foresees principles and a procedures for the development of a European resource adequacy assessment to better determine the need for capacity mechanisms and, if appropriate, the setting of a reliability standard by member states.[37] It sets out how Regional Operational Centres, national TSOs, the ENTSO for electricity and national regulators via ACER will be involved in the development of technical parameters for the participation of capacities located in another Member State as well as the operational rules for their participation. The EU contributes to the definition of common standards to assess the national capacity and to Europeanize cross-border exchanges, thus regulating flows of electricity

Europe, and especially for fossil coal and gas power plants, as the electricity they produce in injected at last on the system by the TSOs.

35 Report from the Commission, "Final Report of the Sector Inquiry on Capacity Mechanisms", COM(2016) 752 final.

36 Recitals 31 and 32 of the Commission's proposal for a Regulation on the internal electricity market, COM(2016) 861 final 2. See the Commission proposals of the Clean energy for All Europeans package.

37 See Chapter 4 of the Commission's proposal for a Regulation on the internal electricity market.

across national networks. This approach is ambitious because it induces the establishment of European principles of cross-border cooperation.

Cross-border cooperation has been reinforced and even organized as a compulsory mechanism in the 2017 Regulation on the security of gas supply.[38] In this regard, specific arrangements must be negotiated at a regional level in case of a supply crisis. For instance, "a mechanism should be developed sufficiently in time to allow for conducting the common risk assessment and discussing and agreeing on appropriate and effective cross-border measures, which will require the agreement of each Member State concerned, to be included in the regional chapters of the preventive action plans and the emergency plans, after consulting the Commission".[39] This mechanism is based, for the first time in European law, on the principle of solidarity[40] between the member states encountering a risk of interruption of their gas supply. In the event of a severe gas crisis in one member state, neighboring member states should help out to ensure gas supply to households and essential social services. This mechanism implies that cross-border flow of energy helps reinforcing security of supply, even if it implies for a member state to reduce its own consumption of gas to guarantee the proper functioning of essential services of its neighbor, or necessary for providing energy to its population.

It is a much more stringent form of cross-border cooperation, pre-negotiated and conceived as a last resort solution. Member states must organize this cooperation, while the European Commission provides for best practices and facilitates the negotiation of burden-sharing mechanisms. In case of failures of the member states in a given risk-group, it is for the Commission to propose a suitable cooperation mechanism.[41] Solidarity implies a more systematic cross-border cooperation, drafted in an agreement between member states to achieve a sufficient coordination of national authorities and stakeholders. It leads to divide the internal market into regional operational zones.

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38 Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) 994/2010 (OJ 2017 L 280, p. 1).

39 Recital 15 of Regulation 2017/1938.

40 See the studies on the link between cross-border cooperation and cohesion in Beck and Wassenberg (2014).

41 Recital 15 of Regulation 2017/1938.

The proposal of the Commission for a Regulation on a new market design for electricity reflects this approach, without any reference to the principle of solidarity. The Commission proposed to create Regional Operational Centers (ROCs), so that member states "promote and facilitate the cooperation of transmission system operators at a regional level, including on cross-border issues".[42] The delimitation of regions is based on grid typology and capacity of interconnections, as well as geographical optimization of balancing reserves, established by the Commission under the supervision of ACER.[43] This aims at promoting coherent geographical regions that are already organized, and to guarantee that one member state can take part in more than one region, which means that these regions are flexible from a territorial point of view. In each region, the ROCs are responsible for the organization of day-to-day cross-border cooperation. The EU has defined the legal framework of cross-border cooperation in quite details. It shows that effective cooperation requires common standards or common methodology to work. They are also legal trans-national structures specifically created by EU acts to organize cross-border cooperation and exchanges of electricity.

## *2.2 A legal institutional framework for a regional solidarity*

The very logic of this regional approach is that member states do not have the unilateral power to define their security of supply any more. Their security depends on the degree of interconnection with neighboring member states to prevent any energy disruption. The innovation enshrined in the Regulations and Directives governing the internal market is that cooperation between administrations and other public and private stakeholders is envisaged as a regional cooperation. It implies two basic means to be operational. Firstly, arrangements must be negotiated for a regular supply of energy within the region. Secondly, exchange of information and cooperation at regional level are needed to allow for the satisfaction of the consumers' needs.

The necessity to guarantee effective cross-border cooperation nevertheless implies specific European rules. Cross-border cooperation may have been underestimated in the building of internal market, and

[42] Article 6 of the Commission's proposal for a Regulation on the internal electricity market, COM(2016) 861 final/2.

[43] Article 31(3) of the Commission's proposed Regulation on the internal electricity market.

it requires an active implication of member states. European institutions have assumed that cross-border cooperation is necessary to support the functioning of internal market, but they have not been implicated as such in the framing of such cooperation. This is partly explained by the fact that cross-border cooperation is a domain of national competence, according to the principle of indirect administration, which implies that the power to execute the EU internal market policy is in the hands of member states. However, the EU is more and more directly involved in the organization and development of cross-border cooperation.

Regarding the internal gas market, the new Regulation on the security of gas supplies adopted in 2017 developed a more detailed regional approach to reinforce the security of supply of each member states. When defining these regions, the Regulation tries to avoid an arbitrary merger of regions and privileges a flexible definition based on a risk-based analysis. Discussed and negotiated between stakeholders, the region encompasses the neighboring states necessary to solve a crisis in energy supplies. To determine the extent of the region, a study of risks must be conducted. The Regulation foresees that the risks must be evaluated at the level of each member state with a due account of transnational risks and opportunities in energy supplies. It is providing for a series of criteria to achieve a common assessment of risks,[44] which is clearly being promoted by the EU. The effectiveness of regional cooperation is thus based on the development of procedural and material convergence between member states and more generally between all stakeholders. This may appear as a condition for the regional integration of the internal market.

Such an approach is also underlined by the "spirit of solidarity", which is a principle guiding the functioning of the internal energy market.[45] This is strongly promoted by the 2017 Regulation on security of gas supply, as it "introduces, for the first time, such a solidarity mechanism between Member States as an instrument to mitigate the effects of a severe emergency within the Union including a burden-sharing mechanism".[46] The solidarity mechanism must be pre-organized by member states in regions according to the highlighted risk. They must negotiate agreements to identify and solve technical, legal and financial problems. The Regulation requires member state to establish emergency plans in which

44 Article 7 of Regulation 2017/1938.

45 Pursuant to article 194 TFEU.

46 Recital 45 of Regulation 2017/1938.

solidarity mechanisms must be detailed.[47] Cross-border cooperation is therefore needed but must be organized to be efficient. The Regulation provides for a set of legal means to define more precisely the content of cooperation. For example, the "Commission should prepare legally non-binding guidance concerning the key elements that should be included in such arrangements".[48] The Regulation on security of gas supply provides for an intervention of the EU to complement national actions, to ensure that solidarity does not only apply in spirit. It reminds, for instance, that "solidarity should also, where needed, take the form of civil protection assistance provided by the Union and its Member States".[49]

The specific mechanism laid down in the 2017 Regulation could be realized because interconnected infrastructures are developed in the gas sector, as most of the gas used in the EU is imported from third countries. The gas transport network pre-existed the Energy Union and can therefore be used more efficiently. The EU imposed mandatory stocks in each member states and privileged the reverse-flow of gas pipelines, thus paving the way for a cross-border cooperation based on solidarity. The EU therefore managed to create a European framework for cross-border cooperation to allow a more secure and continuous supply of gas throughout Energy Union. The situation is different for electricity (very few cross-border infrastructures and no effective possibility of

47 As stated in recital 38 of the Regulation, it is a gradual approach that the member states have to organize: "If an emergency is declared in a Member State, a gradual and proportionate approach should therefore be applied to ensure the security of gas supply. The Member State that declared the emergency should, in particular, first implement all emergency measures provided for in its emergency plan in order to ensure gas supply to its solidarity protected customers. At the same time, all Member States which have introduced an increased supply standard should temporarily reduce it to the normal supply standard to make the gas market more liquid, in the event that the Member State declaring the emergency indicates that cross-border action is required. If those two sets of measures fail to provide the necessary supply, solidarity measures by directly connected Member States should be taken to ensure gas supply to solidarity protected customers in the Member State experiencing the emergency, at that Member State's request. Such solidarity measures should consist in ensuring that the gas supply to customers other than solidarity protected customers in the territory of the Member State providing solidarity is reduced or does not continue, in order to free up gas volumes, to the extent necessary and for as long as the gas supply to solidarity protected customers in the Member State requesting solidarity is not satisfied. Nothing in this Regulation should be understood as requiring or enabling a Member State to exercise public authority in another Member State."

48 Recital 46 of Regulation 2017/1938.

49 Recital 49 of Regulation 2017/1938.

storage) and no solidarity mechanism is formally foreseen in the ongoing negotiations.

For electricity internal market, cross-border cooperation is implied by the fact that "grid stability in individual Member States often heavily depends on electricity flows from neighboring countries and potential security of supply problems therefore usually have a regional impact". Interconnecting national electricity networks[50] is much more efficient, to develop a regional supply policy. In the 2016 proposal from the Commission on the new market design, Regional Operational Centers are therefore created. They must be used to boost the cooperation between TSOs to find common technical standards for network codes, so that electricity can move from member state to another. Their tasks are Europeanized by article 34.[51]

The 2016 proposal for a Regulation on the internal electricity market foresees the creation of Regional Operational Centers[52] as an institutionalized grouping of TSOs in a region. It is interesting to see that effective cross-border cooperation seems only[53] possible if specific institutions are created for this purpose. That is why ROCs must have a capacity of decision to make cross-border cooperation a tangible reality. The principle of freedom to choose a provider protected for each citizen by European Directives is coherent with interconnection of electricity networks: it should be technically possible to choose a provider from another member states, especially in borders regions. The EU is providing for a specific institutional framework[54] to protect this right of access and a cross-border provision of electricity. The Commission has proposed a cooperative decision-making process in this respect.[55] This process must

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50 The European Council has called for each member state to build infrastructure to transport at least 10% of installed electricity capacity to neighboring member states. See European Council (23 and 24 October 2014) conclusions, EUCO 169/14, Brussels, 24 October 2014. The Commission recently proposed to upgrade this objective to 15% of interconnections.

51 To summarize this long disposal, the ROCs have in particular competences of coordination, creation of common standards, analysis and reporting, regional sizing of reserve capacity, planning coordination.

52 Article 31 of the Commission's proposal for a Regulation on the internal electricity market.

53 Especially where cooperation is not an established practice; see the differences on the gas and electricity markets in this respect.

54 Article 32 Commission's proposal for a Regulation on the internal electricity market.

55 Articles 38 to 44 of Commission's proposal for a Regulation on the internal electricity market.

imply all the stakeholders[56] to be efficient, *i.e*. TSOs and NRAs (the latter without any voting right). Working arrangements should be developed by each ROC to allow for powers of decision and recommendation,[57] while their staff and other equipment should be provided by member states. This organizational structure appears as an effective means to reinforce cross-border cooperation. The Commission also invites member states to invest in these ROCs because these regional structures will diminish the need in staff and equipment at national level, but also because it is a way to reinforce integration of the markets and the energy systems at a regional level, thus connecting cross-border cooperation and European integration. This transformation of internal borders within the EU is a reality in the new electricity market design proposed by the Commission and currently negotiated by the EU institutions. It also worth noticing that the evolution of EU acts establishing the internal energy market is implying more organized cross-border cooperation by allowing a regional planning of gas and electricity supplies.

In this respect, EU energy policy has created a very specific model of cross-border cooperation. If we consider the four traditional models developed by the specialists of border-studies (De Sousa, 2013),[58] we can say that cross-border cooperation in the field of energy is specific for two reasons: it is based on a rationalized and institutionalized cooperation of public and private stakeholders and it is developed outside the legal constraints of inter-state relations by arrangements and contracts. The horizontal dimension of such cooperation, i.e. the implication of private operators and independent regulators into the actual functioning of cross-border energy trade, is a key factor to develop a more independent and effective cross-border cooperation.

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56 Article 37 of the Commission's proposal for a Regulation on the internal electricity market. It organizes a consultation procedure which implies "consultation of transmission system operators and of relevant stakeholders".

57 Article 34 and 35 of the Commission's proposal for a Regulation on the internal electricity market.

58 L. De Sousa (2013) distinguishes four models: cross-border good neighbourhood good relations, mutual aid cooperation, functional cooperation by agreements, common management of public resources/services.

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# Cultural Sciences

# Cross-border cooperation as practice formation. Perspectives for an alternative research approach

Christian Wille, Ulla Connor

## 1. Introduction

The scientific study of cross-border cooperation (CBC) has undergone a series of developments since its beginning in the 1970s, such as the persistent disciplinary opening of this young field of study, the changing understanding of borders and border regions, the geographical extension of the investigative focus or the resultant proximity to the European integration process. In spite of this dynamics, cooperation research is characterized by central lines and orientations, which are taken up in this article and which are expanded to include an alternative research perspective. For this purpose, we will analyze CBC from a cultural studies point of view and will put it in a cultural sociological perspective. Our approach foregrounds the immediate cooperation occurrence, abstains from explanations for seemingly causal systems and structures, and brings analytical aspects to light which so far have mostly been ignored. This approach to CBC entails a perspective which allows us to think of phenomena of inbetween starting from the object and to think space as a relational construct, materiality in its symbolic dimension, and the social as a performance. Such theoretical orientations, which might irritate (in a productive manner) scholars outside of cultural border studies, find their expressions in the practice theories which are elucidated in this article.

In order to achieve our objective, we will first provide an overview of the development of cooperation research, its characterizing orientations and establish a link to the topic of this contribution (Section 2). The following presentation of practice theories introduces praxeological thinking and provides a condensed outline of the state of the art of

this cultural sociological theory (Section 3). Building on this, we will develop our idea of a cross-border practice formation that breaks with the premises of traditional cooperation research, and we provide an alternative perspectivation by outlining four challenges of CBC (Section 4). In consideration of some research-practical particularities which are linked to the suggested analytical perspective, we eventually offer (Section 5) an outlook on the development of an alternative research approach which is compatible within a multidisciplinary context.

## 2. Cooperation research

CBC is a broad and relatively young research object with possible points of connections to a broad range of disciplines and epistemological interests. This is the reason why no clearly defined, discipline-like field of cooperation research with canonized theories and concepts has yet been established. Nevertheless, research interest has been growing constantly since the 1970s; it has reached more and more disciplines and has also received recognition in rigorously disciplinary scientific contexts.

Besides its historical precursors, research on CBC started towards the end of the 1950s; cooperation research followed slightly delayed in the 1970s. While border regions were initially viewed as peripheral and economically disadvantaged spaces, especially by geographers and spatial planners, research interests soon shifted to emerging institutionalization processes. Affected by progressive institutionalization, legal issues in CBC became virulent in the 1980s – especially in communal cooperation – and were handled by jurists. Political and administration scientists also became increasingly concerned with CBC, while geographers now mainly focused on the impact of CBC on spatial development and planning. The increasing number of disciplines involved in cooperation research led to the emergence of a new understanding of the border which differed from the one promulgated in the 1970s: The border now was understood as a linking element. This understanding led to a series of questions concerning cross-border social networks, regional identities, or intercultural dynamics, and attracted more and more disciplines in the following years.

Collaborative research of the 1990s is characterized by an advancing disciplinary opening, with economic sciences and the emerging links to the European integration process playing a crucial role. This development can

be attributed to the European Single Market (1992) whose implementation led to a stronger than ever understanding of border regions as the pillars of the European integration process. Border regions now served as spaces with a high (economic) potential; a vision that is reflected in the creation of the European Community Initiative Interreg in the 1990s, in solidifying theories and concepts in political sciences, or in the increasing preoccupation with legal questions above the communal level. Furthermore, cooperations on Eastern European borders increasingly moved to the center of scientific attention, leading to growing figures in cases studies, which emerged in the involved disciplines. Since 2000 onwards, the intertwining of cooperation research and research on the European integration process has been solidified and has expanded to international relations. In addition, post-millennial cooperation research can increasingly be regarded as a multidisciplinary approach, thus progressively amplifying not only the knowledge about certain border regions, but also leading to the production of more and more comparative research.

This outline of collaborative research, as presented in great detail by Wassenberg (2014), Casteigts (2014), or Schirmann (2011), pinpoints the central developments. This contribution adds seven characteristic orientations to the young field of research:

(1) *System and structure orientation*: Cooperation research – more precisely the research into cross-border political-administrative cooperation – examines cooperation dynamics, especially against the background of related systems and their respective institutional structures. What is often taken for granted is a hierarchically organized, functionally and territorially anchored image of the social, which is then transferred to the cooperation dynamic: "Cross-border areas are subsystems which are constituted by the horizontal linkage […] of functional subareas of the specific national reference systems under consideration" (Beck, 2010, p. 25). The horizontal linkage mentioned here as the moment of cooperation is then developed through confronting political, economic, judicial, administrative, linguistic, or cultural systems and structures whose range of coverage marks the respective national border (Beck, 2010, pp. 25-28). In order to offer an alternative to this perspective, which usually circles around the incompatibility of the examined systems, we develop a perspective in this article which escapes the "territorial trap" (Agnew, 1994). In our perspective, systems and structures are relegated to the background in favor of the effectively produced cooperation realities – in which, without any doubt, political-administrative aspects have an impact.

(2) *Ontological orientation*: National borders and the related questions are constitutive for the object in cooperation research. Often the idea prevails that system boundaries coincide "naturally" with national borders, and exist on the territorial margin of societies as fundamental facts (e.g. Casteigts, 2014, p. 310). In our article, this perspective will give way to a concept of the "border as *fact"*. In this sense, the concept of border as a *fact* is not so much to be understood as a set "thing" in which different dimensions coincide and that then have to be dealt with; instead by taking up its etymological roots (lat: *factum*, *facere* = to do), *fact* is rather understood as a "deed", an act of cueing and relativizing differences or divergences. In endorsing this view, this contribution de-centers the border, i.e. it shifts the analytical view away from the border as an ontological object towards processes of bordering and thus to cooperation realities.

(3) *Contrastive orientation*: Against the backdrop of system and structure orientation we can still observe a widespread use of contrastive approaches in cooperation research. In these approaches, political-administrative systems on both sides of a national border are compared and examined with the objective of disclosing similarities and differences – that, in turn, then serve to provide explanations and prognoses for the dynamics of CBC. By contrast, integrative approaches are used in a type of cooperation research which tries not so much to explain CBC coming from an analysis of political-administrative systems but instead to focus on in part seemingly more complex cooperation realities. This contribution seeks to strengthen the hitherto under-represented integrative approaches in cooperation research by applying a qualitative analytical perspective.

(4) *(Multi)disciplinary orientation*: Cooperation research is characterized by an increasing disciplinary opening that has turned the field into a multidisciplinary work field. Consequently, CBC is understood more and more comprehensively and the concepts, approaches, and findings of this field of research are multiplying. A systematic exploitation and (programmatic) refinement for a coordinated and integrated research, though, is still missing: "An analysis of references shows that there are already many unidisciplinary reflections on the phenomenon of […] cross-border cooperation […]. However, no integrated, that is to say, interdisciplinary vision has been developed until now" (Beck, 2014, p. 342). In this context, Casteigts (2014, p. 318) speaks of an epistemological border (still) dividing multidisciplinarity from interdisciplinarity. This division is due mainly to institutional issues such

as disciplinary differences as to methodology, differences in the trained research practices as well as the necessary efforts to negotiate a cross-disciplinary conceptual and analytical tool set (Wille, 2016). The cross-border cooperation research cycle (2008-2012) led by Joachim Beck (Euro-Institut) and Birte Wassenberg (University of Strasbourg) surely was one of the few initiatives that despite all obstacles brought cooperation research closer to an interdisciplinary vision. With its broadly applicable research perspective, this contribution also sees itself as an offer for the development of an interdisciplinary cooperation research.

(5) *Case study orientation*: Since the 2000s, more and more comparative works have appeared in cooperation research. Nevertheless, the field is mainly characterized by the production of case studies. Single-case analyses bear on cooperations in certain sectors, border regions, or they take selected aspects of CBC into consideration. This can be attributed e.g. to the respectively available forms of expertise, epistemological interests, linguistic skills, or the financial resources of the researchers. Besides these research-practical factors, there are also methodological questions which are relevant, such as those of comparison: To what extent is it possible to compare cooperations (in selected sectors, border regions, or regarding certain dynamics)? This question calls upon the criterion of functional equivalence which represents a major challenge in comparative collaborative research – as generally in comparative research designs (Roose, Kaden, 2017, p. 38 ff). This contribution tries to provide a fresh impetus for identifying hitherto little considered aspects of equivalence by expanding the awareness for analytical aspects which have so far been neglected in cooperation research.

(6) *Synchronous orientation*: Since the 2000s, mainly observations in time have appeared in cooperation research, which are mainly linked to questions of European integration and international relations. Research on CBC in the narrow sense remains mainly synchronously oriented, with only a few exceptions: European observations (e.g. Wassenberg, Reitel, 2015; Schirmann, 2011), national observations (on France e.g. Marcori, Thoin, 2011) or observations in certain border regions (on the Greater Region SaarLorLux e.g. Wille, 2012, pp. 119-128; Evrard, 2018). According to Wassenberg (2014, p. 34), this "historical amnesia" is due to the fact that cooperation research itself is still relatively young, that archives – if available – often are difficult to access, that the number of cooperations is constantly growing and that hardly any actual cross-border institutions (as research objects) exist. The perspective

outlined in this paper integrates the diachronical dimension and thus offers an analytical perspective suitable for analyzing and understanding biographies or paths of CBC in time.

(7) *Normative orientation*: Usually cooperation research is connected to CBC actors by its research object. This may facilitate access to the empirical field and is often linked to the claim of transferring the research findings immediately into the cooperation realities: "Research on cross-border cooperation should always primarily be applied research that is able to impart the respective actors to prescriptive action knowledge, or at least to action orientations" (Beck, 2010, p. 33). The results or their applications should then aim at "a better cooperation" or the "generation of surplus value". This normative orientation of the research process, which mostly happens implicitly and only rarely is reflected critically, does not leave the results uninfluenced. This contribution seeks to raise awareness for this influence and, in addition to a pronounced application orientation and in terms of an interdisciplinary vision aims at initiating a debate about the basics – or better: about the "silent assumptions" of cooperation research.

The characterizing overview of cooperation research should show that the view on CBC suggested in this paper is not aimed at using systems or structures, territorial borders or normative instructions as explanations for the dynamics of CBC. Rather we shift the focus to the realities of cooperation occurrences and make a contribution to enhancing the profile of integrative approaches in cooperation research. This perspective is built on praxeological thought and draws the attention to hitherto neglected analytical aspects.

## 3. Praxeological thinking

This contribution aims at mobilizing practice theories for an alternative perspective within cooperation research. Over the last decades, practice theories have become established in the social sciences and cultural studies, even though this process is not yet finished (e.g. Hillebrandt, 2014; Reckwitz, 2003, 2010; Schäfer, 2013, 2016; Schäfer, Daniel, Hillebrandt, 2015a; Schmidt, 2012; Wille, 2015). The success of practice theories is based on a series of innovative advances that question and re-think the "old vocabulary" of sociological description in a convincing way. Since its first drafts (e.g. in the work of Pierre Bourdieu and Anthony

Giddens), practice theories are to be understood as a counter-concept to social-theoretical dichotomies such as structure/action, individual/society, body/mind, idea/matter, or nature/culture. These dichotomies are overcome by describing and analyzing the social in a way that is inspired by ethno-methodological and poststructuralist approaches as well as the actor-network theory and recalls a series of pertinent authors, ranging from Harold Garfinkel and Erving Goffman, Michel Foucault, Gilles Deleuze, Michel de Certeau to Judith Butler, Theodore R. Schatzki or Bruno Latour.

Practice theories, which represent a rather family-like bundle of social-theoretical approaches than a supertheory, are characterized by basic assumptions about the constitution of the social. In a profoundly anti-essentialist perspective (Schäfer, 2016, p. 12), they design it as a process of its creation in a state of becoming. This processualization, though, does not call upon an arbitrariness of the social but an understanding that the social is, indeed, characterized by regularities and order (Schmidt, 2012, p. 10f). In the praxeological field we can, nevertheless, distinguish between approaches that focus rather on the situative-dynamic character or rather on the structured-routine-like character of the social. In this context, Reckwitz (2003, p. 297) speaks of two sides of one coin, pointing out the "re-flexive character" (Wille, 2015, p. 67) of practices that simultaneously makes conceivable social continuities and discontinuities.

Praxeological approaches offer heuristic categories of analysis and seek to find explanations for how social orders are (re-)produced through continuous repetition in the process of becoming – that is in accomplishment – without being determined by ostensible background structures or superordinate systems. This is achieved through understanding accomplished realities as performative acts and their structuring as the results of a process of doing that only retrospectively can be reconstructed as a socially arranged occurrence (Reckwitz, 2016, p. 98). In order to examine such accomplished realities, practice theories focus on bodily-material manifestations and thus on the observable part of the social: e.g. practices of knowledge and of perception, of interaction and communication, of the spatial ordering and positioning or of the material production and the employment of tools.

Practice theories also answer to so-called macrosociological thinking. Reflections about nation-based societies or state actors are transferred to a practices-oriented perspective, i.e. they are thought through from the processes of their construction. This includes, e.g. practices of

describing and defining "Germany as a hub of science and technology," "as a democracy," or "as a territory," as manifested in statistical and administrative activities of establishing a population census or electoral districts. Practices of educational socialization also constitute praxeological modi, which produce, e.g., common commemorative cultures and measures of value. From a praxeological point of view, society can therefore be thought of as an accomplished reality of heterogeneous and more or less related practices that are not existent and therefore empirically not comprehensible "outside" of their continuous actualization, internalization, or transfer in and through practices.

Tracing back society to its constitutive practices also leads to a different understanding of the "autonomously acting individual," because praxeological approaches do not begin with the individual and their "openly" articulated interests but focus on the forms of subjectivation that can be identified and modified within these practices. The subject therefore is not thought of as a static and trained entity but as something that is (re)produced as a *doing subject* (Reckwitz, 2016, p. 73). Such processes of subjectivizing or subjectivation (Wille, Reckinger *et al.*, 2016) are realized in practices of addressing or positioning (definition of social roles, self-descriptions, etc.) which create e.g. "men," "women," but also "ministry officials," or "actors of CBC." This performatively oriented understanding of actors places practice theories in the proximity of performance theories, as both emphasize "producing and acting and performing" as a "mode of creating reality" (Klein, Göbel, 2017, p. 9).

In this context, the body gains importance in practice theories, as they understand practices as "meaningful, meaning-carrying, mastered bodily movements" (Schmidt, 2012, p. 55) through which the "tacit requirements" that are effective in practices can be understood. Practice theories here aim at intuitive knowledge which is employed in practices and which detracts itself from conscious perception and articulation. According to Giddens (1993, p. 95), such knowledge can first be characterized as "taken-for-granted *mutual knowledge*," which becomes relevant for social interaction when participants insinuate knowing certain things. Praxeological approaches, though, go further and establish a connection between body and knowledge. According to Bourdieu (1994, p. 45), knowledge can be regarded as some kind of "practical sense" that is expressed in bodily behavioral routines as well as in perspectives and ways of evaluating, and can take on different forms. Speaking of corporeal knowledge is supposed to illustrate this significance of the bodily and

underline that knowledge – as the grease of the social – is not stored as an explicit order in legal texts and can be found there, but in accomplished realities where it is physically staged and practice-logically actualized.

Practice theories also provide the corporeality of the social with a material dimension. This idea is based on the understanding that practices with their immanent knowledge are connected to the surrounding things and spatial aspects. Special meeting rooms, for instance, are designed for meetings, chairs are set up for a presentation, and suitable offices are equipped for administrative activities. These examples expose the connection between spatial settings and practices which practice theories integrate into their understanding of the social by ascribing things, following actor-network theory, the status of an actor if they have either an enabling or a limiting effect on practices (Latour, 2010, p. 123). In the same way as bodies, things can become carriers of practices, as for instance a tool or a computer is never only a mere instrument of execution: Material aspects change occurrences insofar as that their absence can lead to an entirely different situation. Practice theories see the usage of things as an interplay between enabling material objects, on the one hand, and, on the other, the implicit corporeal knowledge of their application; neither of the two sides is understood as causing the other.

Our insight into praxeological thought forms the background for the following reflections that propose an alternative analytical perspective for cooperation research. This perspective focuses on the unquestioned and hitherto rarely considered components of political-administrative practices that evade everyday self-descriptions of actors and political discourses and with which the dynamics of CBC can be grasped. Accordingly, cooperation realities will be at the center of attention which cannot be understood through assumptions of rationality or intentionality but through empirically observing occurrences on-site – or, in other words – through observing the praxeological interplay of actions, material objects, bodies, and knowledge that are constitutive of political-administrative practices.

## 4. Cross-border cooperation as practice formation

As outlined above, we can fundamentally distinguish between a contrastive and an integrative observation in examining CBC. Both approaches are open for praxeological thinking, even though practice

theories unfold their potential best in the context of integrative analyses. They place the focus on the cooperation realities, which, in this paper, are to be understood as cross-border practice formations. This idea builds upon the main features of praxeological thought, overcoming the dissection of the social into spatial scale levels or political-territorial categories of order. It rather follows a process-oriented understanding of the social and thus the "spatially and temporally dispersed, disparate, and partially interconnected practices and complexes of practices" (Reckwitz, 2010, p. 189). From a praxeological point of view, social phenomena and their performances in terms of order emerge through practices or through their interconnections to practice formations which are organized rhizomatically – and thus not hierarchically. Schatzki (2016) describes this organizationality of the social as a "flat ontology" in contrast to base-superstructure models or other stratifications. This perspective simultaneously overcomes thinking in national container categories and allows for an adequate conceptualization of social phenomena in cross-border contexts (Brandes, Zierenberg, 2017, p. 8).

**Image 1. Rhizomatic organization of a practice formation (model)**

Against this background, CBC is to be projected as a formation of interconnected political-administrative practices which are 'situated' transversally to national borders. CBC is therefore not constructed as a research object which is situated between different political-administrative systems, remaining attached to the intercategorical. Instead, the

praxeological perspective calls for a practices- and accomplishment-oriented research attitude which releases CBC from its deficitary status of remaining inbetween by approaching it with the following heuristic questions:

- Which activities, material objects, bodies, and corporeal knowledge constitute political-administrative practices?
- How do political-administrative practices form cross-border practice formations of CBC?
- Which practice logics pervade practice formations of CBC?

These exemplary questions, which are to be elaborated on for conducting empirical research on the research object, express an interest, beyond set scale levels or categories of order, in which practices or components are effective in CBC and how they interplay – in short: how and which realities of cross-border cooperation are produced and modified.

If CBC is thought of as a cross-border practice formation, it then constitutes a complex of interconnected political-administrative practices which are stretched across national borders, and whose practices manifest themselves through the involved components and their (situative) interplay. Such practice formations do not represent uniquely formed static entities but are to be thought of as dynamic, relational, and modifiable structures, as they are constantly actualized and (re)formed through repetitions and continuous deferrals (Reckwitz, 2008a, p. 202). Cooperation realities stand for such processes of actualization or (re)formation which are characterized e.g. by ritualized practices, by changing partner constellations, or contested guiding principles. Therefore, cross-border practice formations possess both a stable and an instable character which can empirically be determined through their actualization processes. It can, for example, be observed in time that practice formations constantly reproduce themselves in their relational architecture and spatial range, which could be an indication of the "existence and specific development of a cross-border cooperation culture" as requested by Beck (2013, p. 323). Furthermore, the temporal dimension entails that practice formations do indeed link practices from different temporal horizons. This is relevant for examining CBC, as it includes partially ritualized and protocol practices of representing and commemorating.

It should also be noted that practice formations link dispersed practices, i.e. practices from different spatial contexts. Thus practices of legislation in Brussels are as much part of practice formation as practices of agreement with the central government in Paris or practices of regular meetings and information exchange of the partners 'on-site.' Another spatial access can be found in practices themselves that are condensed into formations and that can be analyzed in light of "spatializing" (Reckwitz, 2008b, p. 91). In this context, Schmidt (2012, p. 20) speaks of a "process-related, relational space of […] relations between incorporated/corporeal participants, artifacts, places, and surroundings."

Consequently, the border, which is crucial for the present reflections, is also accessed via practices and their formations. The question of the border here does not refer to a national "body," but is firstly linked to the range of practice formations. Then questions are asked about spatially definable margins of cooperation realities that emerge at those points where the interconnections of practices become fragile and where assemblages with other practice formations are made. Furthermore, the question of the border can be linked to the logics and effects of political-administrative practices that allow for a reconstruction of dynamics of engaging or relativizing of differences and divergences. This access, which pointedly can be referred to as *doing border*, focuses not on the border as an ontological object but on the social practices of its (re)production.

In the following section, the idea of a cross-border practice formation is correlated with four challenges of CBC and thus is further elaborated on the research object. However, it is to be mentioned in advance that these challenges, as Beck has it (2013, p. 324) should simultaneously serve as "key levers for *capacity building* of cross-border regions." Beck here refers to a potential of cross-border regions and an envisaged development towards truly "European functional and intercultural educational spaces" (Beck, 2013, p. 324). This normative orientation, which aims at formulating recommendations for action and, as a consequence, implies intervention and control, cannot be achieved with praxeological approaches. It can only be realized indirectly, because social practices do not represent any controllable implementations of superordinate structures or rules but are to be understood as "the decisive sites and settings of the social" (Schmidt, 2012, p. 217). This means that practices and their formations cannot be determined "from the outside" from an analytical bird's eye view as good/bad, efficient/inefficient, compatible/incompatible, etc.; as constitutive realities for CBC they have to be developed "from within" and examined

in their practice-logical (dis)continuities. The four challenges of cross-border cooperation are therefore not considered "key levers" aiming at *capacity building* but as suitable analytical access points in order to gain a better understanding of cross-border practice formations of CBC. However the analyses of the interplay of activities, material objects, bodies, and corporeal knowledge allows at a later point reflections that might support a process of *capacity building*.

(1) As a first analytical access point, the 'problem' of the repeatedly stated incompatibilities of the political-administrative and sociocultural systems involved in the CBC is addressed. Such incompatibilities generally refer to different competencies, responsibilities, functionalities, and, with regard to the actors, to different job profiles, careers, and self-understandings. This approach that follows the political-territorial ordered logic and its attributed system borders, can be broken up in a twofold manner: For a contrastive approach, the political-administrative and socio-cultural systems involved in CBC are first of all to be projected respectively as practice formations, i.e. as interconnections of political-administrative practices or of practices of educational and professional socialization. In a second step, the results of the analysis of the political-administrative and socio-cultural practice formations involved in CBC can be juxtaposed to identify similarities and differences.

We believe that another powerful point of access to the "problem" of incompatibility follows the ideas of integrative approaches. As outlined above, the idea of the cross-border practice formation does not emphasize the systems but the question of how political-administrative practices are conjoined to a complex of practices. This means CBC here is not considered as a 'problem' of incompatibilities; instead dynamic processes (practices and their formations) take the place of structures and constitute the accomplished realities of CBC. Thus the analytical gaze is turned away from guiding distinct systems or decoupled practice formations on both sides of a national border towards the actualization processes of cross-border practice formations – in short: towards *doing cross border cooperation*. The power of this approach lies in grasping and understanding CBC, which takes place in spite of (or because of) systemic incompatibilities as empirically observable cooperation realities. Praxeologically speaking, it is about examining the performed practice logics that show how practices from different spatial and temporal contexts are (re)combined *in situ* and condensed into formations.

(2) As a further analytical access point, we look at the "problem" of different competencies and scopes for action of the systems and actors involved in CBC. The praxeological perspective of this 'problem' deepens the above considerations, as it results from reflections about incompatibility. Following the integrative approach, here too the moment of *doing cross border cooperation* is highlighted that includes stabilizing and questioning competencies and scopes for action. The assumption is that actors do not *per se* dispose of agency in an essentialist manner (as competencies and scopes for action) but constantly (re)produce it. Such performative acts as characteristic features of CBC can be distinguished in the constructions or performances of the actors as "actors who are (non) capable of acting," on the one hand, and, on the other, in practices of recognizing/questioning these actors through respective discourses and activities. Against this background, the "problem" of different competencies and scopes for action shall be treated as an empirically open question about the practices of referencing and recognizing agency. It allows to broach the issue of the (often productive-creative) dealing with incompatibilities in CBC no longer as a breach of rule but as practices that generate actors and agency and eventually cross-border practice formation. Thus also those practices of CBC find their theoretical place that colloquially are referred to as "pragmatic solutions," "unofficial channels," or "cutting the red tape" and that presumably substantially stabilize cross-border practice formations. Such practices then no longer appear as deviations or transgressions but as reproductions of the social in general and as practice-logical performances of CBC in particular. Here, the concept of performance emphasizes the performative character of practices (in contrast to a possible execution) and strengthens the dynamic-performative moment that characterizes practices as non-predictable enablings.

(3) The field of tension of national and common interests that is effective in cross-border practice formations in CBC offers another analytical access point. From a praxeological point of view, this tension is not discussed as a "problem" against the backdrop of political-territorial orders but as an empirical question of meaning making and the practice-logical performance of competing knowledge. Reckwitz (2009, p. 173) speaks of "flowcharts of scripts, schemes of interpretation, and assessment schemes," in short: of cultural systems of sense and meaning that are expressed as intuitive knowledge, e.g. in practices of perceiving, assessing, comparing, or arguing. This suggests that the knowledge schemes here

should not be considered as "cognitive patterns or invisible structures of a psychic apparatus that have a mode of existence which is separated from the practices" (Schmidt, 2012, p. 214). Their "place" is the practical event of accomplishment where they are brought into position and where they are continuously actualized. Knowledge, and thus also interests, should be thought of as practice-immanent and modifiable. Through their corporealities, practices offer empirical access to competing knowledge and interests, but they are also expressed as "tacit requirements" in material settings, spatial arrangements, or employed things (e.g. symbols, statistics, or reports). The relation of national and common interests can be analyzed through the cooperation realities, i.e. through cross-border formations, consisting of practices with their constitutive components and logics of meaning making. They provide important clues about the often-neglected requirements of CBC that can help explain the strategies usually applied by actors or guided by certain interests. Guiding research questions are to ask which knowledge is performed in practices of CBC, which one is (re-)produced in discourses, or appropriated as subjectivations (Reckwitz, 2010, p. 194).

(4) As the last analytical access point, the 'problem' of the sustainability of CBC is subjected to a praxeological examination. For this purpose, the concept of temporal sustainability is further developed, which requires a diachronic analysis of cross-border practice formations. From this point of view, CBC qualifies as sustainable or stable, if its actualizations show a certain continuity over time – in line with the outlined structured and routine-like character of the social. Continuous actualizations of practices and their cross-border formations can be determined, e.g., through the continuous reproductions of the practice logics holding them together, their relational architecture, or their spatial range. By contrast, less sustainable or instable practice formations are characterized by pronounced dynamics or re-formations of their constitutive practices. Such discontinuities in time show disruptions and changes in CBC, which, in a differentiated analysis, though, seem evolutive and eventually stabilizing for cooperation realities. It can therefore be assumed that the application of new legal instruments of CBC leads to (a) a reconfiguration of cross-border practice formations that is reflected in the fact that its constitutive practices now relate to each other in an innovative way. However, new legal instruments might also entail (b) a dissociation of cross-border practice formations, which refers to the dynamics through which certain practices (e.g. process of coordination) are no longer

actualized and drop out of the formation. New legal instruments as well as other discontinuities of CBC (as changed spatial settings due to moving into an office building with other actors of the CBC in close proximity) might also provoke (c) associations of cross-border practice formations, consisting in the fact that practices that so far have not been constitutive of the formation are now becoming constitutive. A further expression of the re-formation of practice formations is (d) complexification, which describes developments in CBC in which already associated practices enter into associations with other (cross-border) formations. This is e.g. the case in cross-sector and integrative cross-border cooperations that include several sectors (e.g. private, public, civic, etc.) or departments (e.g. economy, education, culture, etc.). If we investigate 'sectors' or 'departments' – as outlined above with regard to political-administrative and sociocultural systems – each as practice formations, we can then observe the following: Accomplished realities of *doing cross border cooperation* are deemed cross-sector and thus as sustainable, if e.g. political-administrative practices associate themselves with civic practices leading to complexifications of the involved practice formations – to the point of the emergence of new and possibly cross-border practice formations. A praxeological approach to the 'problem' of sustainability is mainly based on the processes of actualization of cooperation realities and shows ways of how discontinuities or instabilities of CBC can be thought and examined as productive and sustainability can be considered outside of the temporal dimension.

Thanks to the conducted reformulation of CBC we were able to show that a praxeological perspective allows us to overcome container-like concepts of space or the classification of the social in scale levels, and to shift the focus in order to take into account the actual cooperation realities in their complexity, their spatial and temporal dispersion, materiality, contingency, and performativity, instead of systems whose range is marked by their territorial border. The analysis of these and other aspects is achieved through praxeological research activity, whose premises has been outlined above. Their implementation, though, is linked to several widely discussed particularities that shall be addressed in the following outlook.

## 5. Perspectives for an alternative cooperation research

This article has developed an alternative perspective on CBC which does not rely on systems or structures, territorial borders, or normative recommendations for actions for dynamics of CBC but shifts the focus to the contingent realities of cooperation occurrences. It further develops integrative approaches, it suggests new analytical aspects, and challenges the often unquestioned "tacit assumptions" of collaborative research. For this purpose, we have mobilized the social-theoretical strand of praxeology and further developed the idea of cross-border practice formations through the example of four challenges of CBC. Building on this projection of CBC, some particularities of praxeological research activity and of praxeological cooperation research will be summarized in the following for future application.

(1) *Understanding CBC as performance*: Praxeological research follows the premises outlined above and calls for a practices-oriented analytical attitude. It leaves the analysis of the social in systems or spaces behind. Furthermore, it rejects social-theoretical distinctions between e.g. base/superstructure, nature/culture, or sociality/materiality. Doing praxeological research rather means breaking with presuppositions and thinking in 'flat' nets and relations in order "to identify, to assemble, and to put into relation with each other the multiple aspects of practice as material entities" (Hillebrandt, 2015, p. 21). This perspective is based on the anti-rationalistic understanding that social phenomena cannot be determined by the intentions of actions or structural characteristics but as performances that become visible in practices (condensed into practice formations) with their multiple and dispersed components. To take on a praxeological research attitude therefore means first of all to analyze the social consequently in practices and their formations. Here intentions or structures are not set as conditions or determinants for the social but understood as effects of practices. In this way, we no longer have to make CBC appear as an inbetween of political-administrative systems but as a socially constructed cross-border formation of political-administrative practices with their respectively involved activities, material objects, bodies, and knowledge.

(2) *Privileging the empirical*: This way of approaching issues of CBC hints at the general aim of praxeological research that consists in not placing the logics of theory above the logics of practice. During the process of research we avoid declarative, definitoric, and normative assumptions

about objects and focus on social occurrences – thus on that what is actually happening (Schmidt, 2012, p. 32; Schäfer, Daniel, Hillebrandt, 2015b, p. 7). This privileging of the empirical is consequently reflected in the theoretical understanding of practice theories, which is laid out recursively. This means that theoretical reflections do not precede empiricism but both moments of the research process enter a dynamic interplay and irritate each other productively. In this context, Reckwitz (2016, p. 12) speaks of a theory of a "textile format," referring to the process of gradual theory formation in research activities that enable us to access "borders as *facts*" in the sense outlined above and to analyze CBC in time that it allows for understanding the alleged violations of competences as social productions.

(3) *Perspectivizing practices as (spatio-temporal) nexus*: A further particularity of praxeological work can be determined on the basis of the "dispersed organization" of practices. As outlined above, practices do not exist as clear-cut entities but in their accomplishment as a contingent combination of constitutive activities, material things, bodies, and knowledge that correlate praxeo-logically. The analysis of practices thus shifts the focus to some rather neglected aspects (of analysis and/or of comparison) and has to clarify which aspects are constitutive for practices. This is carried out through an exploration based on empirical observation and demands a higher sensibility by the researchers e.g. for speech acts, bodily movements, socialized bodies, or material artifacts, and their interrelatedness. In order to be able to reconstruct this interrelatedness, researchers furthermore have to follow the accomplishments of practices and to explore their 'places' in space and time. This seems particularly plausible when considering the fact that the border occurs increasingly less at the territorial place of the border but more as a changing practice of surveilling, selecting, controlling, etc. which is multilocally dispersed and which actualizes presumably long forgotten knowledge systems (Balibar, 1997, p. 379; Schulze Wessel, 2017, p. 87f).

(4) *Multiplying methodological accesses*: Praxeological research reacts methodologically to the "dispersedness" of practices by suggesting "multilocal research designs" (Schmidt, 2012, p. 267f) and procedures which follow "linkages of practices stretching about several places" (Schmidt, 2012, p. 256). Furthermore, the used methods of practice theories have to meet the mentioned premises, e.g. making visible practices in their accomplishment, analyze the multiplicity and dynamics of practices (in time), etc. Traditional methods of social sciences do not

always satisfy these challenges, which is why the development of practice theories has always been linked to a lively debate about methods (Schäfer, Daniel, Hillebrandt, 2015a; Schäfer, 2016). Basically, the selection of methodological instruments can orientate itself both towards the research question and towards the typical characteristics for this field of research; however, an empirical field of investigation which is e.g. dominated by language or text production requires a different methodological approach from a field, which is predominantly characterized by bodily and material forms of expression. To this aim, praxeological research allows for a focused change of perspective – associated with different methodological accesses –, to adequately address the multiplicity and the components which are constitutive of practices. In this way, characteristics of practices can be taken into account that often remain unnoticed by empiricism or are neglected by traditional approaches. Against this backdrop, a diverse methodological repertoire has established itself, which includes quantitative and qualitative techniques (Schäfer, Daniel, 2015, p. 38).

(5) *Participating in practice formations*: Despite the required methodological diversity, a praxeological perspective suggests certain analytical modes such as techniques of participatory observation (Reckwitz, 2008, p. 196), which correspond to ethnographic approach. This consists of "describing foreign or own cultural practices," with the aim of "representing these in a way that the readers can gain a picture of the culture" (Kalthoff, 2003, p. 70). It is assumed – as generally in praxeological research activities – that the presence of the researcher in the accomplishment of the investigated practices is almost indispensable to be able to adequately register the specific characteristics of practices and the knowledge actualized by actors. Ethnographical survey techniques as participatory observation particularly help us capture the implicit knowledge of the actors by making visible as components of practices the schemata of perception and evaluation. Their reconstruction provides insights into the world of sense of actor-subjects as well as into the interplay between socio-material settings and bodily-verbal activities. Nevertheless, capturing the implicit knowledge remains a particular challenge, as it evades conscious articulation and therefore is not accessible through direct surveys or similar techniques. Consequently, observation focuses on the performance of practices, i.e. on the bodily movements, speech acts, as well as the social, spatial, and tangible setting to reconstruct knowledge. In this context, Reckwitz (2008a, p. 196) outlines that implicit knowledge inevitably must be captured

indirectly, "i.e. starting from explicit utterances, activities, way of dealing with things, etc., one must deduce implicit schemata." Praxeological research activities rely, at this point, on extensive material collections and meticulous documentations of the accomplishment of practices in order to disclose "tacit" aspects of social practices.

This overview on particularities of praxeological research offers important indications of possible orientations for future praxeological cooperation research. Their discussion was carried out as concisely as required by the brevity of this paper with the aim of increasing the awareness for a more extensive perspective and offering an "alternative view" on questions of examining CBC. The explanations as well as the overall paper provide an analytical perspective, which is widely applicable for different disciplines following recent developments of cultural border studies and which constitutes a contribution to a "sociology of the border."

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# Borders and cross-border cooperation. The Vision of sociolinguistics

Jordi Cicres Bosch

## 1. Introduction

According to the myth of Babel, God punished humanity by confounding their languages. Today, it is calculated that around 7,000 languages survive around the world (Gordon, 2005). Most languages are found in Asia (32.8% of living languages) and Africa (30.3%), followed by the Pacific region (19%) and the American continent (14.5%). With 239 languages, Europe accounts for a mere 3.5% of linguistic diversity, largely due to homogenising policies which, from the 17th century onwards in particular, promoted unified nation states (not only political homogenisation but also linguistic, based on the principle of "one language, one state, one people"). By contrast, when we analyse the number of speakers per language, in Europe (which accounts for 26.3% of the world population) the average number exceeds 6 million people (in contrast to the little over 4,600 speakers, on average, who speak a Pacific language).

These 7,000 languages are distributed across the two hundred member countries of the UN. It is clear from this that most states are multilingual and that the borders between states do not coincide with the borders between languages. Nevertheless, the *borders* between languages are neither clear nor static, in the sense that "linguistic reality is not comprised of homogenous languages that are juxtaposed like pieces in a jigsaw, but rather dialectal continuums with more or less fluid separations, transition areas, overlapping zones, etc." (Boix, Vila, 1998, p. 213). Although the concept of mutual intelligibility has been used traditionally to affirm that two linguistic varieties form part and parcel of the same language, the reality is that the entire range of linguistic variation can be organised along a continuum. In the end, the definition of a language is based more

on historical, political and economic criteria than on strictly linguistic or scientific criteria (Edwards, 2009). Thus, the aphorism attributed to linguist Max Weinreich is illustrative when he stated that "A language is a dialect with an army and a navy". Thus, for example, Cantonese and Mandarin are considered to be dialects of Chinese, even though speakers of these languages can barely understand each other in oral communication. Despite this, it is claimed that they are two dialects of the same language since they share the same written code and belong to the same state. We also find situations in Europe in which, historically, political borders have imposed linguistic borders: German and Luxembourgian, Flemish and Dutch, Galician and Portuguese, etc. We therefore see that languages are not simply systems of signs used to communicate, but rather "a social institution, deeply implicated in culture, in society, in political relations at every level" (Cameron, 1990, p. 92).

Beyond the borders between languages, other borders exist that separate individuals on the basis of their use of the language according to geographical variables (dialects), social variables (sex, ethnicity, age, socio-economic level, educational level, profession) and cognitive and cultural variables (stereotypes and prejudices, identity). These borders are considered further below:

- *Borders determined by geography.* The linguistic analysis of dialectology enables the tracing of isoglosses, which are the lines that indicate the boundary between the presence and absence of certain linguistic traits and which separate two dialectal areas. These linguistic traits can be of any particular type (phonetic, phonological, morphological, lexical, syntactic) and more or less perceived by the speakers of the language. In this sense, both natural borders (which represent a physical separation caused by rivers, mountain ranges, seas) and artificial borders (political borders) have an influence on societies' linguistic productions, in such a way that, often, the isoglosses that mark out linguistic differences and which therefore mark dialectal borders overlap with administrative borders (either between states or regions). The reasons for this overlapping are mainly related to (1) the lack of mobility between communities who find it difficult to relate to each other due to physical difficulties; (2) different linguistic policies which affect education in particular; (3) the inexistence of a common audio-visual market (Chambers, Trudgill, 2002; Wille, Reckinger, Kmec, Hesse, 2016).

- *Borders determined by social variables.* Sociolinguistics studies the correlations between language use and social structure. The theories of variationist sociolinguistics — particularly the so-called Labovian school — relate social categories with linguistic phenomena. The Labovian school is characterised by the assumption that linguistic structures are both heterogeneous and structured (Weinreich, Labov, Herzog, 1968), in such a way that the existence of "free variation" is denied. It is thus possible to trace borders (which are undoubtedly permeable) between social groups. For example, different studies have demonstrated that sex, age, ethnicity and social class (Labov, 1966, 1994, 2001) determine or favour the use of certain linguistic phenomena; similarly, belonging to a group or social network (Milroy, 1987; Eckert, 2000) conditions one's use of language.
- *Borders determined by cognitive and cultural variables.* One of the most interesting sociolinguistic experiments is the *matched guise* test (created initially by Lambert in 1967) (Labov, 2001). Participants in these tests have to assess fragments of speech produced by different people according to a series of personality scales: intelligence, reliability, honestly, kindness… In the text, however, there are some people who can speak different linguistic varieties (languages, linguistic registers, dialects…) and who are recorded twice. If the participants do not recognise the voice, an analysis is carried out of the scores they receive for the different personality traits. In general, it is observed that, from a cognitive and cultural point of view, people tend to classify (and therefore separate) speakers in such a way that we value people more (i.e. we believe them to be more intelligent, kinder, more reliable, more honest, more capable) when they speak a linguistic variety associated with greater prestige: a formal register, a central and urban dialect, a language associated with greater social prestige, etc. On the other hand, and in relation to the prestige of some linguistic varieties, studies have also been conducted to find which people lead linguistic changes, in the sense that they adopt more prestigious forms at the expense of traditional forms (Labov, 2010). In general, it has been observed that young working class women are the ones who introduce linguistic changes.

This article presents the theoretical framework for studying border and cross-border cooperation (CBC) from a sociolinguistic perspective (which combines the conceptual framework of social sciences with

that of linguistics). Section 2 introduces the most relevant theoretical concepts for CBC and identifies future challenges. Section 3 analyses the main characteristics (genesis, main actors, governance and results), with illustrative examples, mainly from the Catalan border between the Spanish and French states. Finally, an overall reflection is carried out in relation to the prospects of border spaces and CBC from a sociolinguistic perspective.

## 2. The conceptual framing of borders and CBC from a Sociolinguistic perspective

Sociolinguists are tasked with the job of describing language as a social phenomenon in order to establish causal connections between language and society (Coulmas, 1997, p. 2). Two different approaches to the sociolinguistic task can be distinguished: microsociolinguistics (or sociolinguistics in the strictest sense) and macrosociolinguistics (or the sociology of language). The first is concerned with studying "how social structure influences the way people talk and how language varieties and patterns of use correlate with social attributes such as class, sex, and age", while macrosociolinguistics studies "what societies do with their languages, that is, attitudes and attachments that account for the functional distribution of speech forms in society, language shift, maintenance, and replacement, the delimitation and interaction of speech communities" (p. 2). Macrosociolinguistic studies predominate within the framework of CBC, particularly those related to multilingualism and language conflicts; linguistic ideologies and identity; attitudes; and language planning (Wright, 2000; Vodopivec, 2005, 2009; Byram, 2008). However, some studies have been carried out on microlinguistic phenomena caused by the contact between languages in border areas or by migrations (see Sankoff, 2001).

### *2.1 Multilingualism and language conflict*

Border zones are ideal laboratories for analysing multilingualism[1] and the consequences of language contact, since there is clearly a need for

[1] It is important to distinguish between 'multilingualism' and 'plurilingualism'. The first term refers to the coexistence of different languages in the same territory or to the knowledge that a person has of more than one language, while the concept of plurilingualism "emphasises the fact that as an individual person's experience of language in its cultural contexts expands, from the language of the home to that of

communication between the citizens on either side of the border (who might not necessarily share the same language) and we often find minority language communities in such zones. As a result, the sociolinguist has to analyse two problematic phenomena: on the one hand language conflicts; and on the other the strategies used by citizens to communicate.

The existence of languages that coexist in the same territory *almost always* generates conflicts of an ethnic or political nature (Nelde, 1997) between speakers of the languages in contact. Nelde (2000, p. 442) underlines the fact that "[s]ymmetric multilingualism and the often sought equality of existing language remain a metaphysical desideratum: they just do not exist. European multilingualism is asymmetric by definition, never free of conflicts".

When we find a majority of speakers in a certain territory who speak two languages − to a greater or lesser extent − or when different monolingual populations coexist in a territory, we speak of social bilingualism. The element which is common to these social bilingual situations is that they generate a diglossic situation in which we find a high variety (A), which is used in more formal situations or in the public sphere (education, public administration, media), and a low variety (B), used in more informal and private contexts (often restricted to the home). Social groups tend to transmit cultural values (including language) to their descendants. However, this transmission can be affected by different circumstances, particularly, but not only, in migrant populations. In these cases, language planning measures are needed (see section 2.4) to soften the social, cultural and economic consequences of the conflicts. Thus, the adoption of quantitative principles (such as the number of speakers) is not a valid strategy, since it would compromise the rights of language minorities, whose rights should be guaranteed precisely on the basis of their minority status (even with measures promoting positive discrimination).

Sooner or later, diglassic situations end up producing one of the following three scenarios: a) a **regression or loss of linguistic knowledge**, in such a way that the younger generations are less competent in the declining language than the older generations. This phenomenon is

society at large and then to the languages of other peoples (whether learnt at school or college, or by direct experience), he or she does not keep these languages and cultures in strictly separated mental compartments, but rather builds up a communicative competence to which all knowledge and experience of language contributes and in which languages interrelate and interact" (Council of Europe, 2001, p. 4).

accompanied by an **ideological legitimation** that means that speakers who stop using the language perceive that they are compensated by identity or economic advantages, or by being integrated in the dominant language. In most cases, processes of regression end up with the language gradually dying out;[2] b) **linguistic shrinkage**, in such a way that language B loses structural richness (phonological, morphological, syntactic, lexical). Over time, the language is no longer suitable for communication in social contexts and ends up being dispensable, since the expansive language comes to occupy all spaces of communication; c) the **receding language is replaced by the dominant language**[3] in daily life as a result of the interruption of the intergenerational transmission of the receding language, or language B is replaced by language A in more formal or official contexts.

It is clear that without mindful language planning to help revert diglassic situations, minority or endangered languages end up disappearing. This disappearance, however, does not necessarily imply a change of ethnic identity. Fishman (1989, 1991) distinguishes between relinguification and re-ethnification. The first concept refers to the process whereby an ethnic group abandons their traditional language and adopts another as their own, while often tending to conserve their ethnic symbolism (folklore) − sometimes in an exaggerated manner − in order to maintain their original identity. This is the case of Northern Catalonia (the Catalan cultural region of the South of France) where we find a profusion of senyeres (Catalan flags) and where the sardana (the most prototypical Catalan dance) is notably alive, despite the fact that the national sentiment is very much French (Boix, Vila, 1998, p. 188). We can also see this phenomenon in Ireland and the Basque Country, where identity is maintained, to different degrees, even though adoption of the dominant languages (English and Spanish) has predominated. The second concept (re-ethnification) refers to cases (usually related to migratory processes) in which individuals or groups transform their ethnic identity and adopt another.

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2 Krauss (1995) predicts that of the approximately 6000-7000 living languages in existence at the end of the 20th century, only 10% will survive by the end of the 21st century as a result of regression.

3 This phenomenon can be observed in many other social fields, such as in scientific transmission, where most languages are replaced by English in scientific publications (Boix, Vila, 1998, p. 187), on the grounds that this will enable international dissemination.

Different strategies are used by speakers in cross-border regions to communicate with each other when they do not share the same language. Speakers of the cross-border territory can: a) learn their neighbour's language (Bufe, 2001); b) use a third language (in Europe this is usually English) as a *lingua franca*; c) create a pigeon or creole language, i.e. a newly created language that combines vocabulary and grammatical structures of the languages of the territory (Mühlhäusler, 1997; Mufwene, 2001);[4] d) use a *mixed language* (Bakker, Mous, 1994; Matras, 2000), i.e. a language created by phenomena involving intense linguistic contact, such as, for example, Para-Romani languages in Europe (Boretzky, Igla, 1994; Bakker, Van der Voort, 1991); and, finally, e) use a *contact language*, which is a marginal language suitable for basic communication (which functions as a kind of *lingua franca*) (Wurm *et al.*, 1996).

## *2.2 Language ideologies (and identity)*

The linguistic changes that have taken place and that continue to take place cannot be understood without considering their social and historical context. In Europe, three key phenomena should be taken into account: the birth of the nation state from the 17th century, European integration and globalisation. Firstly, nation states promoted cultural (and linguistic) homogenisation in a way that encouraged all citizens subject to the same governing body to feel part of the same group. A national identity was thereby forged which, in order to be successful, had to be expressed in the same way: the sole language of the State in the Herderian sense.[5] Thus, all other languages native to the state (regional languages) were identified as reactionary or divisive. Nevertheless, today, with the process of European integration, we can observe how cross-border territories have maintained "socio-cultural bindings, originating from the need of people living next to the border to preserve the cultural spaces of their origin" (Bufon, 2004, p. 236, cited in Vodopivec, 2009). Ethnic or ethnolinguistic identity has been maintained to a greater or lesser degree in most cross-border areas, mainly through language and culture. At the same time, the phenomenon

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[4] These solutions emerge in situations where there is a clear desire to maintain socio-cultural distance, but where this is also a need to communicate for commercial reasons. The etymology of the word 'pigeon' seems to correspond to the Chinese way of pronouncing the English world 'business'. We can therefore see that the use of these linguistic codes is limited to commercial communication.

[5] J. G. Herder advocated the idea of *Volk* (the people), who express themselves in a particular way (and therefore, using one sole language).

of globalisation also has an impact on identity, given that societies are pulled between the need to become global (and in the field of language this also means using global languages) and maintaining their identity and idiosyncrasies (and consequently, their native languages).

In this context, movements appear which vindicate languages as a heritage that should be protected and conserved. Weinreich (1953) defines linguistic loyalty as awareness by its speakers that language has identity value which should be protected and defended against other languages. This phenomenon emerges particularly in societies that observe how their language has to compete with another (for example, the native languages of the European continent *versus* English in an academic context or in business). In cross-border contexts, linguistic loyalty is always underpinned by a will to maintain identity traits. In the case of Northern Catalonia, for example, citizens abandoned Catalan on mass and on a voluntary basis in order to adopt an identity linked to the French nation (modern, cultured and rich) and to abandon Catalan identity (agrarian, uncultured and poor).

The mismatch between state borders and linguistic borders has been managed using different strategies: attempts have been made to construct (a) plurilingual nations, (b) plurinational and plurilingual states, and (c) monolingual, single-nation states. McRoberts (2004, pp. 152-153) uses the examples of Canada, Belgium, Spain and Switzerland to illustrate such realities. In Quebec (the area of Canada where 90% of Francophones can be found) and Catalonia (in Spain), a strategy has been used whereby Quebec and Catalan national identity is formed through language, with notable success:

> [Quebec's] language policies have produced more satisfactory results and its attempts to inculcate the ideal of a Quebec nation, defined preeminently in terms of language, have had much more of an impact. In effect, Quebec has been pursuing the same logic that has guided most states in the Western world over the last few centuries: a nation-state must be based on a single language. (McRoberts, 2004, pp. 152-153)

Belgium could exemplify the strategy of a plurinational and plurilingual state insofar as the Walloons tend to identify themselves more with the Belgium nation than the Flemish (De Winter, Frognier, 1997). The case of Switzerland is an example of a successful strategy to construct a multilingual nation (with some nuances, as explained by

McRae, 1982 and Winter, Frognier, 1997, p. 164) and, even more so, to convert multilingualism into one of the identity traits of the nation.

By contrast, European states such as Spain and France have tried to construct a monolingual nation by applying policies that privilege the majority language (Spanish and French) and that marginalise minority languages from the public sphere (education system, media, public administrations, commerce, etc.).

## *2.3 Language attitudes*

Language attitudes are feelings and beliefs (including prejudices) that speakers have about languages (or about the variants of a language). Different factors are involved in the formation of attitudes, including cognitive factors (speakers can explain why they have a positive or negative attitude towards a certain language), affective factors (related to their feelings: identity, persona, family) and behavioural factors (the observable actions that speakers carry out in relation to languages or dialects.

In cross-border contexts, language attitudes are key with regards to cooperation for two reasons: firstly, because attitudes towards languages or dialects are closely related to attitudes towards the people who speak them. Therefore, if we consider that the language or dialect of those with whom we have to cooperate has positive or negative connotations (or even stereotypical ones), this will mean that we will also consider these actors to be *superior* or *inferior* to us, which will in turn make cooperation difficult or even impossible. Secondly, beliefs about the language can generate a desire to learn or use the neighbour's language. For example, it is often the case that those who speak a dominant language (on the basis of the number of speakers internationally) are less interested in learning minority languages, and vice versa.

## *2.4 Language planning*

All states carry out language planning.[6] Language use policies are established through laws: which languages are studied at school, which languages are used in public administrations, in which language consumer products are labelled, etc. Traditionally, a distinction has been made between three types of language policy (Daoust, 1997): firstly, the

[6] Some authors use other ways to describe this concept: language engineering, glottopolitics, language regulation, language management, etc.

kind that aims to regulate the use of languages in competition (policies can promote certain languages through education, the media, official bodies); secondly, policies for standardising the language; and thirdly, normalisation policies (promoted by the Academy of Language, as in the case of French and Spanish).

One of the most relevant aspects for CBC is the definition of the languages used in school education. The vehicular languages used in school tend to coincide with the language of the central Government of each state (with some important exceptions such as language immersion in Catalan in Catalonia or in French in Quebec). Regarding the offer of foreign languages, English has taken over. The neighbouring language is only an option when a second foreign language is offered.

Another visible aspect in cross-border areas is the linguistic landscape (Landry, Bourhis, 1997), i.e. the print language used in the urban context (in public signing, publicity, street names, etc.). Two types of signage can be distinguished: top-down (the official signage set up by governmental authorities, like road signs, sings on buildings and public services) and bottom-up (signs set up by individual people or private companies, such as commercial shop signs or advertising billboards). State languages and regional languages (together with English or other international languages) coexist and compete in most cross-border areas. Language legislation determines the presence that each language will have in the linguistic landscape, not only in top-down signs (that can be monolingual in one of the languages or multilingual), but also in bottom-up signs (since, for example, legislation determines which languages are compulsory in the signage and labelling used by commercial establishments).

## *2.5 New challenges of CBC for sociolinguistics*

Changes in the social structure produced by factors such as globalisation or European integration, along with greater cross-border labour mobility and an increase in tourism, mean that language practices and ideologies in cross-border spaces follow different patterns from those produced in the context of states. Therefore, an analysis of the use of languages in these cross-border spaces must take into account different variables than those used in traditional analyses. In any event, it is important to differentiate between 'national' languages (which are completely normalised within the territory of their state) and minority languages. The vitality of the former is not threatened, since they are

supported by the structures of the state (the media, the education system, the legal system, etc.). However, an analysis of minority languages is much more complex. It is important to take into account at least the following four dimensions (Boix-Fuster, 2006):

- **Language typology and geographical distribution**. Almost all European languages belong to the Indo-European family (except Basque, Maltese and languages belonging to the Finno-Ugric family). The formal similarities between languages of the same linguistic branch (Germanic, Slavic, Romance) play a part in facilitating intercomprehension. In this sense, educational initiatives have been developed to help learn all languages (or a subset) of the same linguistic branch, exploiting the structural and lexical similarities between them (Clua, 2013). For example, in the case of Romance languages, the following educational initiatives can be followed: EuroComRom, EuRom4/5, Euromania, Galatea, Itinéraires Romans, Ariadna/Minerva, Romanica Intercom, Redinter o IC4+.
- **Demographic weight**. When a minority language in a region is designated a 'national' language within a state, this ensures its survival and facilitates learning of the language. If, moreover, it is a language with significant demographic weight, it will be more appealing to the speakers on the side of the border in which it is a minority. Apart from demographic weight, the question of economic and cultural weight should also be taken into consideration. Thus, although not the most spoken language in Europe (this being German, with over 90 million speakers), English is the main working language in European institutions and the most studied foreign language across Europe.
- **Subjective ethnolinguistic vitality**. The different linguistic groups can be classified according to their power, based on level of economic and cultural vitality, and their proportion and situation in relation to central economic bases. Williams (2006) has studied the vitality of different minority European languages (Catalan, German −tin the areas where it is a minority language −, Frisian, Sardinian, Breton, Occitan, etc.). The best-situated languages are German (particularly in Belgium) and Catalan in Catalonia (but not in other Catalan-speaking areas), since there is high economic diversity and the languages occupy a central economic and cultural position in both cases. By contrast, the ethnolinguistic vitality of Frisian, Sardinian, Breton and Occitan is very low.

Calvet (1999) and Swaan (2002) offer an alternative approach to the analysis of linguistic ideologies and practices, presenting a formula for calculating the communicative value of a language (Q-value). This approach distinguishes between central languages (representing less than 10% of the world's languages, but spoken by approximately 95% of the population) and peripheral languages (majority languages that are spoken by a few). In the case of Europe, the language with the highest Q-value is English, with German and French now lagging considerably behind. In a cross-border context, it is clear that the higher the Q-value of a border language, the more likely it will be for citizens to want to maintain it (if it is their family language) or to want to learn it.

- **The type of linguistic policy**. Finally, the language policy (see section 2.4) promoted by state or regional authorities is also of key importance. Basically, we find 5 possibilities: a language policy that promotes monolingualism among all citizens (for example, in France, Portugal, Greece, Italy or Germany); that protects minority languages (to a certain degree, in the United Kingdom and Holland); that promotes language autonomy (the case of Spain, where the different languages are more or less recognised within the territories where they are from); linguistic federalism (Belgium and Switzerland); and finally, institutional bilingualism (where bilingualism is promoted in public administrations, such as in Ireland and Finland).

## 3. Interpreting the main characteristics of CBC from sociolinguistics

### *3.1 Genesis*

In the European context – where we find more than 60 regional or minority languages spoken by over 40 million people – regional, national and European language policies coexist. With regards the EU, institutions promote the learning of the languages of the Union as well as the defence and promotion of regional or minority languages. In the first case, the EU has advanced the objective that all Europeans be able "[…] to speak 2 languages in addition to their mother tongue. The best way to achieve this would be to introduce children to 2 foreign languages from an early age. Evidence suggests this may speed up language learning – and boost mother tongue skills too."

In the second case, it is assumed that the EU recognises diversity and linguistic richness as a core value at the heart of Europe itself.[7] Furthermore, the Council of Europe has promoted the *European Charter for Regional or Minority Languages* (ECRML), a European treaty (CETS 148) adopted in 1992 under the auspices of the Council of Europe, to protect and promote historical, regional and minority languages in Europe. The main objectives of this treaty are to facilitate and promote oral and written use of languages, the relation between groups who use the same language in different states, the teaching and study of these languages, the promotion of studies and research on these languages, and access to resources that enable people who live in a territory with a regional or recognised minority language, but who do not speak this language, to learn it, among other objectives. Despite this, adherence to the treaty by member states is voluntary and can be partial, in such a way that states can choose which articles to sign. In many cases, the effectiveness of the treaty is low, since the legislation that protects the national language is stricter and more effective than the legislation that ought to protect minority languages (Alcalde, 2015). Finally, it should also be noted that, in reality, all language legislation of European institutions is centred on promoting the official state languages, which are the official ones used in the main European institutions: the European Parliament, the Court of Justice, the European Commission and the Council of Europe. By contrast, all language policies aimed at promoting regional languages are based on the conception that these languages form part of European cultural heritage and thereby urge states to promote linguistic diversity and, particularly, to protect minority languages within their borders, but do not demand that they do this (Bos, 2006).

Despite the good intentions, in practice the lack of awareness of languages continues to impede CBC, since most states have neglected the policies that would have enabled more knowledge of neighbouring languages, either by promoting only the use of English as a foreign language in primary and secondary education, or by using only the official language of the state in the media (Cormack, Hourigan, 2007) and in public use. There are exceptions, particularly in local and regional

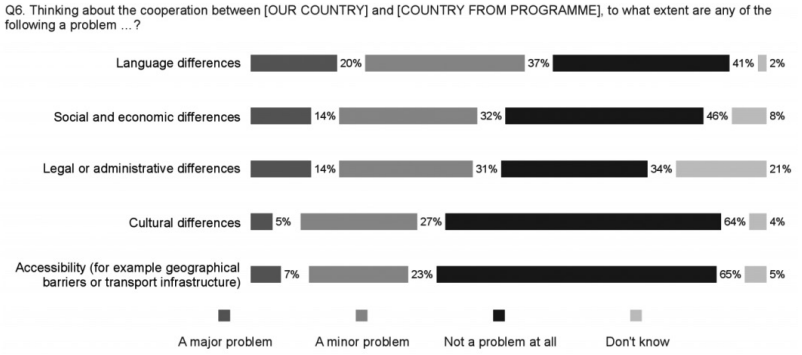
[7] This defence is made explicit in article 3 of the Treaty on European Union, where it states explicitly that "It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced", and in article 22 of the Charter of Fundamental Rights of the European Union: "The Union shall respect cultural, religious and linguistic diversity".

fields, in which active policies have been seen, as in the French-German experience in the region of La Sarre (Bufe, 2001), or based on private initiatives, such as La Bressola or Arrels schools in French Catalonia, which offer primary and secondary education in a Catalan-immersion context[8] (Becat, 2000; Hawkey, 2015). Multilingualism is achieved to a greater extent in demographically small countries, since these countries promote the learning of foreign languages among their citizens more than large countries (Boix, 2006; European Commission, 2005). In any event, however, we note how English continues to expand as a *lingua franca,* especially among the young population, not only because English is given increasing priority in the foreign languages offered in compulsory and post-compulsory educational stages, but also because it is the language associated with youth culture (Chesire, 2002).

## *3.2 Main actors*

Citizens in cross-border areas state that language differences are the main problem when trying to cooperate. The Eurobarometer 422 (which surveyed a sample of inhabitants over the age of 15 in cross-border areas with Interreg programmes) shows these differences to be the main problem for cross-border cooperation (Figure 1), although only 20% considered them to be "a major problem" (and 37% considered them to be "a minor problem").

**Figure 1. Main problems related to cross-border cooperation.**




Source: Eurobarometer 422, p. 112.

[8] The availability of education in Catalan (or Catalan immersion) is very marginal: approximately 1% only of students in Northern Catalonia are schooled in Catalan immersion contexts, and less than 20% receive Catalan classes, with a maximum of 3 hours per week (Hawkey, 2015).

In order to resolve the difficulties related to language differences, the main actors in the cross-border areas must have suitable language training to enable them to communicate effectively. In 2001, the Council of Europe promoted the *Common European Framework of Reference for Languages: learning, teaching, assessment* (CEFRL hereinafter), which "describes in a comprehensive way what language learners have to learn to do in order to use a language for communication and what knowledge and skills they have to develop so as to be able to act effectively" (CEFRL, p. 1) and, at the same time, "also covers the cultural context in which language is set" (p. 1). The CEFRL highlights the fact that the approaches and methods used to teach foreign languages have evolved in a more functional direction of the language as opposed to a structural direction; i.e., language is not seen as a rigid structure based on a number of specific rules, but rather as a functional tool that allows users to use it as a means of communication. From this perspective, the CEFRL emphasises communicative language competence (a concept first introduced by Hymes in 1971). This competence (or set of skills and knowledge that allow a person to carry out actions) is founded on three pillars: firstly, language competence, which includes the knowledge and skills related to the different components of the language: phonetics, vocabulary, syntax, etc. This competence thus focuses on linguist form (more than on its use). Secondly, sociolinguistic competence includes control of the social use of the language (i.e. how the language should be used in accordance with social conventions, such as rules of politeness, norms governing relations between generations, sexes, classes and social groups, linguistic codification of certain fundamental rituals in the functioning of a community, and paralinguistic aspects). Finally, pragmatic competence consists in the capacity to use the language communicatively, taking into account the relations established between the linguistic system, its interlocutors, and the communicative context. The aspects taken into account are the correct management of turn-taking, flexibility in language use, matching the language to the communicative situation, coherence and consistency, precision when conveying a message, etc.

One of the most relevant aspects for CBC is intercultural awareness. In this sense, in the preamble to Recommendation R (82) 18 of the Committee of Ministers of the Council of Europe establishes that "it is only through a better knowledge of European modern languages that it will be possible to facilitate communication and interaction among Europeans of different mother tongues in order to promote European

mobility, mutual understanding and co-operation, and overcome prejudice and discrimination". On these lines, the preamble to R (98) 6 reaffirms the political objectives of its actions in the field of modern languages:

- "To equip all Europeans for the challenges of intensified international mobility and closer co-operation not only in education, culture and science but also in trade and industry.
- To promote mutual understanding and tolerance, respect for identities and cultural diversity through more effective international communication.
- To maintain and further develop the richness and diversity of European cultural life through greater mutual knowledge of national and regional languages, including those less widely taught.
- To meet the needs of a multilingual and multicultural Europe by appreciably developing the ability of Europeans to communicate with each other across linguistic and cultural boundaries, which requires a sustained, lifelong effort to be encouraged, put on an organised footing and financed at all levels of education by the competent bodies."

In the case of the French-Spanish border, for example, in the framework of the POCTEFA cooperation projects (Interreg, in the period 2007-2013), we find some projects that aim to promote the learning of neighbouring languages (or projects that propose specific action to learn the languages native to the two sides of the border) and interculturality. The clearest examples of this are **Cultur Pro** (a project focused on professional language and culture in cross-border Catalan spaces) and **Dos Lenguas** (Two languages, one training programme), a project aimed at helping to train European citizens through formal and non-formal education by offering language training identical to that of Spanish and French children, through complementary cross-border educational provision (based on the creation of a network of Spanish/French bilingual schools and teaching material promoting learning of the neighbouring language).

### *3.3 Governance and outcomes*

Cross-border regions are sociolinguistic laboratories that have a social dynamic which is different to other state territories. Raasch (2002, p. 9) describes the three principles that characterise them:

> "– The growing awareness of the role of languages is particularly marked in border regions.
>
> – Cross-border situations encourage the involvement and activity of inhabitants in a way which promotes multilingualism/plurilingualism.
>
> – These regions/Euroregions are in a privileged situation to promote cross-border integration in the way referred to by the Council of Europe and the European Union as the European dimension and European citizenship."

Thus, on the one hand, regional and local administrations need to be empowered to be able to adapt their linguistic policies to the reality of each Euroregion. Knowledge (at least passive) of the neighbouring language should be guaranteed for a good majority of citizens through the application of a well-defined linguistic policy (particularly during compulsory education, in which the neighbouring language should be one of the foreign languages taught). This would help facilitate integration on all levels: cultural, commercial, economic, tourism, etc. On the other hand, people and citizen associations should also be empowered directly, since speech communities are the framework in which linguistic policies operate (Spolsky, 2004, p. 40):

> The domain of language policy may be any defined or definable social or political or religious group or community, ranging from a family through a sports team or neighbourhood or village or workplace or organization or city or nation state or regional alliance. There is, of course, a good reason for the attention concentrated on political units, and that is the association of language policy with power and authority.

The lack of cross-border governing structures with sufficient capacity to develop linguistic policies ensuring knowledge of the neighbouring languages, as well as intercultural competence, stand in the way of the language objectives established by different European institutions: the *EU Roadmap for Linguistic Diversity* (European Network to Promote Linguistic Diversity 2015), the *Common European Framework of Reference for Languages: Learning, Teaching, Assessment* (Council of Europe 2001) and *CARAP – A Framework of Reference for Pluralistic Approaches to*

*Languages and Culture* (European Centre for Modern Languages, 2007, coordinated by Candelier) pursue the same goal that all European citizens should be able to communicate in at least two EU languages, apart from their first language (and to be passive users of as many as possible). The European Commission has therefore promoted the learning of European languages directly or indirectly through different measures, such as the Erasmus, Leonardo da Vinci and Socrates mobility programmes for students and teachers; cultural programmes (such as Culture, which promotes the translation of literary works of European authors into other EU languages, or Lingua, which directly promotes language learning); or the promotion of European projects, offices and networks related to plurilingualism (such as the European Office of Minority Languages or the Mercator Network).

In cross-border contexts, initiatives should be promoted that encourage people to learn their neighbour's language, as well as to promote intercultural competences that facilitate cooperation. In this sense, the teaching of the neighbouring language presents significant differences with regard to the 'school' teaching of another foreign language (Bufe, 2001, p. 305):

> What is the difference between 'neighbour's language' and 'school language?': school language is a virtual language which depends, above all, on pedagogical simulation. As it is used in the domain of the educational institution, it is mainly a latent language. One learns the language in order to use it one day, and therefore it is far removed from one's field of action. By contrast, the neighbour's language is rooted in a given region, where its actual usage represents a constant challenge. Thanks to the proximity of two regions, the teaching/learning of languages can be greatly facilitated.

Among the different advantages of teaching the neighbour's language, there is the fact that it is easy to find native interlocutors to practice the language, as well as real situations for using it (and not simulated, as in 'school' learning), which also include the practicing of intercultural competence (particularly in aspects of daily culture) (Byram, 2003; Camilleri Grima, 2002; Cushner, Brislin, 1996; Zarate, Gohard-Radenkovic, Lussier, Penz, 2003). Furthermore, teaching the neighbouring language is a reciprocal process (both languages are taught and learned simultaneously).

## 4. Conclusion

We have seen that, in Europe, language borders rarely coincide with nation-state borders, despite the centralising and homogenising policies of the past centuries. Contact between languages, particularly in border regions, generates both conflicts between languages as well as opportunities for cooperation. Sociolinguistics analyses the role played by languages in the structure of society (in relation to the contact between languages, language conflicts, the formation of ideologies and language identities, and language policies) and can provide valuable insights to help explain the role played by the main actors of CBC and the factors that motivate them.

On the one hand, border spaces that share a language (that may be a majority language on one side and a minority language on the other) and the existence of minority languages and cultures within the cross-border zone facilitate CBC. On the other hand, this linguistic diversity is an element that could favour the construction of a European identity. Beacco (2005, p. 15) argues that plurilingualism has been identified as a way of life in Europe. Consequently, the linguistic aims of European institutions (regarding the fact that all citizens should learn other languages of the Union, particularly those of their neighbours) represent an attempt to create a plurilingual identity that goes beyond the national idea of identity. In this sense, Byram (2008, p. 138) states that "[N]ational identity, like other social identities, is reinforced by comparison and contrast with other identities, and the boundaries between the in-group nationality and out-group nationalities are marked, among other things, by language". This plurilingual identity represents a step towards the creation of a European identity (that in no way excludes other national, local, or social identities). As a result, the focus of language education in Europe has been placed on plurilingual training and development (Beacco, Byram, 2003).

However, regional and state legislators are not developing language planning policies aimed at increasing reciprocal knowledge of border languages (neighbouring languages), probably due to political factors: since language is a key element in identity construction, controlling knowledge and use of other languages − beyond the official language of the nation-state − helps to shape citizens' identity. Within the scope of European institutions, most initiatives in favour of plurilingualism are aimed at promoting official state languages, in a way that neglects

regional or minority languages (which are often the ones found in cross-border territories).

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# Economic Sciences

# Cooperation and borders: the economic approach

Hansjörg Drewello, Jean-Alain Héraud

## 1. Introduction

*Cross-border cooperation* is a topic on which economists in a broad sense, i.e. including specialists of management science or organizations' theorists, can provide useful insights. Nevertheless, cross-border cooperation is too specific a subject to be central to those fields. More precisely, while the general issue of cooperation among actors and the analysis of border phenomena are part of well-established specialties in economics and management, they are considered separately only.

*Border phenomena* are typical subjects to geographic economics and regional economics. The growing importance of cross-border economic integration led regional economists and economic geographers to investigate the specific case of the geo-political market segmentation created by borders. Administrative borders are specific contexts impacting on the classical functioning of labor markets, industrial development, the management of environment, etc. If applied to regions close to national borders, border effects are mainly understood as constraints leading to the deformation of "natural" laws in spatial economics, e.g. in gravitational models (Tinbergen, 1962; McCallum, 1995).

Underlining the fact that *cooperation* is not fundamentally linked to border issues in economic literature, a single remark will be made presently: An optimal economic situation could be restored or at least approximated, *if cooperation on a political and administrative level can diminish border effects* by reduction of normative, legal, fiscal, and other regulatory discrepancies.

There is no economic theory of cross-border cooperation, but the economy can benefit from cross-border institutional cooperation. The

idea of the *cooperation* in economics is fundamentally linked with − and opposed to − the central paradigm of the *market mechanism*. Choosing the organizational solution (cooperation) instead of relying on markets is what economists call a "Coase problem". Ronald Coase was the first to ask the basic theoretical question concerning the existence of organizations within a world of markets (Coase, 1960). A firm by itself is a cooperative setting. Why do firms exist instead of a set of markets? Many other great authors in economics (like the Nobel Prize winner Herbert Simon, 1995) and in management science (Williamson, 1985) expanded on the issue of "market *vs* organization". Basically, the economic approach is concerned with the quest for the optimal solution to coordination problems − and the distribution of revenues and means of production − through market mechanisms *versus* organizational procedures.

The article first focuses in section two on most important insights from economic theory with regard to impacts and consequences of geographic space and the existence of borders. In section three we illustrate the diverse impact of borders to regional development and company's behaviour in border regions by drawing on three exemplary models of geographic economics. It turns out from location theory that different types of borders will cause different economic impacts (which will be shown in section four).

In the last section of the article the theoretical findings are used to analyse the reasoning of companies locating in border regions. The cases of two companies support the hypothesis that a national border may have negative as well as positive impacts on their economic activity.

## 2. Space and border in economic theory

The economic effects of borders on markets, companies or consumers are not a major issue of economic science. The two most important fields in economics, Micro- and Macroeconomics, do not focus on economic phenomena caused by national borders. Microeconomics deals with markets in which goods and services are bought and sold. Economists focus their analyses on the behavior of individuals and firms in making decisions regarding allocation (of rare, appropriable goods), but the discipline covers also the role of the State in organizing markets and the existence of "public goods" (wherever produced by public institutions or by private actors – in the case of unvoluntary positive externalities).

Macroeconomics is the study of the behavior and performance of an economy as a whole. It focuses on the aggregate changes in the economy such as employment, growth rate, gross domestic product and the level of prices. Macroeconomics covers the role of economic policies, fiscal and monetary measures, fight against unemployment and the support of economic growth.

At the beginning of the 19th century, with David Ricardo's theory of comparative advantage, a new branch of economics appeared: *international economics*. Using the model of "comparative advantage" Ricardo argued in favor of free trade (Ricardo, 1821, p. 85 et seq.). He suggested that industry specialization combined with free international trade always produces positive results. Up until this time, most economists advocated mercantilism which promotes the idea of controlled borders. The objective of international trade in the mercantilist tradition was to earn bullion by running a trade surplus with other countries. High tariffs and non-tariff barriers to trade, especially on manufactured goods, are an almost universal feature of mercantilist policy.

In international economics the border is a delimitation of national societies with diverse political, economic and legal frameworks. Market situations vary based on differences in production technologies, endowments with resources and factors of production, and different price and interest levels. The vision of trade crossing these borders has changed significantly during the 19th century. Cross-border trade, for the *mercantilist* theory, was supposed to stabilize the native regime and destabilize the government of the "enemy" − war by other means. In contrast, *classical* economics views trade across borders as a means to increase wealth in all participating countries. This remains the objective of research in international economics. The continued interplay of events and ideas subsequently created a bulk of new models of analysis, based on increasing returns and market structures rather than comparative advantage only (e.g. Krugman *et al.*, 2014). Further important fields of research are the intertemporal analysis of international capital flows and international monetary economics. It can be said with certainty, that *the existence of borders between countries is the starting point of all international economics*. But nothing is said about the situation of border territories. It is an analysis of national economies.

Another branch of economics which has developed a special view on borders is *regional economics*. It addresses the economic aspect of regional problems that can be analyzed *spatially*. This is quite noticeable

because most of the rest of economic thinking does not consider space as really relevant (time being the essential dimension of economic variables). Theoretical or policy implications can be derived with respect to regions whose geographical scope ranges from local to global areas. The theoretical basis of regional economics is *location* theory. Location theory and the theory of external economies from "localized industries" developed independently in Germany and North America during the early 20th century (cf. Marshall, 1890; Weber, 1909; Hotelling, 1929; Christaller, 1933; Hoover, 1934). In regional economics the border is a delimitation of regions, which are usually sub-divisions of nation states. In practice economists usually define regions along the lines of administrative units since regional statistics are readily available. However, depending on the object of research, regions defined by common human behavior, preferences, and other shared economic characteristics are often more significant. Therefore, regional economics, dealing with *location*, consider a rather complex concept of space: not just the issue of *distance*, but qualitative characteristics of *places*.

The French tradition, led by researchers like François Perroux and Philippe Aydalot, made the distinction between three different concepts of regions: *administrative regions* (their definition is exogenous to socio-economic analysis), *homogenous spaces* (minimizing the variety of socio-economic indicators within the perimeter and maximizing it outside the perimeter), *polarized spaces* (around a center like a metropolis) (Perroux, 1961; Aydalot, 1976). In the last two cases the *border* is constructed by the analysis. It is either the perimeter of a relatively homogenous community of actors, or the limit between two zones of influence.

Inspired by Aydalot, the European school of regional economics GREMI (*Groupe de Recherche Européen sur les Milieux Innovateurs*) developed a vision of innovation-driven territories that stressed the role of knowledge networks within a culturally homogenous region. Such embededness in regional settings was also developed by Italian authors like Giacomo Becattini (1975), who made the revival of the Marshallian theory about industrial districts. In such approaches of (learning and creative) regions, the territories are characterized by a strong sense of trust and identity. Here, borders can only hinder the networking creativity, but in the case of the Upper-Rhine cross-border area, Héraud (2011) explores the possibility of sharing a similar cultural identity (inherited from a common history) across national borders.

## 3. Geographic economics and borders: three illustrating examples

In this section, we concentrate on three theories of regional economics, explaining the effects of borders on the regional economic environment. The first is a pure theory of location, the second a theory dealing with locally differentiated demands for public goods, and the third addresses the microeconomic behaviors (firm's strategy).

### *3.1 The economics of location*

Beginning in 1940 August Lösch analyzed the effects of borders on regions with a theory he called *Die räumliche Ordnung der Wirtschaft* (Eng.: The Economics of Location) (Lösch, 1962). He describes the structure of economic landscapes without borders as an overlap of the market networks of different industries. Lösch analyses the changes to this "natural" economic landscape caused by the implementation of political borders. Political borders have the tendency to suppress economic activity (Lösch, 1962, p. 144 et seq.) by cutting natural market networks. As a result, subareas arise which faces important hindrances to their economic development. In the extreme case of completely impenetrable borders, a pyramidal decline of economic activity develops. Good examples for this are Eastern Bavaria or West-Berlin during the Cold War.

Industries decide on a location based on their selling radius. A larger radius results in an increased importance of the location to a company in the market area. Close to a border a part of the market area is cut off from distribution opportunities (Giersch, 1950). Industries with a large selling radius are no longer competitive in such border areas. The reverse conclusion is that companies will start to locate to sparsely populated border regions, once borders become more permeable.

### *3.2 The strategic behavior of companies in border regions*

The microeconomic approach by Remigio Ratti allows an insight into the strategic behavior of companies with regards to their border location. Ratti transfers conclusions from industrial economics about the behavior of companies under situations of uncertainty and imperfect information to companies in border regions (Ratti, 1993). From a company's perspective, the border situation is characterized by high complexity of

decision alternatives, high transaction cost, and uncertainty due to a lack of transparency and incomplete information (*ibid.*, p. 357). As predicted by industrial economics, profit maximization under these circumstances will lead to processes of increased vertical and horizontal integration (cf. Williamson, 1985). A large company operating on several markets with unsteady demand experiences less uncertainty than a number of small independent companies (Ratti, 1995, p. 357). It simply has more information.

R. Ratti develops three postulates for companies in border regions (Ratti, 1993, pp. 41-42):

1. *Beside the "firm" and the "market", there exists a third form of organization and regulation of production: the cooperation between enterprises;*
2. *The existence of "uncertainty" requires new functions, particular of coordination;*
3 *The concept of "transaction cost" constitutes the instrument discriminating between the functions assumed by the firm, the market and cooperation.*

He concludes that the high level of transaction costs in border regions will lead to a process of increased cooperation of companies in networks. On the other hand the opening of borders will lead to less transaction costs and therefore to a decartelization of markets. He found empirical evidence for this behavior in companies in the Tessin (Ticino) area, who tried to overcome uncertainty by cooperating with other companies in Europe, as well as in the network building of Swiss transport companies in Chiasso during the years 1960 to 1990 (Ratti, 1991, p. 9 et seq.).

### *3.3 The economic theory of federalism*

An interesting sub-discipline of regional economics is the theory of federalism which tries to define "borders of optimal political regions". If there are federal elements in a country, the question arises which public services should be offered on the different administrative levels. The economic theory of federalism examines "whether there is an ideal federal structure for a political system" (Neumann, 1971, p. 493), which *public goods* should be provided by each level of the federal structure (Oates, 1999, p. 1120), and how existing inefficiencies can be reduced (cf. Koppel, Lichtblau, 2007, p. 18 et seq.).

It must be underlined that the *public goods* considered in economics are goods which are both non-excludable and non-rivalrous in the sense that individuals cannot be effectively excluded from use and where use by one individual does not reduce availability to others. Public goods problems are often closely related to the "free-rider" problem, in which people not paying for the good may continue to access it. Thus, the good may be under-produced or not produced at all (e.g. Lighthouses, dikes), overused or degraded (air, water). Private companies will not produce such goods (or not enough) because they cannot take enough profit from the sales. Therefore collective optimum is fulfilled if the public sector will produce them or regulate their consumption.

Classical economics assesses the provision of public goods solely on the basis of their costs and benefits. From a macroeconomic point of view, the provision of public goods is only worthwhile if the resulting benefits exceed the associated costs. In contrast, along with the costs for the utilization of resources, the economic theory of federalism takes so-called "expected external costs" (Buchanan, Tullock, 1962, p. 115) or "preference and frustration costs" (Biehl, 1994) into account. These costs are caused by an incorrect or insufficient supply of public goods to the population. The argument for a decentralized provision of public goods in a heterogeneous society is based on varying preferences for public goods and thereby the differing benefits from region to region. Smaller units of self-government, therefore, can be more responsive to individual and local preferences than a central government (Oates, 1972, p. 54). If decisions on the provision of public goods are made in smaller units, frustration costs tend to decline.

## 4. Borders: A specific location factor for companies

Location factors are the sum of all factors that an enterprise considers when choosing a location for setting up a new plant, office, warehouse or distribution center or even for staying in the old location. Thereby the location factors are decisive for the attractiveness of potential or actual sites.

The most common distinction of location factors is the division into two groups, hard location factors and soft location factors. Hard location factors are quantifiable and may be reflected on the balance sheet of a company (e.g. availability of subsidies, taxation level, labor

and energy costs, or availability of infrastructure). In some cases the hard location factors are prerequisite for the establishment of a company. For example, the proximity to an ample source of energy is necessary for a paper mill. Soft location factors cannot be captured by the accounting of a company. They are not quantifiable, but they become increasingly important for location choice. Many of those soft location factors are attractive to workers (e.g. residential environment, quality of medical care and education institutions, leisure time facilities). The capacity to learn in a specific socio-economic environment is another soft factor. It explains for instance the advantage of locating in the Silicon Valley − or any Marshallian district, or innovative milieu.

A border can have both characteristics, e.g. depending if cross-border transaction costs are measurable or not. The border may be of some importance to a company which tries to expand. A company has to deal with a smaller national selling area and with little information about the market situation abroad. Therefore, if a company extends its selling area beyond the border it has to deal with increasing measurable transaction costs. On the other hand a closed border region may provoke a negative image of the concerned border region with a non-measurable negative impact to companies in this area.

In order to explore the effects of borders on companies deeper, we have to consider different types of borders. For economic analysis the subdivision into three types of borders is relevant (Ratti, 1995, p. 357):

1. **The impenetrable border**

   It is one of the main reasons for disadvantage of border regions. The "principle of separation" leads central governments to neglect the socio-economic development of these areas. The best example is the former iron curtain between Eastern and Western Europe and the intra-German border before 1990.

2. **The filter-border**

   It is a "discriminating agent" between different political and economic systems. From an economic point of view the above mentioned negative effects arise, as they cause high complexity and transaction costs as well as additional uncertainty and lack of transparency. High tariffs hinder the exchange of goods and competition. Strict identity checks complicate border crossings. A good example for this kind of border is the US-Mexican border.

**3. The open border**

The "principle of contact" dominates the "principle of separation" in this type of border situation. Political and economic stakeholders in the border region and in the central governments are supporting any kind of exchange across the border. A specific border zone milieu seems to appear (Martinez, 1994, p. 8 et seq.). The border region develops specific characteristics. People in the border region have a better knowledge about the situation in the neighboring country. Populations in cities near the border become increasingly mixed. Because of cultural diversity conflicts are more likely. Under favorable circumstances the milieu develops a mode of coexistence, mutual accordance and adaptation, which may be advantageous to economic development. *Variety* stops being a purely negative factor; it can lead to creativity in the long run (evolutionary *vs* static effect). This regime is predominant in many border regions in the European Union.

The "open border"-type seems to be the most beneficial from an economic point of view. The question arises, if companies can profit under certain circumstances from the nature of a border region. Could it be possible that an open border is a location factor with advantages rather than disadvantages to companies situated in such an area?

Some assumptions support the idea of "open border" as a location factor with positive economic effects on companies. Companies located in such regions may profit from:

- better market access to neighboring countries, because of better information;
- employment of frontier workers, e.g. in cases of wage differences and skills shortage;
- better access to cross-border and international networks;
- geographical proximity to potential customers and partners in the neighboring country;
- evolutionary advantage by crossing national knowledge and competencies into new cognitive combinations (innovation)
- establishing an international image;
- from European programs, e.g. special programs for cross-border cooperation, like INTERREG.

## 5. Case studies in the Upper Rhine border region

In spring 2017, a small student project, organized through the Master program "Management of Clusters and Regional Networks" of the University of Applied Sciences Kehl and the University Strasbourg, aimed to create a preliminary study on the location strategy of companies in border regions. The following case studies on the "LahrLogistics House & Garden GmbH" and "SICAT" describe the location rationale of each company in the Upper Rhine area. Most of the information was generated in interviews with Hanspeter Fischer, head of logistics at LahrLogistics, on the 6th of June 2017, and with Charlotte Pham, head of SICAT on 3rd of July 2017.

### *5.1 The case of LahrLogistics House & Garden GmbH*

LahrLogistics is a German-Swiss joint venture, situated in Lahr in the German region Ortenaukreis (Upper Rhine Valley), 5 km from the French border and 100 km from the Swiss border. The two founding parties are cooperatives: the Swiss Fenaco and the German ZG Raiffeisen. Fenaco holds a share of 74 percent, ZG Raiffeisen of 26 percent. The company was established in June 2015 in the industrial area "startkLahr Airport & Business Park Raum Lahr". It aims to grow in several phases with a total investment volume of 75 million euros. In the first phase 13 million euros were invested and 20 employees are currently working on a logistic site with 11.000 square meters (Offenburger Tageblatt, 2015). At the end of the development process 400 employees will work at LahrLogistics. In order to optimize procurement, storage and distribution costs, the objective of the new company is the Europe-wide purchasing of agricultural commodities and a common logistic service (Badische Zeitung, 2014).

For three years Fenaco and ZG Raiffeisen have evaluated 10 locations. Lahr was chosen for its excellent road, rail and waterway infrastructure as well as a nearby airport. Remarkably, the consortium managed to negotiate duty-free exports to Switzerland with German and Swiss customs authorities (Badische Zeitung, 2015).

In an interview, the director of LahrLogistics mentioned the employment market as a further important location factor. The immediate vicinity of the French border facilitates the employment of French cross-border commuters. This creates a win-win-situation wherein

the company can offer lower salaries while creating job opportunities for unemployed French workers. In nearby Alsace the unemployment rate as of 2017 (first quarter) is at 8.3 percent in the department of Bas-Rhin and at 9.2 percent in Haut-Rhin (INSEE, 2017). Meanwhile in the German region of Ortenaukreis, as well as in other parts of Baden-Württemberg, companies face skill shortages even in the logistic sector. The unemployment rate is significantly lower with 3.0 percent in the Ortenaukreis (second quarter 2017) (Statistisches Landesamt Baden-Württemberg 2017).

Some other advantages were cited in the interview: A further reason to locate in Lahr was the relatively low price of real estate − four times lower than comparable sites in Switzerland. The cooperation with other companies in the industrial area works very well. The company benefits from transfer of experience and best practice concerning recruiting and facility management. Furthermore, the company expects an expansion of its sales in France, one of the largest agricultural markets in Europe.

### *5.2 The case of SICAT*

SICAT is a small French high tech firm founded in 2001 in order to develop and commercialize a product initially developed by researchers at the University of Strasbourg. A sister company, ACM GmbH, was created 2010 in Willstätt (Germany, Ortenaukreis), just across the Rhine in the same greater urban area. The production site is in the Industriepark BIW. Overall, SICAT and ACM have 5 permanent employees.

SICAT is specialized in the design of tailored-made porous materials for catalyst systems and other industrial applications. Its major intellectual assets are patented inventions using silicon carbide. In order to expand, the company had to move its previous production site, located near Saverne in Alsace, to another location in 2010. The most interesting opportunity appeared to be close to Strasbourg but on the German side of the border. The industrial park of Willstätt offered a fully equipped location: a building appropriate for chemical production and the necessary facilities for energy supply, waste and pollution treatment, logistics, security, etc. Finding the ideal industrial environment in Germany contributed to the success of SICAT's growth process. It solved the location problem, but also contributed to the potential for international development. Leaving the production to a German subsidiary proved to be technically as well as strategically beneficial to the French company. SICAT started as an

academic start up and continues to be a more research-oriented service company rather than an industrial organization. The complementary nature of the arrangement is evident: SICAT in Strasbourg remains close to the University-CNRS lab which is the origin of the firm's creation (a very important relationship for a company with very long product development processes of 6 to 10 years); ACM GmbH has all the necessary facilities for production and benefits from the image as a German industrial company despite most of its employees being French and living in Strasbourg.

The cross-border development was felt as a necessity at the beginning, and could have been perceived as a constraint. For the reasons explained, it turned out to be an advantage. Moreover, the French company has investors from France, the rest of Europe and the United States, and the formal head company is located in Paris. This small high tech firm has become a globalized organization by sourcing production factors where they are available in the highest quality: scientific background in Strasbourg, head offices in Paris, funding from various international sources (as of today, several million Euros have been invested in developing the company), and production in Germany. The border situation has been ideally exploited.

## 6. Conclusion

The European Union, a common market since the treaty of Rome in 1957, is divided by thousands of kilometers of national borders. The external frontier of the Community is about 14.300 km long. Innumerable territories in the EU are therefore under the economic influence of borders.

Thus it is surprising that, as was demonstrated in this article, borders and cross-border cooperation are not an important issue in economic theory yet. International economics interprets the border more or less as a hindrance to trade between different countries. Nothing is said about spatial effects of a border. Some efforts have been undertaken in geographic economics to analyze different types of borders and their influence on strategic behavior of companies situated in border regions. It turns out that cross-border cooperation, e.g. in company networks, could be a helpful tool to turn the negative effects of borders into competitive advantages, depending on the degree of permeability of the border.

Two case studies were presented in this article, describing the reasoning of two very distinct companies to locate in a border region. The two companies situated in the Upper Rhine area − marked by three national borders between France, Germany and Switzerland − were able to utilize attractive location factors in their closeness to borders, i.e. better information about neighboring countries, better market access to these countries, employment of frontier workers, and so on. We saw that the advantage may vary among companies depending on their special economic activities and requirements.

We conclude from our work that more research on this specific issue is essential. We do not know which degree of border openness allows for the above mentioned positive effects. How to decide on the most advantageous type of border: filter-border or open border? Is there a way to measure "openness"? Furthermore, the pre-conditions for a border as a positive location factor for a company should be analyzed and systemized. This work could have a major influence on two levels: on the European level working out new arguments to deepen the stuttering integration process and on the regional level generating new tools to improve economic development in border regions.

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# Administrative Sciences

# Cross-border cooperation from the perspective of Administrative Science

Joachim Beck

## 1. Introduction

Public administrations play an outstanding role in the development and implementation of cross-border cooperation in Europe. Be it at local, regional, national or EU-level − wherever policies, cooperation approaches, projects, programs, structures et cetera are designed and developed in a cross-border perspective, the question as to which administrative level, in which form, and in which vertical and horizontal interdependency, is or is not to be involved, arises. Public administration is thus both an object and an acting subject of cross-border cooperation. It is therefore all the more interesting that in spite of a tradition of more than 50 years, administrative science in Continental Europe has so far only rarely focused on the research topic of cross-border cooperation. This can be explained mainly by two factors: firstly, despite the increasing internationalization and, above all, Europeanization, the actual subject matter of administrative sciences is still strongly oriented on the context of national administrative systems − even in its comparative form. Experiments to the implementation of internationally valid concepts such as the New Public Management (NPM) movement of the 1990s have hardly changed this. On the contrary, implementation analyzes show that, despite the increase in certain congruences, the persistence of national systems is still a large one. And especially within Europe, public administration is still a very different phenomenon from Member State to Member State − despite the variety of attempts by the European institutions to harmonize (Sommermann, 2015).

On the other hand, approaches of administrative science are as such characterized by a high degree of internal disciplinary plurality. Even

though administrative science in the singular certainly pursues the goal of an integrative single discipline (König, 2008; Bogumil, Jann, 2009; Becker, 1989), it is *de facto* the case, that scientific research is still strongly monodisciplinary, despite an increasing inter − or transdisciplinary orientation in more recent times. As a rule, there is usually still a specific predominating view of one discipline on the subject area of public administration which then also determines the respective administrative science approach. Accordingly, one can observe that a specific research approach of public business administration (Bals, Fischer, 2014; Barthel, 2016) has been developed within business economics. Sociology has opened up a research field of public administration in the social sciences since the 1970s (Mayntz, 1985) − however referring to the work of Max Weber it can even be said to be the funding scientific discipline; political science has increasingly developed research approaches with regards to issues such as policy development (Mayntz, Scharpf, 2005), implementation (Wollmann, 2000; Sanderson, 2002), political field analysis (Héritier, 1993; Schubert, 2012), or more recently on governance (Benz *et al.*, 2007); in addition to established approaches of state and related government theories (Hesse, Ellwein, 2012), functions and structures of public administration were also established as separate research branches within government science (König, 2015). All these approaches must, however, be understood as an extension or differentiation of a traditionally legal scientific view on public administration in Continental Europe, where law still plays a predominant role in the practical functioning of public administration (Püttner, 2017). It was only during the 1970s that administrative science has traditionally developed its object of investigation further on the recourse to organizational research results, especially coming from the Anglo-Saxon context (Seibel, 2017), although the issue of the transferability of identified rationalities, structural principles and functional logics of the private sector to the public sector was not always critically reflected (König, Beck, 1997). More recently, however, this classical duality has been increasingly differentiated by more integrative concepts of multirational management (Schedler, Ruegg-Stürm, 2013).

As with the plurality of disciplinary approaches also a wide range of thematic questions are covered by administrative science. If one looks at textbooks of Public Administration or studies the curricula of corresponding training offers at BA and Masters-level, it very quickly becomes evident, that the object of public administration is iridescent when it comes to the variety of its thematic differentiation: More classical topics

such as public, private and thematic law, the basics of public organization or personnel- and financial management or even decision-making, are today expanded by issues such as IT-, project-, programme-management, planning and strategy-building, marketing and communication, intercultural-management, e-government, participatory-management, change-management, team-building, leadership, Controlling, cost and performance accounting etc. As it is the case with Sociology, one can easily get the impression, that Administrative Science seems to be about to become a "hyphenated Science".

Administrative science has often been described as being a "reform science" as many of its theoretical concepts in the past have both influenced the design of practical reform approaches and in turn have been influenced back by the practical challenges and patterns of such reforms – as it can be illustrated for the case of Germany by the Stein-Hardenberg reforms in Prussia, the reforms of territorial organization in the 1960s, the modernization of state planning in the 1970s, the redesign of public tasks in the 1980s, the introduction of instruments of New Public Management in the 1990s or the introduction of new participatory approaches via concepts of governance and open Government more recently. Most of such approaches have been designed with the support of academics coming from such highly prominent centres of Administrative Sciences as the Universities of Speyer, Konstanz, Potsdam and Berlin or some of the many Universities of Applied Sciences which de exist in the flied of Public Administration at Länder level. However, in general, a certain predominance of normative thinking over empirical evidence is still a basic challenge here, especially with regard to the ever stronger influence of literature coming from the field of Management and organizational theory in recent decades.

Against this rather complex and manifold background of administrative science, the following article has to concentrate on some very selected questions with regard to the object field of cross-border cooperation. The following section 2 will address the topic of cross-border cooperation from the point of Administrative Science with regard to three basic analytical disciplinary questions. Section 3, in turn, will interpret selected characteristics of CBC by drawing on boarder theoretical assumptions of administrative Science and Public Management. Section 4 draws a conclusion and suggests further trans-disciplinary research questions in the field of cross-border cooperation.

## 2. Cross-border cooperation (CBC) as research-field in Administrative Science

Territoriality is a key construction principle of Public Administration. In a classical understanding, administrative territoriality is linked to the notion of the nation state, characterized by internal and external sovereignty over its territory (König, 2008, p. 27). Accordingly, administrative borders, which are mostly designed according to spatial criteria such as reachability, efficiency in terms of organizational redundancy-avoidance or effectiveness in terms of service delivery, usually not only determine the external limit of competence of a given administrative unit, but also define the internal relations and interfaces between different administrative levels and/or units that do exist within a state. For many attempts aiming at administrative modernization, the redesign of administrative borders is crucial – be it in the horizontal perspective of adapting a given administrative structure to new socio-economic intertwines and challenges and thus enlarging the territorial scope for administrative action (e.g. the creation of new inter-local structures, incorporation of smaller local authorities into bigger territorial units, restructuring of the functional inter-relation between cities and their neighbouring communities, but also clusters and new inter-sectorial networks emerging at local and regional level) or in the vertical perspective of redesigning the functional competences conferred to different administrative levels (concepts such as deconcentration, devolution, decentralization are relevant in this regard).

A second classical construction principle of Public Administration can be seen in its function as institutional capacity for the effective and efficient handling of public tasks. Whenever a public administration is to be set up or changed, this usually does not create a means in itself, but rather has the finality to support the production and delivery of public goods. As a general rule, in this respect, public administrations can be perceived as a structural/institutional capacity that is designed according to its public function assigned (the common denominator here is the famous notion of "structure follows function"). The institutional choice of public administration should not be separated from the functional needs and structural requirements of its related public tasks. However different degrees of institutionalization may lead to different organizational shapings, with specific advantages and disadvantages each.

A third basic construction principle of Public Administration is its function as open social system. In public administrations, as in any organization, both membership, competence, task-orientation, formal and informal structures etc. are defined by the limits/borders of an organization which can be conceived as constituent criterion. Social systems are characterized by specific codes that operate the communication and interlinks between its members (for the related concepts of autopoiesis and self-reference, see Luhmann, 2001) and that at the same time differentiate a system from its environment. However, a social system does not stand isolated from its environment, it even depends, for its own survival, on systemic external interaction and cooperation. Interdependence and open communication with a system‘s environment is thus essential – especially for public administration which gets both resources and legitimization from its politico-societal environment. Beyond classical approaches of systems-theory, more recent concepts in Administrative Science thus underline the increasing blurring of systemic borders, arguing from uni-lateral public steering towards more complex inter-systemic/hybrid patterns of cross-sectoral network governance ("New Public Governance") in the future. Change and changeability of a system in relation to its increasingly complex environments are thus central criterion of a modern public administration.

Against this background, the following chapter will address the issue of cross-border-cooperation from the point of three analytical questions which are at the very centre of public administrative writing: a.) What are public tasks and how to best built an institutional capacity for handling such public tasks (CBC as a challenge for transnational institution-building)?; b.) How can public institutions and organizations best be managed (The functional characteristics of CBC as a challenge for transnational public management)? c.) To what degree and under what conditions can public administrations change and develop (changeability and the challenge of chance-management in cross-border institutional constellations).

## *2.1 CBC and the logics of transnational institution-building*

The basic starting point of any consideration of the role and function public administration is playing in a given state is its explicit reference point to public tasks and missions. Different to institutions of the private or the societal sector, public institutions need to be justified by and

thus refer explicitly back to the issue of legally codified public tasks and missions, laying the ground of the public sphere in a country/state. The sources of such public tasks, however, are de facto multifarious: at macro-level the constitutions are (however with a very different cultural shaping across systems and continents) defining basic public tasks and functions in the form of State objectives, followed by uncountable norms defined at the level of thematic and organizational public law. Further to this, public tasks and missions can also be identified below the very level of law, e.g. in the form of public regulations, guidelines, communications, decisions of public bodies and or even with preables of public contracts or specific legal forms agreed upon and/or applied by public institutions.

The consideration of the (re)definition and fulfilment of public tasks and missions and thus also the related issue of public institution-building has been discussed in Administrative Science along the concept of vertical and horizontal differentiation. Vertical differentiation refers to the question of how public tasks and missions should best be located at different spatial levels of a state. In federalist states, for instance, this covers both the task-division between the Federation and the federal states, their internal territorial differentiation and the division of labor between them and the level of local government. In unitarian states, the vertical differentiation is mainly a (often still rather normative) question of how (central and/or deconcentrated) state competencies and tasks can/should finally be transferred to the level of territorial self-administration at the various spatial levels (local, inter-local and regional). The classical concepts applied by Administrative Science in this regard are decentralization and deconcentration of public functions within the public space of a given country and with regard to the effectiveness and efficiency of task-delivery (Wagener, 1974).

Horizontal differentiation in turn, refers to the broader question of which tasks are de facto public and which tasks rather depend (or should depend) and thus need to be carried out by the private sector or society. This horizontal dimension of task differentiation is often in question and – depending on political or societal values and/or leitmotivs – different horizontal divisions of labor between the public and private sector and society and thus also different public institutional profiles can be observed when comparing different countries and states both within Europe and of course at a global level (Wollmann, Kuhlmann, 2014).

Both the vertical and horizontal differentiation of public tasks are subject to permanent change, and issues such as territorial reforms,

de-regulation, privatization and/or re-regulation still determine the reform agendas of many countries in Europe (Kuhlmann, Wollmann, 2014). With regard to the very issue of institution-building, the role institutions are playing is highlighted within Administrative Science. Institutions are understood as stable, permanent facilities for the production, regulation, or implementation of specific purposes (Schubert, Klein, 2015). Such purposes can refer both to social behavior, norms, concrete-material or to non-material objects. Following the understanding of administrative sciences, institutions can in this way be interpreted as corridors of collective action, playing the role of a "structural suggestion" for the organized interaction between different actors (Kuhlmann, Wollmann, 2014, p. 51). The question of the emergence and changeability of such institutional arrangements in the sense of "institutional dynamics" (Olson, 1992) is subject to the academic school of neo-institutionalism. Following Kuhlmann and Wollmann (2014) three main theoretical lines of argument can be distinguished here:

Classical historical neo-institutionalism (Pierson, 2004) assumes that institutions as historically evolved artefacts can be changed only very partially and usually such change only takes place in the context of broader historical political fractures. Institutional functions, in this interpretation, impact on actors, trying to change given institutional arrangements or develop institutional innovations, rather in the sense of restrictions. In contrast, rational-choice and/or actor-centered neo-institutionalism (Scharpf, 2000; March, Olsenv 1989) emphasizes the interest-related configurability of institutions (in the sense of "institutional choice"), however, the choices that can realistically be realized depend on the (limited) variability of the existing institutional setting. Approaches of sociological neo-institutionalism (Edeling, 1999; Benz, 2004), on their turn, also basically recognize the interest-related configurability of institutions, however − rejecting the often rather limited model in institutional economics of a simple individual utility maximization of actors − emphasize more on issues like group-membership, thematic identification or cultural adherence as explanatory variables.

With regard to the conceptual use of neo-institutionalist thinking, cross-border cooperation represents a twofold interesting application area. First it constitutes an object-based framework, to which the three above lines of argument are related: the territorial reference-frame of politics, in which institutional arrangements are de facto materializing themselves. Second, territorial cooperation itself, as dependent variable,

can only be understood rightly, if − with regard to its genesis, structural and procedural functioning and material effectiveness − both historical, actor-centered and sociological factors are considered as explanatory variables and with their respective interdependency.

Cross-border co-operation is confronted and finds itself sometimes even in conflict with the principle of territorial sovereignty of the respective nation-states involved (Beck, 1999). Even in those regions where the degree of co-operation is well developed, cross-border co-operation must therefore be considered as a transnational politico-administrative *sub*system (Frey, 2003) created by and composed of the respective "domestic" national partners involved. The reference level of this sub-system is founded through a perception of cross-border regions as being "functional and contractual spaces capable of responding to shared problems in similar and converging ways, so they are not political regions in the strict sense of the term" (Ricq, 2006, p. 45). On the other hand, the fact that cross-border co-operation is not replacing, but strongly depending on the competence and the role of the respective national partners (Blatter, 2000; Rausch, 1999) does not automatically mean, that this co-operation is a priori less effective than regional co-operations taking place within the domestic context. Research on multi-level policy-making in Europe has shown, that a productive entwinement and networking of different actors coming from distinct administrative levels and backgrounds can be as effective as classical institutionalized problem-solving (Benz, 1998; Benz, Scharpf, Zintl 1992; Grande, 2000). Yet, the institutional and functional preconditions of cross-border co-operations are far more complex and exposed to various conditions which also has a direct impact on the way cross-border institution-building can be *de facto* embellished. The central criterion for the evaluation of such kind of successful cross-border institution-building, however, is, nevertheless, both the degree of mobilisation and participation (structure and quality) of the relevant institutional and functional actors and the effectiveness of the problem-related output which this subsystem of co-operation is producing (Casteigts, Drewello, Eisenberg, 1999) – both depending largely on the domestic capacity of transnational institutional framing.

With regard to the functional task-focus, practical cross-border cooperation approaches in Europe are covering a wide range of material fields of action. Depending on the respective territorial context, these cover classical fields of regional development (such as spatial − and urban development planning, economic development, research and

development, transport etc.), specific approaches of cooperation in sectoral policy areas (health, social security, education and training, science and research, environment, conservation and tourism, etc.) or areas of public services of general interest (supply and disposal, security, infrastructure, leisure and sport, etc.). A classification of these various tasks, as relevant for the question of the challenge of cross-border institution-building, can be developed on the basis of the dimensions of "thematic orientation" and the characteristic "functional role"cross-border-cooperation is de facto playing in this respect.

Regarding the criteria of *thematic differentiation* a task-classification can lead to the following typology (Beck, 2017):

Type A: Cooperation within the framework of mono-thematic projects (bridges, bike paths, bus-lines, kindergardens, information services for citizens, businesses, tourists, etc.) including INTERREG-life-cycle management ("single issue");

Type B: Cooperation within entire policy-fields (environment, health, transport, education, science and research, etc.) ("policy-related");

Type C: Cross-topic cooperation like programming/implementation/management of INTERREG programme; cooperation taking place within political bodies such as government commissions, Euroregions, Eurodistricts; Inter-sectoral cooperation taking place within the framework of innovative networked governance approaches of territorial development ("integrated-cross-sectorial").[1]

In contrast, the typology of the criteria of "functional role of cooperation" refers to a variation in the intensity of cooperation requirements and the related performance of duties and tasks. Six ideal types of functional levels of cross-border cooperation can be identified here, that build on each other in practice – in the sense of a core process – and which are very often sequentially interlinked in the sense of different stages of development:

Type 1: The encounter between actors from various national political and administrative contexts can be considered as a basic function for the performance of cross-border tasks. The aspects of mutual learning and the exchange about the respective specifications of the home context

[1] I will refer back to this classification below, when discussing different degrees of institutionalization.

mark this level. Mutual meeting promotes mutual understanding and thus forms the basis for building trusting reciprocal relationships.

Type 2: On this basis, the partners can then enter into the second phase, which is characterized by regular mutual information.

Type 3: Once informative cross-border relations are sustainable, these lead to the cross-border coordination of the relevant actions and policies of the partners involved in the third level.

Type 4: From this, the demand to develop joint cross-border planning and strategies that can ensure a coordinated, integrated approach in relevant fields arises as a fourth level.

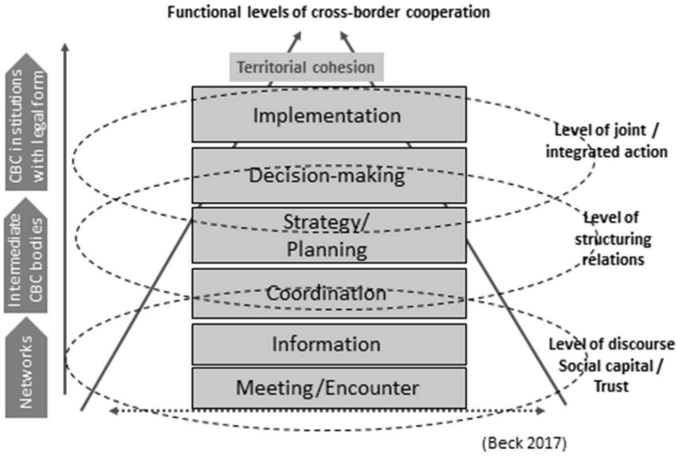
Type 5: On this basis, then joint decisions can be made, which eventually lead to

Type 6: Shared, integrated and coordinated cross-border implementation of tasks on a sixth level.

This classification of six cross-border functional levels, building on each other, stands for the empirical observation that both the intensity, the liability, as well as the integration of the cooperation growths from one level to the other. Each stage itself represents a necessary and legitimate dimension and precondition of the effective fulfilment of cross-border tasks. In addition, the six levels are also representing different logics of interaction between the actors involved: while the first two levels are primarily a level of discourse, the following two stages focus rather on the structuring of the relations of interaction as such whereas the last two levels refer to implementation-related joint actions in a transnational context. Accordingly a reliable cross-border task-fulfilment is therefore only given (and possible) if all functions in all six reference levels are realized. The observation, that the two functions "decision" and "implementation" often still show empirical deficits (Beck, Pradier, 2011) illustrates the challenges regarding the state of implementation of an integrated cross-border policy in many cross-border constellations.

The following figure summarizes the model of different functional levels of cross-border-cooperation:

**Figure 1.**




Territorial cooperation of the new generation tries to increasingly promote integrated development of cross-border potentials (Ahner, Fuechtner, 2010). Thus the question, by which means of transnational and inter-regional institution-building this territorial development can best be accomplished, is more and more on the agenda in many border regions. From the point of Administrative Science, classical concepts (and their related scienific literature) such as decentralization/centralization, deconcentration/concentration or integration/differentiation, understood both vertically and horizontally, can inform and/or even rationalize the debate on how transnational institutional settings should best be designed in order to cope with changing transnational tasks and missions and the challenge of their shared fulfilment based on inter-institutional division of labor. With regard to a better understanding of the logics of transnational institution-building it can be useful considering the related territorial cooperation-needs as a basic starting point, which are in turn derived from the different thematic and functional tasks of territorial development itself and which can be understood as intervening variables of such forms of transnational institutionalism: Different degrees of cooperative institutionalization, such would be the related hypothesis, can be interpreted as a territorially influenced function, resulting from the collective adjustment between different historically evolved and thus still rather persisting national systems (public administration, law, political, economic and social order, characterized by diverging

functionalities), the interest-related interaction between the actors involved (local communities, territorial governments, enterprises, associations, universities, etc. with individual institutional interests), and the cultural and group-related formations (administrative and organizational cultures, norms, leading ideas, mental models, etc. of both the collective and individual actors) which are finally, in turn, impacted/influenced by (interdependent) intervening territorial variables such as geographical location, socio-economic situation, the practical handling of functional development needs, policy-typologies and/or policy-mix, inter-cultural understanding (for further explanations see: Beck, 2017).

The fact of different interests and systems meeting each other within the subsystem of cross-border cooperation marks both the complexity and the conditions under which joint institutional solutions can be developed cooperatively at a transnational level. Referring to the above described typology of CBC-tasks and functions, in principle, the need of institutionalization would depend on and increase in relation with the expanded level of both the tasks and the functions to fulfil. Following Beck (2017), Blatter (2000) and Zumbusch, Scherer (2015) the following figure suggests a model of territorial institutionalism in cross-border cooperation:

**Model of territorial institutionalism in cross-border-cooperation**

Function of cross- border cooperation

| Thematic orientation of cross-border cooperation | Discourse | | Structuring relations | | Joint action | |
|---|---|---|---|---|---|---|
| | Meeting | Information | Coordination | Strategy | Decision | Implementation |
| Type A: Single issue | -- | - | - | 0 | + | ++ |
| Type B: Policy-field | -- | 0 | + | ++ | ++ | ++ |
| Type C: Integrated / cross-sector | -- | - | 0 | + | ++ | ++ |

Networks → Bodies → Organizations (with legal form)

Relevance of formal institutionalization: -- = very low / - = low / 0 = neutral / + = moderate / ++ = high

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## *2.2 What are the functional patterns of CBC as (sub-) system?*

Division of labor can be seen as the starting point of management-theory, which has influenced administrative science. It could even be said that with all scientific management thinkers and practitioners it was always a matter of changing the basic principle of the efficiency advantages through an effective management of the division of labor. It is therefore not surprising that a common definition of management states the following: "Under management, the goal-oriented leadership, design and development of working organizations is understood". Organizing in the sense of optimizing order thus must be seen as the prerequisite for management. It has, however, to be distinguished between the institutional dimension (those who are managing) and a functional dimension (the different tasks and activities) of management. While the first is closely related to the formal position of actors in an organization (the management/leadership level) the latter covers a wide range of activities which differentiate the basic need of organizing into a number of classical management functions which have been described under the famous POSDCORB-Acronym (Planing, Organizing, Staffing, Directing, Coordinating, Budgeting), or the classical life-cycle of management with its phases of "problem-analysis", "objective-setting", "strategy-development", "assessment of alternatives and selection of preferred option", "provision of resources", "implementation", "evaluation", "termination/redesign" (Schreyögg, Koch, 2015).

Public Management and organizational-theory provide two interesting assumptions which can be applied to the case of CBC: at macro-level theories of policy-development and implementation (policy-cycle-thinking) combined with (theoretical and empirical) insights on decision-making processes can be used to better understand and interpret the functional characteristics of the CBC-subsystem as such. Classical approaches of public management in turn, allow to compare and interpret the very specific characteristics and functional challenges of cross-border structures compared to the domestic administrative context and may provide methodological and instrumental guidance for further optimization.

Two perspectives arise from this: a.) the functionality of the CBC subsystem from the point of decision-making: is there a transnational working-culture? b.) what are structural characteristics of the CBC sub-system compared to classical administrative patterns within the domestic context?

### 2.2.1 The functionality of the CBC subsystem from the point of decision-making: is there a transnational working-culture?

The results of a survey amongst 132 actors in the Upper-Rhine give an indication on the existence of quite unique patterns of a cross-border working culture (see Beck, 2015 in Beck, Larat):

The results of the survey show that the Upper Rhine cooperation system is characterized by very specific patterns of cross-border policy making (see Beck, 2014). The different administrative-cultural basic patterns of the three neighboring states of the Upper Rhine have a decisive effect on the organization of cross-border cooperation and thus on the functionality of the cross-border cooperation system as a structural framework. The survey shows, firstly, with respect to *problem perception and analysis*, that there are apparently different time horizons and levels of problem analysis between the partners involved, which generally lead to divergent assessment criteria and objectives. The difficulties of coordinating these different approaches result in the fact that cross-border cooperation is usually characterized only by a small extent of original problem analysis, a low strategy reference, and often by a one-sidedness of the initiative function of individual actors for new projects.

With regard to the *transnational agenda-setting*, a follow-up or the synchronization of national thematic contours can be observed. In addition, interdependent interests predominantly dominate cross-border needs. Differences also relate to the roles of administration and politics as a source of ideas, which often leads to a low selectivity or to the addition of diverse domestic thematic approaches in cross-border cooperation.

The *process organization of cross-border cooperation* is characterized by the challenge of a synchronization of very different competencies, which leads to very small-scale work processes with a variety of informal feedback loops. The large number of committees and meetings to be observed therefore means a high degree of procedural and a relatively low orientation towards the results of cross-border cooperation.

The different administrative-cultural fundaments are also reflected in the high complexity of *cross-border decision-making*. Different roles, competences and self-understanding of the actors regularly lead to a complexity of the preparation and structuring of work meetings, which is resulting in lengthy processes. At the same time, administrative cultures, which are more defined by open-ended, discursive project ideas, contrast with those cultures which already present project proposals with plans,

contract drafts and business plans at a very early stage. A lack of knowledge about the working conditions of the partners also means that the cross-border patterns of decision making are characterized by delays on the work floor and the need for a synchronization of different administrative-cultural self-understanding, with the result that the decision-making preparations take an unusually long time.

With regard to transnational decision-making itself, *the transnational negotiation system* can be characterized by the fact that there are very strong blockades through veto positions at work level. This is caused not only by the unanimity principle, but also by the fact that different administrative cultures have different self-perceptions about what a decision is and who has to make it. The informal pre-decision function is therefore carried out by a close interpersonal and interinstitutional network of the representatives of the official cooperation partners. The fact that, on the other hand, there is a great discrepancy between the managerial level and the technician level between the administrative cultures involved can be seen as a reason for the general tendency towards decision postponement by which cross-border cooperation is still often characterized. Differing interpretations of decision-making content as well as the institutional weakness of implementation also lead to the fact that the material dimensioning of cross-border decisions is very often restricted to basic statements, announcements and overriding external support aspects of the cooperation in "external relations". Obviously there are significantly fewer cross-border decision-making processes, since there is very little "negotiation" or original action competencies of the transnational actors. Cross-border decision-making processes are also made more difficult by the fact that decisions taken by the subsystem must always be replicated and democratically validated at the level of the decision-making bodies of the participating institutional partners in the respective national context. It is not surprising, however, that the *perceived scope of action* of the actors involved in the policy-action is not very far-reaching.

With regard to *policy implementation*, a (systemic) restriction can be observed on such topics as the intersection of technical, spatial and political competences between the actors involved. It is often possible to observe delays in the implementation through different partial, politico-administrative implementation cultures. Moreover, the implementation of cross-border decisions dominates the great dependencies of the cross-border cooperation system of professional and financial contributions by "external" actors. Here, the cross-border cooperation system rarely

allows the different program and administrative cultures of, for example, the "external" ministries at the regional or national capitals. For the implementation of cross-border projects and initiatives, the actors of cross-border cooperation depend to a large extent on the support of these "external" partners, who themselves often are not directly involved in the decision-making process. The complex realization conditions of cross-border cooperation often lead to the fact that projects in the implementation phase are once again delayed due to different administrative-cultural patterns: inter-administrative-cultural problems, misunderstandings and, conflicts also occur very often, without being able to be solved by means of appropriate institutional structures and procedures within the framework of genuine problem solving competencies of the subsystem. This means that the factual binding effect of decisions taken in the implementation of cross-border cooperation in general has to be considered as minor.

The results of the survey on the cross-border cooperation culture at the Upper-Rhine region show how strongly divergent the administrative cultures involved affect the functionality of the cross-border cooperation relationship. However, the answers suggest a further conclusion for the search for the "administrative culture" factor in cross-border co-operation: the strong homogeneity in the responses of respondents from Germany, France and Switzerland suggest a well established transnational working culture. The existing transnational cooperation network has developed its own functional pattern over the years, which can be interpreted in the sense of a systemic organizational culture and thus as an institution in a broader sense. This co-operation culture of cross-border cooperation makes it possible to mitigate the direct "penetration" of national administrative cultures. It is characterized by the following system features:

Looking at the *motifs of action and the self-understanding of the actors* involved, the history of cross – border cooperation at the Oberrhein shows that these are characterized by a particular, phase – specific, jointly guiding motifs that shaped the actions and the handling of the actors. In the 1950s, for instance, the motif of the reconciliation of former opponents of the war was of the forefront and had an impact on cooperation; this was borne by individual personalities who were pioneers, developing direct contacts across border-town twinnings. The 1960s, on the other hand, were characterized by the need to overcome administrative and national boundaries due to increasing socioeconomic interdependencies

that did not stop at the borders of the state. It was not by chance that, for example, the establishment of the Regio Basiliensis took place during this phase. The 1970s, on the other hand, were characterized by the belief in the necessity and usefulness of a common institution formation, which was expressed in the founding of the D-F-CH Government Commission (with its two Regional Committees, the later Upper Conference) and other committees and committees. In the 1980s and 1990s, the realization of a common leitmotiv was that it was not enough to plan together, but to carry out joint projects. The use of EU funding for joint projects has been and continues to be a strong common motif of action, which can also stand for the overall understanding of cooperation as a whole at this stage. Today, on the other hand, the interest of all stakeholders in a shared use of the potential of the three subregions for positioning as an integrated European metropolitan region, as well as a uniform external appearance, is at the forefront. This is linked to the desire for an optimization and better networking of the existing institutions as well as the sectors of politics/administration, business, science and civil society in the sense of synergetic, high-performance cross-border governance.

Also at the *level of the common symbolic systems* interesting patterns of cross-border administrative culture can be observed: The creation of joint institutions, the development of own legal forms (the Karlsruhe Convention), the importance of common logos, the use of symbolic places for meetings and events, the role of flags etc. all are symbolizing a common cross-border self-understanding – despite the still non-successful search for a general logo and branding covering the entire trinational cooperation region in the Upper Rhine.

Regarding *standard norm systems* (written and unwritten rules), patterns can also be identified, which can be seen as characteristic of cross-border cooperation. At the formal level, this is usually structured through cooperation agreements and agreements between the partners involved, which define formal decision-making procedures and rules. The partnership and co-financing principle, which ultimately means that no project can be realized without all partners and thus not against the will of one of the partners involved, is also generally valid. There are also structured patterns of decision making on project and working groups as well as established patterns of informal trinational coordination on personnel networks. Bilingualism of the documents as well as the differentiation between "official" and "other" forms of cooperation are further elements of the transnational standard system. This also includes

the informal rule that projects can only be achieved if all partners can be found in them. Informal linkage, as is usually the case for negotiating systems, does not exist in the cross-border context, in the absence of sufficient negotiation measures. As an informal rule, everyone can speak their mother tongue, but it is a good thing that one speaks on the ground of the neighbor's language − then there is the chance of real acceptance within informal networks.

Finally, cross-border administrative culture is characterized by the fact that *common patterns of action have developed in and for standard situations*. Their most visible expression is that today all institutional partners in cross-border cooperation have created specific organizational units for cooperation. These constitute a supra-individual network of cross-border competences and are characterized by a high degree of professionalization in cross-border matters. The work is structured by the employment of bi- and trinational project groups on the working level, which in turn is to be worked on the decision-making level (Steering Committee). A high degree of routinisation of the decision content and processes can be observed by means of a standardized session procedure (cross-border meetings generally follow the same procedures − whether one is on the German, the French or the Swiss side). Particularly at the leadership-level emphasis is placed on a smooth course of meetings: conflicts must be resolved at the working level in advance, because the "high zoning" and thus the direct referral of the political level with conflict-prone topics is to be avoided. This would conflict with another standard constellation: the creation of a particularly pleasant environment for the encounters, which may well include the culinary dimension.

The Oberrhein-based multi-level system therefore has its own cooperation culture. It is characteristic of the system, however, that this Upper Rhine cooperative culture is less dependent on the integration of the existing national administrative cultures than on the functional requirements (the solution of common problems, the development of common potentials), the shared values and/or utility expectations (reconciliation, program management, regional positioning in Europe) as well as the specifics of cross-border cooperation as a "micro-diplomacy" (symbolism, diplomatic gesture) and "decentralized European domestic policy" (Laboratory of European Integration). It should not differ significantly from other border regions: Different to the ordinary population which still has a rather domestic territorial reference frame (Schönwald, 2010), actors of trans-national territorial cooperation

obviously do have a particularly strong identification with CBC issues. The survey, which applied the analytical variables of the international GLOBE-project (Chhokar, Brodbeck, House, 2007; Hoppe, Eckert, 2012) at the transnational territorial level (Beck *et al.*, 2015), identified a strongly mission-driven cooperation culture, based on shared belief-systems, leading to the transnational subsystem of cooperation de facto being a close community of committed actors, distinguishing itself clearly from the institutional domestic context with regards to variables such as in-group and institutional-collectivism, power-distance, human-orientation, assertiveness or uncertainty avoidance.

### *2.2.2 Structural characteristics of the CBC sub-system compared to classical administrative patterns within the domestic context*

Different approaches of analyzing the general characteristics of the cross-border subsystem in Europe are possible (see Trondal, 2015). The most obvious is to firstly capture the overall number of ECT programs officially co-financed by the European Union. According to official statistics[2] the number of INTERREG-programs (all strands) has evolved considerably over the last 25 years. Starting with only 14 pilot-projects in 1988, the first INTERREG period (1990-1993) created 31, the second (1994-1999) 59, the third (2000-2006) 79, the fourth (2007-2013) 92 and the current (2014-2020) over 107 ECT programs, with 60 exclusively focusing on cross-border cooperation. Under strand A alone 14.965 projects have been funded and mostly already implemented during the last INTERREG IV period, leading to the creation of 50.179 new cross-border partnerships between mostly public actors. Given that the average duration of a project was 3 years, a permanent annual project-capacity of 6.413 and a permanent partnership capacity of 21.505 over the seven years of the programming period had been created.

In terms of administrative structure it is interesting to remind, that, following the EU-regulations, each ETC program has to built-up a specific management structure at a decentral horizontal level. This management structure is composed of a Monitoring/Steering committee, responsible for determining the program strategy and the selection of projects (usually composed of the program partners at MS-level and/or their nominated sub-national representatives), a managing authority, responsible for the

[2] The following figures have been calculated on the basis of statistical information available under the KEEP-database, see: http://www.keep.eu/keep/.

operational management and implementation of the program (technical representatives of the program partners) a joint secretariat, responsible for the day to day implementation of the program, the project generation and the preparation of documents and reports for the meetings of the other structures (program officials financed by the overhead of the respective program).[3] In addition, the programs and projects are also creating respective transnational institutionalizations in the form of legal conventions or agreements, binding public partners with regard to financial obligations, thematic contributions and procedural patterns such as roles during the implementation and/or modes of decision-making etc. INTERREG IV has created more than 15.000 of such conventions interconnecting public actors both at Member State, sub-national, regional and local level – either for the duration of the entire programming period or at least for the funding period of an individual project − thus structuring the model of transnational action in many cross-border territories of Europe.

As many projects are continued after the funding − be it in the form of another INTERREG-funding and/or a compensation of the loss of EU-funding by the national partners involved (often, however, at a financially lower level) − one can expect that the number of resulting conventions sustaining the inter-administrative cooperation of former INTERREG projects is relatively significant. Under the assumption that only 50% of the 50.179 partnerships created under INTERREG IV would sustain, this would still have led to a significant capacity-building effect of transnational territorial institutionalization.

While both the steering committee and the managing authority-functions are in practice quite often carried out by administrative representatives of the program partners on a part-time basis, the members of the joint secretariats are usually employed on a full-time basis – either in the form of seconded national experts or directly recruited and employed by the program. It is difficult to quantify the number of officials working in the ETC-programs as the practical implementation of the management structures varies between programs. However a realistic estimation of the number of officials working at program-level can be calculated on the basis of the share of personal costs out of the overall budget dedicated for technical assistance (which *de facto* covers the overall overhead costs of a program). In the absence of valid statistical information it can be

[3] See INTERACT, Interreg Project management handbook, chapter I, p. 14.

estimated that the average number of officials working at the level of the Management Authority and the Joint secretariat amounts up to 10 FTE,[4] which would mean that under the current funding period of INTERREG V a capacity of 1.070 FTEs has been established for the management of the ETC programs in Europe. In addition, most INTERREG-projects need a professional handling of both the formal thematic implementation and thus are usually establishing a professional capacity for project-management, eligible by the INTERREG-funding. Under the assumption that the project-management capacity per INTERREG project amounts up to a at least 2 FTE/project[5] INTERREG IV has – between 2007 and 2013 – created a permanent project-based capacity of 12.826 FTE's.

In addition to the EU-funded "INTERREG-world", however, many other forms of horizontal administrative cooperation, taking place at different transnational territorial levels, have evolved in Europe over time. In a recent study Reithel and Wassenberg (2015, p. 19) have developed a classification that distinguishes at the *local scale* an urban spatial dimension (cooperation between two or more contiguous urban municipalities like Frankfurt/Oder – Slubice; Eurode Kerkrade-Herzogenrath) and a rural spatial dimension (cooperation between contiguous municipal/intermunicipal bodies in sparsely built-up areas like Pyrenees-Cerdanya or the Mont Blanc Area); at a *regional scale* a cross-border metropolitan spatial dimension (cooperation between contiguous territories – NUTS 3 or 4 – with a monocentric or polycentric metropolitan structure like the Basel Trinational Eurodistrict, the Meuse-Rhine Eurodistrict or the Lille-Kortrijk-Tournai Eurometropolis) and a non-metropolitan dimension (cooperation between contiguous territories – NUTS 3 or 4 – without a metropolitan structure like the Euregios or the Catalan cross-border Area Eurodistrict); and at a *supraregional scale* a metropolitan dimension (cooperation between contiguous territories – NUTS 2 or 3 – with a metropolitan degree like The Greater Region or the Upper-Rhine) or a non-metropolitan dimension like the Channel Arc.

According to this typology, Reitel and Wassenberg (2015) identified 364 "recognized frameworks" (p. 18) of institutional cross-border cooperation in the EU. To this can be added a *macro-regional scale* with

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4 The figure was developed on the basis of an internal review of DG Regio.

5 The figure was developed on the basis of narrative evidence coming from different INTERREG-A spaces.

cooperation approaches integrating classical cross-border, inter-regional and transnational levels into a broader territorial space covering more than 3 member states on the basis of shared territorial characteristic (such as the Baltic Sea; the Danube region, the Adriatic/Ionian Sea, or the Alpine space).

From the structural point of of the CBC-subsystem perspective, the most relevant forms of such kind of inter-administrative cooperation "beyond INTERREG" are inter-local/euro-regional (local and regional level) and inter-governmental /network (supra- and macro-regional level) approaches. The Association of European Border regions (AEBR) has identified a total of nearly 200 euro-regional cooperations in Europe, the great majority of them running permanent secretariats with full-time staff (in Germany alone, which is the MS counting the most borders to neighboring-countries in Europe, local and regional actors are participating at 32 of such Euroregions). Under the assumption, that at least 80% of these Euroregions have a permanent joint secretariat with a minimum average of 3 FTE's (not carrying out INTERREG-management functions but project- and other management tasks related to the euro-regional working structures) the horizontal "euro-regional" institutional capacity created here would be around 480 FTE's. In addition, most of these Euro-regional cooperation structures are built upon a legal form, aiming at a more binding, sustainable and legally loaded transnational administrative interconnection than a simple project convention. In addition, a total of 41 European Groupings of Territorial Cooperation (EGTC), have been created so far in Europe, mostly not used, however, to structure euro-regional tasks but rather fulfilling project-based cooperation and implementation needs for the participating partners (European Parliament, 2015).

Less well documented are inter-governmental bodies and commissions which have been set up between many Member states from the 1970s onwards. Based on bilateral agreements such intergovernmental structures and bodies are very often framing the cross-border cooperation of an entire border-zone between two or more states, with a historically strong participation of officials coming from either national ministries or administrative units of the sub-national state-level (like ministries of the governments of the German Länder, the préfecture in France, the woiwode-province in Poland, etc.). Most of these inter-governmental bodies are organizationally differentiated into territorial and/or thematic sub-units. On the one hand, they symbolize the political and legal support of the

Member states to carrying out cross-border cooperation at a decentral level and on the other hand, they often promote a multi-level logic with the decentral territorial levels (local, regional) implementing concrete projects and the supra-regional level of the inter-government relations focusing more on strategic planning issues and developing necessary framework conditions which require collaborative interaction between national governments. The horizontal administrative capacities created and symbolized by these intergovernmental bodies are strongly varying between cross-border territorial constellations. While for example, in the Trilateral Conference of the Upper-Rhine around 600 representatives from the respective subnational and regional governments of Baden-Württemberg, Rheinland-Pfalz, Alsace and Northwestern Switzerland are collaborating in 12 standing thematic working-groups on a regular part-time basis, the 6 Agreement-implementing North/South bodies on the Irish/UK border were counting in 2013 an overall number of 578 FTE's.[6] Also, the composition of the officials can vary considerably – with the Franco-Spanish Government Commission on maritime transport only uniting exclusively government experts from the transport sector.

In addition, with the recent initiatives to building up European macro-regions, specific transnational governance-structures have emerged (Hooper, Kramsch, 2007), interlinking the three levels of meta-governance (Interaction between the European Commission, the European Council, a high-level group, national contact points and annual forums), thematic governance (Priority area coordinators, steering groups, governing boards, thematic working groups) and implementation-governance (project partners and the respective financing programs and institutions) (Sielker, 2014, p. 89). The hundreds of new project initiatives plus the annual forums with more than thousand participants each, represent a complex mix of public and private and/or third sector actors, yet still inter-administrative cooperation is at the core of the macro-regional approach.

In order to capture the full picture, however, a more valid approach of estimation is needed. One established method to calculate the personnel-needs for an administrative unit – in the absence of quantitative figures – is

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6 Source: Analysis of the Annual Reports of the North/South Language Body, the Foyle, Carlingford and Irish Lights Commission, the Food Safety Promotion Board/ SafeFood, the Trade and Business Development Body/InterTradeIreland, Waterways Ireland, SEUPB, carried out by the Centre for Cross Border Studies in Ireland on 13 January 2015.

to develop a realistic vision about the administrative overhead (measured in full-time equivalents − FTE) required per million inhabitants (Hopp, Göbel, 2008, p. 329). Applying this method to the context of territorial cooperation, a pilot survey carried out by the author among members of the TEIN-Network,[7] came to the result, that − for the case of cross-border cooperation – an average administrative overhead relation of 55 FTE per million inhabitants of a cross-border territory can be realistically assumed.[8] This indicator can be used for an extrapolation of the administrative CBC capacity at the level of the entire European territory: Based on the assumption, that at NUTS 2-level 150 million EU inhabitants (e.g. 30% of the EU population) are living in border-regions,[9] one can estimate a total direct horizontal administrative capacity of 8.250 FTE. Adding the above calculated permanent capacity generated at project level (12.826 FTE), the total number of independent horizontal cross-border capacity would thus amount up to 21.076 FTE's. The overall horizontal capacity of the entire European territorial cooperation, however, would be certainly significantly higher, as this figure is only a conservative estimation for the narrower range of cross-border cooperation at contiguity level, letting aside the many forms and levels of transnational co-operations taking place with or without EU funding in this regard. Compared to the administrative capacity of Member states, however, this remains – as it is just the case for the European institutions – still a rather weak profile,

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7 http://www.transfrontier.eu.

8 The calculation was done on the following basis: The TEIN partners were asked to first calculate the FTE's for persons working exclusively for cross-border cooperation issues on a full-time basis (captured were secretariats of CBC bodies, personnel of other permanent CBC institutions, Management-authorities of INTERREG, full-time project managers as well as fulltime CBC services at the level of institutional partners). In addition is was estimated to what extend actors from partner institutions contribute to cross-border cooperation, but only on a part-time basis, such as public officials working in local and regional authorities with thematic cross-border cooperation being just a part of their job description (based on an annual capacity of 1575 working hours the average assumption per agent here was 5%, which means approximately a total of 10 working days per year). The individual FTE's were then added to an institutional FTE-capacity dedicated to cross-border cooperation. Five territories of quite different structural peculiarities, but in a way representative for the European territory, were captured by this qualitative survey: the border-regions between France and Switzerland and France and Italy, between Poland, the Czech Republic and Slovakia, between Germany and Denmark and between Germany, France and Northwestern Switzerland.

9 This calculation is based on the conservative assumption of an average cross-border population of 2,5 Mio for each of the 60 INTERREG A programms.

yet it represents an administrative pattern of European institutional integration that seems worth to be considered.

Regarding the organizational profile of cross-border cooperation, the main pattern is still the project-approach. For a long time, there was even the Leitmotiv that in the trans-national/cross-border context finally the project would create the territory and not the other way around (Casteigts, 2010, p. 305). Project development, however, has changed considerably over the years. While in the early time of INTERREG I and II most territorial cooperation was characterized by a strong bottom-up approach, leading to a patchwork of relative un-coupled projects and related networks, over the years project generation has become more and more strategic in the sense, that project selection is more often based on calls, which themselves serve the implementation of strategic development objectives jointly agreed upon by the program partners (Marin, 1990). A typical example is the thematic concentration principle demanded by the EU-Commission under INTERREG V, which all territorial program managed to respect and which is symbolizing the attempt for a much more integrated policy-coordination, leading to new forms of integrated horizontal administrative cooperation between local and regional partners. Beyond INTERREG many Euregios and Eurodistricts, but also territorial cooperation approaches at a supra-regional level like the Upper-Rhine, the Great Region, the Lake of Constance, the Oeresund not so speak of the European macro-regions have developed integrated development strategies and use strategic objectives more and more as selection criteria for the identification of "lighthouse" projects with positive spillovers for the entire transnational territory.

The second pattern relevant in this regard concerns the role of political leadership. Territorial cooperation is ported by political networks of high-level decision makers who actively ask for it. Party-political preferences are much less important than in the domestic context. The administrative officials responsible for territorial cooperation at the level of the participating partner institutions are mostly located very close to the top political leadership of these institutions (cabinets, government offices both at local, regional and sub-national level). This gives such officials "borrowed" power allowing for a relatively strong position both in relation to the classical thematic organizational divisions of their domestic administrations and their counterparts from the neighboring state. Close and functional inter-personal network constellations are founded in this way, which lead to functional patterns of informal preliminary decision-

making at a technical, level thus developing stable modes of interlinked transnational executive leadership and government.

A third, closely linked, pattern, is that productive territorial cooperation approaches at a transnational/cross-border scale are managing to develop inter-personal networks of trust allowing overcome formal administrative differences (Chrisholm, 1989). This leads to a pattern of ever growing synchronization of domestic capacities for transnational purposes, based on inter-institutional decision-making at an informal level. There is today in most transnational territorial policy-making a high level of synchronization and horizontal coordination plus an increased attempt to develop more integrated policy-making. Where in the past mostly distributive policies were handled at the transnational level today successful transnational territorial cooperation also – at least in batches – allows for redistributive decisions (like joint approaches of a more integrated labor-market policy, economic and tourist development (Zschiedrich, 2011) or transport-policy (Drewello, Scholl, 2015) trying to overcome classical territorial "location-egos" of the partners in favor to promote the development needs of the entire territory.

| | Classical domestic administrative profile | Patterns of the sub-system of CBC |
|---|---|---|
| Task-substantiation | Legal framing, permanent missions; programming based on conditionality | Voluntary, punctually, issue-related, programming based on finality |
| Dominating administrative functions | Political-, economic, service-oriented, legal and planning administration | Coordinating (service) and secretary administration with basic planning function |
| Organizational profile | Primary organization: Line organization with sectoral/functional specialization; project-/ cabinet-organization only complementary | Secondary organization: Project-organisation with complementary cabinet organization at level of principals; |
| Personnel structure | Specialists (legal and thematic),<br>Team-work still less developed<br>Personnel-reruitement on basis of permanent contracts<br>Specialized training<br>Vertical leadership | (Muliti-lingual/cultural) Generalists<br>Team-work dominating<br>Secondend experts and/or limited contracts<br>Training on the job<br>Lateral (non-hierachical) leadership |
| Career path | Management- and thematic career approach<br>Low horizontal mobility | Project-career approach; cbc experience as „springboard" for higher function within domestic adminstration |
| Procedural pattern | Formalized, division of labor, efficiency-oriented | Informal, integrated but complex with higher throughput-time due to many (informal) interfaces |
| Control/management pattern | output-/impact-orientation | input-/ legitimation orientation |
| Financing | Permanent with multi-annual budget; co-financing exeption to rule; transparent according to national rules | Limited: project-based/annual; complex procedures due to cross-national cofinancing procedures and INTERREG |
| Overall institutional differentiation | Legislative, executive, judicial functions are relevant | Predominance of executive function |
| Decision-making | Transparent, formalized and binding; majority vote | Intransparent, informal, not necessarily binding for implementation; principle of unanimity |

This, in turn, is closely interlinked with the fourth pattern which is a tendency to overcome the principle of unanimity in decision making

and to favor more and more majority-voting: Here the example of the EURO-district Strasbourg/Ortenau, can be cited, where a principle of double-majority has been introduced in the legal statute. However this is still based on the consensus –principle, meaning that cross-border administrative patterns always need to be based on the systemic acceptance of either side of the border (which de facto means unanimity).

The comparison of these two profiles shows a very specific cross-border structural and functional pattern that in many regards is much more innovative compared to classical domestic patterns of public administration. On the other hand, it must be said that the overall transnational profile of administrative capacity in CBC is still relatively low. In the above analysis an overall capacity of 21.700 FTE's has been identified, which represents approximately half the personnel capacity of the European Institutions in Brussels. Yet compared to the overall number of public agents working within the European border regions, this profile must very quickly be relativized: Under the assumption that the active population represents 47% of the overall population of the 150 Mio. inhabitants of European border-regions, it amounts up to 71.910.000 people. Given, that that public employment-ratio in average counts for 15% of the active population (=OECD-average in 2017) the overall number of public employees in Europe's border-regions amounts up to approximately 10.786.500. Comparated to this, the 21.700 FTE of cross-border professionals represent just 0,002% of the overall administrative employees in European border-regions – which symbolizes the weakness of the CBC-subsystem from an administrative point of view.

In addition, and due to the fact that the sub-system of cross-border cooperation mostly is not (yet) equipped with proper competences and/or a solid legal funding by its constituent politico-administrative environments, co-optation (Trondal, Peters, 2015) can consequently be understood as the *sine qua non* condition for its proper functioning, constituting another basic structural pattern. Territorial cooperation is a permanent bargaining process both between the very actors coming from different systemic and cultural administrative backgrounds and actors on the spot, having to persuade their institutional, political and legal headmasters when more substantive engagements beyond symbols are required. Co-optation in this regards means both forging coalitions for "win win" constellations and gaining the necessary institutional and financial support by the domestic partners and the national governments (Beck, Wassenberg, 2011).

A second field, where co-optation takes place, is the strategic approach for gaining support from the European level. It is interesting to study, how after long years of decoupling, relevant co-optation approaches from cross-border territories have become more and more successful: Starting from the pilot-phase of 1989, where cross-border issues were placed into the general approach of the European cohesion policy for the first time, going over the establishment of INTERREG as Community Initiative and then it's coming into being as mainstream programm, the creation of the EGCT-regulation, the approach of macro-regions, the greenpaper on territorial cohesion, today the big efforts by the Commission to address the structural obstacles to cross-border cooperation or the proposal of the CoR to develop a specific Territorial Impact Assessment for border-regions[10] – all these developments can be interpreted as the result of cross-border actors, trying to gain support by the European Institutions in order to increase the pressure on national and sub-national governments to better support initiatives coming from the bottom of the cross-border territories. The successful approach to highlight the role of cross-border territories as "laboratories of European integration" and to raise awareness of the quantitative importance of their importance (it was, however, only from 2010 onwards, that the argument of "30% of the EU-population living in cross-border areas" found its way into official documents of the European Commission) can be seen as the consequences of permanent lobbying by both the AEBR and some of its individual members, acting at official European positions like the Committee of the Regions, and individual regional actors trying to gain new fields of European action.

A third level of co-optation are more recent approaches to develop inter-sectoral territorial governance approaches. While for the last 40 years, cross-border cooperation has been the quasi exclusive domain of administrative actors, new forms of territorial governance are more often developed in the cross-border context recently. These are inspired by good practices taking place within the domestic context of regional governance (Fürst, 2011) and which are characterized by integrated networks of actors coming from the economic, the societal, the science- and research and the public sector, combined with new participative approaches and forms of collective policy-development (Kilper, 2010). For the existing sub-system of cross-border cooperation such approaches

[10] See https://portal.cor.europa.eu/subsidiarity/activities/Pages/Territorial-Impact-Assessment.aspx.

also present opportunities to co-opt existing capacities of other sectors and use them for the purpose of transnational territorial institution-building: Newly created boards and platforms, specific INTERREG-projects, steering committees, governing-bodies with (or without) a permanent secretariat-function and so on contribute to the horizontal networking of new economic, societal, scientific actors, thus both increasing the sector-specific and the inter-sectoral capacity building at the horizontal level, leading to new dynamics and growth-paths of cross-border policy making which in turn finally revalue the administrative actors involved (Jansen, Schubert, 1995).

### *2.3 How open is the (sub-) system of CBC in relation to its environment? Does the CBC-system change over time and in what form and direction?*

Institutional and organizational arrangements can be interpreted as structural configurations, designed to deliver assigned functions. Their main purpose is not necessarily change, but stability and reliability in order to assure an effective and efficient fulfilment of tasks and missions. Different to projects, which represent secondary organizational patterns, institutions of primary organization, such as public administrations, and/or politico-administrative systems, are in general established with the temporal perspective of permanency. On the other hand, institutions and organizations are evidently also social-systems, which establish and strongly depend on functional exchanges with their respective environment. However, whilst this interdependence with its environment is very obvious for the case of private organizations, leading to a more or less well developed direct reactivity and adaptivity to changes perceived as essential (basically either a company or an entire economic sector responds to – or even creates − new developments and challenges of markets or it will be eliminated in the medium term) – the very issue of change within public systems is less evident. Of course public institutions also need to and de facto do change, however, the specific functional (the nature of public missions and their respective legal foundations), structural (constitutional law and public employment regulations) procedural (political decisions to be taken and justified on a democratic basis) and temporal (administrative cultures, representing and expressing – different to organizational culture − national cultures, often already

existing for centuries or at least several decades) preconditions for such change are often creating more obstacles than opportunities.

With regard to the issue of cross-border cooperation, and in order to frame a reflection on possible given practices of institutional change, three lines of research in Administrative Sciences can be of interest. First of all the school of comparative public administration has gained increasing insights on the issue of institutional dynamics (Olsen, 1992) more recently. Strongly influenced by the interdependent reform developments of European integration (the emergence of a European administrative Space, Beck, 2017, and a European Administrative system Bauer, Trondal, 2016) on the one hand and the implementation of internationally designed normative approaches of administrative modernization (the famous New Public Management- movement of the last two decades), two main conclusions can be cited: The hypothesis of *persistance* is developed on the basis of the observation, that both at European and international level, the historically evolved national patterns and cultures of public administrations are overlaying most attempts of harmonization/ uniformization at a supra- and/or international level, thus confirming assumptions already made by historical neo-institutionalism.

In turn, the hypothesis of convergence suggests that and increasing exchange between national experts and systems finally leads to approximizations at many levels (individual, technological, theoretical) of PA, especially if not designed according to normative models, but based on the practical experiences and professional standards of epistemic communities (Cohendet, Grandadam, Simon, Capdevila, 2014). More recent research on international public administration – IPA – assesses the specific patterns of international and transnational public administrations. It is suggested that, amongst other factors, the emergence of functional transnational patterns of public administration is largely depending on the degree of autonomy of such IPA in relation to its domestic/founding partners (Bauer, Ege, 2016; Beck, Larat, 2017).

The practice of cross-border cooperation in Europe can be interpreted as a confirmation of the hypothesis of persistance of national in relation to transnational or European administrative structures. Both the relatively low level of application of existing legal solutions for cross-border issues, such as the GECT and the practical functionning of the cross-border institutions according to the legal and administrative rules and standards of the home state, are indicating relatively strongly marked preferences of the participating actors for national politico-administrative systems

and standards. Also alternative approaches to supra-national integration, such as the principle of mutual recognition, which could bring many advantages at the territorial small-scale level of cross-border cooperation compared to the anonymous national level of unknown systems (trust as a relevant precondition of mutual recognition could be built up by neigbouring administrations much easier than on an inter- or supra-national basis) are not developed in a significant way (Beck, 2015b). In addition, innovative administrative methods and processes such as e-government, for instance, show a clearly lower implementation-level at cross-border compared to national level (30% less for the case of e-government). Finally, concepts of administrative modernization usually are also designed and implemented mainly within a domestic context – the many practical difficulties when integrating the different budgetary rules and practices of national partners within a joint cross-border INTERREG-project, for instance, can be cited in this regard.

On the other hand, surveys seem to indicate, that in cross-border cooperation areas which are marked by high temporality and continuity of institutional arrangements, such as the Upper-Rhine, patterns of a specific transnational working culture do emerge, which can be conceptualized as a distinct transnational administrative culture. These patterns are the result of well established "horizontal" epistemic communities, representing a specific form of hybrid transnational public administration (Beck, Larat, 2015).

Secondly theoretical assumptions of policy-analysis and organizational learning, which are prominent concepts of Public Administration, can also provide useful guidance and insights for the further analysis of change-related issues in the context of cross-border cooperation. Policy-Analysis for instance does not only allow for a distinction between the formal (structural level), the procedural (decision-making) and the very content level (different thematic and functional policies) of cross-border cooperation, which in turn represent interesting dimensions for a differentiated understanding of possible levels, where possible change can be captured within a cross-border cooperation-system. Also the more fundamental distinction within the so-called "Policy-cycle" between different phases of policy-making (problem-analysis, objective-setting, policy-formulation, policy-decision, policy-implementation, policy-evaluation, policy-reformulation or termination) explicitly refers to the notion of change in the sense of policy-oriented improvement and learning: To what extent does policy-learning take place in a cross-border

context, what are related factors that contribute and/or hinder such kind of learning (which in itself represents a very important precondition of change), some related analytical questioning could be defined.

A further promising question to be asked is to what extend cross-border policy-making is ultimately based on evidence and/or relevant knowledge and what kind of change this may generate in practice. Beyond the concept of evidence-based policy-making (Beck, 2015c), which – as part of the overall better regulation policy – currently constitutes a prominent approach at the level of the European Institutions[11] (promoting change-oriented approaches such as a better quantification of problems with their root causes and negative effects, a consideration and impact assessment of different policy-options or the generation of real-world monitoring data throughout implementation) it is especially the notion of "organizational learning" which can provide relevant and stimulating scientific support in this regard. The notion of organisational/systemic learning may look irritating at first glance, as "organizations have no other brains and senses than those of their members" (Hedberg, 1981, p. 6). Insofar, what characterizes such kind of supra-individual/collective learning as part of a broader understanding of organizational/systemic change?

According to organizational theory (see Gourmelon, Mroß, Seidel, 2014, pp. 300-323), organizational learning is the capability of an organization and/or a system not only to discover and correct mistakes but also to change the organizational value- and knowledge base in a way that it allows for the generation of new competencies of problem-solving and action. First-level learning of individual members of an organization thus is disseminated within the organization and leads to changes of the relevant collective theoretical frames both at the official and actual level of action. Organizations are understood as knowledge-systems in this regard, with organizational learning leading to a broadening of the organizational knowledge base – comprising both the active acquisition of new and the forgetting and filing of outdated knowledge and routines of action. A prominent concept in this regard is the differentiation of three intensity levels of organizational learning: At *single-loop-level* learning takes place in the rather mechanistic form of external challenges coming from the organizational environment being perceived and proceeded according to given norms, values and standards – both the official and actual theoretical frame of action, however, remain unchanged. At

[11] See https://ec.europa.eu/info/better-regulation-guidelines-and-toolbox_en.

*double-loop-level*, due to external challenges, active forgetting and filing of the given frame is required, a new framing both at official and actual level has to be developed, which (fully or at least partially) replaces the old frames. Ultimately at *deutero-level*, organizational learning leads to a reconsideration of past levels of learning as such, taking the form of self-reflection and analyzing underlying reasons for future and past success or failure (Schreyögg, Koch, 2015, pp. 302-304).

Knowledge and the related management is a key concept for any organizational learning, as learning takes place accordingly in the form of a systematic forming of the organizational knowledge base, covering both factual and practical, explicit and implicit, individual and collective, operational and strategic bodies of knowledge. Amongst many other approaches, the circulation-model of knowledge-management developed by Probst, Raub and Romhardt (2012) provides a holistic and applied orientation in this regard. The authors distinguish between eight phases of knowledge-management: 1. The Definition of knowledge objectives covering what is relevant for the organization as a whole, 2. The identification of existing relevant internal and additional external knowledge, 3. Knowledge acquisition and completion of knowledge gaps at all organizational levels, 4. Knowledge development in order to develop innovative ideas and capacities within the organization, 5. Knowledge spread, in order to assure the right level of penetration, 6. Active use of knowledge by all members of the organization, 7. Knowledge retention in order to avoid the loss of important (implicit) knowledge in the case of staff leaving 8. Knowledge evaluation in order to reflect on defined objectives and optimize the organizational approach as such.

Surveys amongst actors of cross-border cooperation from the Upper-Rhine (Beck, Becker-Beck, Beck, Dussap, 2015) show, that – different to the level of individual actors, where processes of acculturation and exchange of experience are reported as positive side effects of the involvement in cross-border cooperation approaches − only a very low level of mutual learing between corporate actors is taking place. Although being partners in many joint INTERREG-projects over many years and/or representing the participating organizations of cross-border institutions, neighbouring administrations that are interlinked by cross-border territorial constellations (thus creating a transnational sub-system of cooperation), hardly seem to take over good administrative practice from the other side of the border and include them into their domestic and or even the transnational context. With regard to the functioning of the

cross-border cooperation system, in turn, research from the same region (Nagelschmid, 2005; Weber, Jacob, Regio Basiliensis 2013; Wassenberg, 2007) indicates a relatively well marked capability of adaption and system-specific internal learing over time. Based on indicators such as shared self-understanding and motives for action, shared common symbols, shared common standards (written and unwritten rules), shared common values or common solutions for standard situations, it can be shown, that the transnational system is changing and adapting it's functional framing over time (Beck, 2008). As to whether this can be interpreted as single- or double-loop learning, however, is not evident per se. While standard-operation procedures and the relatively well-established transnational working culture can be considered as a strong and hardly changeable framing, adaption to new challenges, such as the opening to new categories of actors in the context of new cross-border governance models (Beck, Wassenberg, 2011) can be seen as indications for the reflection on given mental and functional frames. Also, new generations of actors bring in new ideas, expectations, professional profiles and ways or working, which can be seen as a important stimuli for internal change and learning. Another element that brings change – however within a stable institutional frame and based on the overal pattern of pragmatic research for feasible solutions – is that the presidencies of delegations, working groups and/or cross-border institutions are normally altering between the national partners. This represents always a new thematic, strategic and especially cultural internal stimulus for changes in the way such institutional settings are de facto working. Also quite a number of INTERREG-projects could be interpreted under the perspective of "successful failure" (Seibel, 2017): the originally intended objectives have not necessarily been achieved fully – but the project has brought quite different and valuable deviant results, leading to important learning effects for the participating partners. On the other hand a tendency of "imitation" of national thematic conjunctures can also be observed (Beck, 2008) which are internally taken over and proceeded by the given internal mechanisms and frames rather in a single-looping way.

Systemic systems of knowledge-management in the sense described above, however, are difficult to find in most cross-border cooperation contexts. One reason for this can be seen in the lack of transnational inter-organizational learning, which itself must be considered as the relevant precondition for the creation of cross-border knowledge. Knowledge available and applied in a cross-border perspective is mostly practical,

implicit, individual and operational rather than factual, explicit, collective and strategic. A relevant example which illustrates this challenge, is the absence of territorial information systems in most cross-border regions: robust problem-analysis, policy-development, impact estimations etc., e.g. approaches that stimulate policy-learning, are hardly possible in a cross-border perspective as relevant base-line data and information is lacking due to incompatibilities in national statistics and/or technical difficulties in generating such informations. It is understandable that a relevant Communication of DG Regio suggest the development of tangible solutions in the near future in this regard.

Ultimately, literature on change-management in public administration can also provide additional insights for a more fundamental understanding of the way cross-border cooperation systems may adapt (or not) to new external and/or internal challenges. Two analytical concepts are relevant in this regard: the distinction between the form (intended *versus* unintended) and the intensity/complexity (first and second order level) of the very notion of change (Gourmelon, Mroß, Seidel, 2014, pp. 281-286).

The concept of *intended change* refers to a linear understanding of change and changeability of organizations, assuming that weaknesses/challenges which have been identified can be solved by the rational (top down) implementation of pre-defined change projects/measures (classical methodological approaches are business-reorganization, re-structuring, organizational/systems analysis). The assumption of *unintended change*, in turn, is based on the notion of evolution and life-cycle thinking: organizations are experiencing different phases of "maturity" and/or growth, each of them representing both development levels and challenges for change which cannot necessarily be steered or managed, but which are decisive for the further development (and survival!) of the organization. The main stimulus of change here is not external challenges but internal crises, caused by and symbolizing the transitions between different phases of life-cycle-related growth.

Differences in the intensity of change are both preconditions for and expressions of the management of change. While change of a *first order level* is limited to single dimensions and aspects, focussed on one level, a quantitative dimension, incremental, logical, rational and without a change of underlying organizational paradigms, change of a *second order level* is much more far reaching in the sense that the change is mutidimensional, covering different organizational levels, refers to

qualitative dimensions, intends new directions and paradigms and is supposed to be non-rational and non-linear.

A formative theoretical framing for the issue of change-management has been developed by the social scientist Kurt Lewin already in 1958. Interested in the question on how group performance could be increased, and considering that "group decision is a process of management or self-management of groups" (*ibid*., p. 211), Lewin developed a model of change as a three-step procedure. Based on the observation, that after a short lived period of change, groups have the tendency to return back to previous levels, and identifying that this is due to two antagonist force-levels (progressive and reluctant) he concluded, that it does not suffice to simply state the objective of change but to assure the "permanency of the new level" (*ibid*., p. 211). Therefore it is essential to firstly unfreeze the first level of antagonist equilibrium (L1), then move the group to the new level (L2) and then freeze group life on the new level. Unfreezing is essential both as a precondition and initiation of successful change processes, as it requires both the questioning and overcoming of well-rehearsed behavior, norms and habits – which can be a very challenging situation in itself: "To break open the shell of complacency and self-righteousness, it is sometimes necessary to bring about deliberately an emotional stir-up" (Lewin, 1958, p. 211). Lewins model can be seen as the basis for participatory change processes of systemic organizational development (Schein, 2010), it also underlines the importance of the role and profile of good "change agents" (Lunenburg, 2010), for both the initiation and the successful course of change processes within organizations and systems.

Changes of cross-border cooperation systems can be interpreted as a unintended patterns primarily taking place at first level of change. When taking a historical perspective (Wassenberg, 2007; Wassenberg, Reitel, 2015), the analysis of institutional arrangements at cross-border level allows to capture evolutive developments, characterized by a marked temporality which can be indeed be interpreted as life-cycles of different degrees of maturity: While in the early times (after World War II and up to the early 1970s) the issue of peace, reconciliation, mutual trust and exchange have been the *sine qua non* of cross-border cooperation especially at local level, the 1970s and 1980s are marked by formalization and institution-buidling as well as joint planning approaches at a

territorial meso-level; with the EU providing funding, the 1990s and 2000s saw the raise of a much more concrete project-based cooperation, while more recent cooperation approaches intend an integrated policy-making, stimulated by models of territorial governance (Back, Pradier, 2011). Yet, with the very institutional and functional arrangements being relatively stable over time and cross-border cooperation hardly leaving its "niche-position" with regard to the predominance of domestic over cross-border issues on the policy-agendas of the partners involved, this change has mostly not (yet) achieved the more far-reaching dimensions of change of a second order level.

Three main factors may explain this. First, any change-approach requires a relevant level of pressure in the sense that the driving forces become stronger than the restricting forces, which then can be used to "unfreeze" a given stable situation and enter into a phase of more fundamental change. Such pressure, however, does mostly not exist in institutionalized cross-border constellations which are characterized *by* and – following the idea of micro-diplomacy – even built *for* the purpose of conflict-and risk avoidance rather than (even productive) "conflicts". Secondly, change processes strongly depend on leadership in the form of change agents, able to "unfreeze" a given situation – which in a cross-border e.g. transnational constellation are difficult to find and furnish with the necessary power and acceptance at all levels of the different participating jurisdictions. Ultimately, change that is supposed to be successful and sustainable needs to comprise actions at the deeper levels of mental frames and values. Such dimensions, however, are deeply culture-bounded phenomenon which in a cross-border context, usually do have quite different cultural connotations (Beck, 2011). The transnational cooperation culture, in turn, is both an expression and symbol of the inter-cultural bridging effect, a cross-border-cooperation institution stands for, and therefore can be interpreted as a functional equivalence between diverging national systems. Changing this would put long-term achievements of mutual learning and understanding at risk – a joint understanding that as a consequence rather leads to stability than promotes a climate of change between the partners involved.

## 3. Interpretation of selected characteristics of CBC from the point of Administrative Science

### *3.1 Formation/Genesis*

As a result of the process of European integration, administrative interaction between the national and the European level has become more and more intense over the years. Both the design and the implementation of European policies today depends on collaborative working relations between the historically evolved national politico-administrative systems of member states and a supranational government system under permanent evolution and change. Against this background, the concept of the European Administrative Space (EAS) has gained increasing interest from both academia and practitioners. Originally directly linked to the notion of an increasingly intense integration of a European government-system, and thus assuming and predicting a process of increasing convergence and harmonization of the different national administrative systems towards a more unified reference model in Europe (Siedentopf, Speer 2003; Olsen, 2003), it has constantly evolved over time, and is now discussed in the light of a broader perspective on European governance.

Although the term is used frequently in Administrative Science, the very definition of EAS in the literature is still quite diverse: some see the EAS as a "harmonized synthesis of values realized by the EU institutions and Member States' administrative authorities through creating and allying EU law" (Torma, 2011, p. 1); others perceive it as an "area in which increasingly integrated administrations jointly exercise powers delegated to the EU in a system of shared sovereignty" (Hofmann, 2008, p. 671) and are stressing the "coordinated implementation of EU law and the Europeanization of national administrative law" (Hofmann, 2008, p. 662), while a more neutral perception stresses the creation of a "multilevel Union administration" (Egeberg, 2006). Further arguments focus on the emergence of a more and more differentiated European multi-level governance (Kohler-Koch, Larat, 2009) or suggest "a systematic distinction between direct administrative policy and indirect influences of EU policies on domestic administrations and the distinction between the respective constellations between supranational and state actors" (Heidbreder, 2011, p. 711), hereby developing a conceptual focus with regard to the relationship between the governing and the governed, thus pleading for a combination of the dimensions of policy instrumentation

in the EAS with the actor constellations and Europeanization mechanisms (Heidbreder, 2011, pp. 711-714).

Ultimately, and in a more prospective reflection, Trondal and Peters (2015, p. 81) are suggesting a "EAS II" concept, which takes the multi-level approach and the idea of loosely coupled inter-institutional networks (Benz, 2012), performing tasks jointly, as a starting point and propose capturing the very role of the EAS in the European integration of public administration by studying its empirical emergence with reference to the broader concepts of institutional independence, integration and co-optation.

From the perspective of the European Administrative Space, the case of European territorial cooperation and especially the horizontal perspective of institutionalization it represents, can be a productive field of research. First of all, the research focuses on the question, to what extent the classical understanding of nation-state-based administrative territoriality is de facto being challenged by European integration, thus linking it up to the broader question of persistence or adaptation of national administration in the context of European integration (Kuhlmann, Wollmann, 2014). Recent research on cross-border obstacles for example shows that despite the effects of supra-nationalization in many policy-fields in Europe, a relatively high number of legal and administrative obstacles remain, de facto hindering cross-border/transnational mobility. Such obstacles have their origin in the non-coordinated/harmonized legal and administrative systems of the member states and must be understood as an indication of the relatively strong predominance of national in respect of European law. Studying, to what extent transnational territorial cooperation and its related horizontal institution-building approaches are able (or not) to compensate for the lack of vertical supra-nationalization, can thus lead to a more complete understanding of the plurality of functional dimensions which de facto characterize the European Administrative Space.

Secondly, cross-border-cooperation can be understood as a prominent outrider for strategic concepts currently discussed at the European level, which try to innovate European policy-making around the notion of new "place-based" approaches. European territoriality, however, does not exist per se but must be created and embellished by actors. This is also a long-time neglected aspect of the "spaceless" EAS, which has a recognized inter-organizational but no territorial connotation. The interesting question here is, what kind of institution-building is developed in a transnational dimension, e.g., across the borders and competencies of

classical (national/domestic) administrations, but below supra-national institution-building and sometimes even beyond official inter-state relations. In a context where the classical "Westphalian" equivalence between territory, power and people increasingly seems to be dissolving as part of the process of glocalization (Amilhat Szary, 2015), such a horizontal understanding can also help to better understand, what kind of new functional equivalences are emerging or are already governing the unsettled horizontal dimensions of the European administrative space.

### *3.2 Actors*

Evidence from both evaluations, research (Lang, 2010; Beck, Pradier, 2011) and participating observation show a predominant role of public actors in cross-border cooperation: Both at the level of cross-border institutions, related networks and projects it can be observed that local, regional and deconcentrated state administration and governments constitute the decisive level of actors with regard to financial, thematic and structural sponsorship. The obvious reason for this is twofold. On the one hand, cross-border cooperation represents a specific form of micro-diplomacy with "representative" transnational competences and functions being explicitly and/or implicitly entrusted and delegated from the level of the nation state to the decentral and deconcentrated territorial authorities concerned. On the other hand, the way the main European funding instrument INTERREG is designed, also favors public authorities rather than economic or social actors, both with regard to the design of related program-approaches and the successful sponsorship of projects.

A a deeper explanatory approach, however, can be developed when referring to the theoretical concept of "executive leadership" (Bogumil, 2002, pp. 12-16), that has been developed in local government research in the 1970s and 1990s already and been confirmed by the way, New Public Management reforms have de facto been implemented at the local level. The assumptions of this concept can be summarized as follows: due to fragmented processes of political decision making, the non-professional status of members of municipal councils, the complex nature of most policy issues, the institutionally strong position of the mayor and the de facto content preparation of the administrative services a predominance of executive functions over legislative and political functions can be observed in many local governments, leading

to important "non-decision-making" (Barach, Baratz, 1962) positions of the administrative actors involved.

Power at local government level in principle represents a golden triangle (elected representatives, citizens and the administrative services with the mayor as executive head). Empirical evidence, however, shows that executive actors tend to dominate over the other two dimensions. This executive leadership phenomenon has later also been stressed at regional and especially at national government-level (Hesse, Ellwein, 2012; König, 2015). In Germany, the post-World War II saying "constitution may change administration remains" is another illustration of this notion of executive leadership in public affairs.

For the case of cross-border cooperation, executive leadership helps to understand the predominance of public actors and more precisely why in many regions, cross-border cooperation still is a public-administrative affaire: Both, institutions, procedures, programmes and projects of cross-border co-operation depend – in practice − on decisions, which are still often taken outside the closer context of direct bi- or multilateral horizontal co-operation of the individual actors involved. In most transnational constellations – also where federalist states are participating − cross-border policy-making cannot be based on a transparent delegation of proper policy competences or tasks from the domestic partners towards the transnational actors, but the domestic partners must still rather recruit, persuade and justify their actions and their legal and financial support for each and every individual case. The "external" influence on such a sub-system of co-operation has, thus, to be considered as being relatively important. Cross-border co-operation can therefore be interpreted as a typical principal-agent constellation (Czada, 1994; Chrisholm, 1989; Jansen, Schubert, 1995; Marin, Mayntz, 1991): with the principals being the national institutional partners of this co-operation (regions, state organisations, local authorities etc.), representing the legal, administrative, financial and decisional competences and interests of their partial region, and the agents being the actors (cross-border project partners, members of transnational bodies or specific institutions, programme officers and co-ordination officers etc.) responsible for the preparation, the design and the implementation of the integrated cross-border policy (Beck, 1997). Different to classical principal-agent assumptions, however, the principals, e.g. administrative representatives of institutional partners, are playing a much more important role, clearly defining the scope and limits of action for the agents. Within a transnational context of

"small foreign policy" cross-border co-operation thus has always both an inter-institutional and an inter-personal dimension, requiring the co-operation of both, corporate and individual actors with their specific functional logic, motivated by special interests in each case (Coleman, 1973; Elster, 1985; Marin, 1990). Ultimately, executive leadership in cross-border cooperation is a particularly marked phenomenon as both the transnational legislative functions are not represented in a significant institutionalized way and citizens are mostly still linked to domestic territorial reference frames, that still hinder the emergence of a resilient transnational citizenship-perception (Schönwald, 2010).

### *3.3 Governance*

Transnational administrative interaction taking place at decentral (sub-national and/or local) government level can be considered as a horizontal arena, relevant for the study of horizontal governance issues within the EAS (Beck, Larat, 2017). Administrative interactions at a decentralized level are both stimulating and presupposing cooperation approaches around the notion of transnational governance, i.e. both an issue- and strategy-oriented interaction between actors coming from different sectorial and functional backgrounds (Beck, Wassenberg, 2011; Hooper, Kramsch, 2007). The administrative profile of such cooperation is usually rather low (in most cases actors are only involved on a part-time basis and the absence of professional management-capacities is another characteristic pattern) and mostly formally grounded on non-permanent, project-based inter-organizational networks, however, with a high importance of inter-personnel, high-level relations between key-actors. On the other hand, institutions such as EUREGIO, the standing Conference of the Upper-Rhine region, Euro-Districts, etc., are representing an emerging horizontal administrative profile.

Compared to the supra-national and the inter-governmental arena at national level, however, the degree to which specific and permanent thematic tasks are assigned to these institutions is rather low. The functional role these kind of transnational administrative structures are playing are in most cases still classical secretary functions as the active role of designing and implementing of policies is − due to a lack of legal and thematic competence and a very low assignment of proper management competences − remaining with the national partners. Cabinet-structures and secretariats are playing a specific function in this regard (Busch,

2014; Ege, 2016; Bauer, Ege, 2016). On the other hand, being both actors and symbols of territorial development approaches, these kind of institutions are usually working in multi-policy-constellations and are in functional terms, supported by thematic and expert networks composed of representatives of the participating local and/or regional governments. It is interesting that these transnational network-constellations are often characterized by a relatively marked degree of in-group collectivism, an identification with the transnational territorial development issues in question and shared values and belief-systems, allowing for the identification of a specific pattern of transnational working culture (Beck *et al.*, 2015). The role expectations are clearly pre-defined by national objectives but the identification with the overall cooperation goals is also very marked too, which is suggesting a coordination function with a high affiliation on the one hand but a relatively high potential for loyalty conflicts on the other (Beck, Larat, 2017).

In addition, the governance of cross-border-cooperation shows quite a number of similarities with more recent research findings on international public administrations − IPA − (Trondal, 2016; Bauer, Ege, 2016): One hypothesis developed here is that the bigger the autonomy of an IPA is marked, the more likely it is that actors have a strong affiliation with the respective IPA and the more it also represents specific patterns of a distinct transnational governance, based on integrative inter-cultural patterns. The institutional shaping of IPAs, relevant in this regard, ranges from institutional settings that have the character of primary organizations (and are thus following the model of classical public institutions) to institutional settings, which represent rather patterns of secondary organizations (and which are characterized by inter-organizational network- rather than classical institutional constellations). In addition to the *description* of the specific patterns of cross-border governance as dependent variable (see Beck, Pradier, 2011; Scherer, Zumbusch, 2015), drawing on the findings of more recent literature on IPA (Ege, 2016, p. 149) allows to develop variables that may also explain such transnational governance-patterns. Relevant *explanatory variables* in this respect are for instance (see Beck, Larat, 2017):

- the degree to which specific and permanent tasks are assigned to and operated by the cross-border governance-system from its constituent members (content and temporality of a distinctive competence-profile);

- the functional role a cross-border governance-system is de facto playing for its members (limitation to a classical secretary function or role of policy-design and/or implementation);
- the relative autonomy the members are assigning to a cross-border governance system in terms of personnel management (e.g. existence of a distinct personnel status, recruitment of own permanent personnel *versus* seconded employees of the members only), financial management (assignment of a proper budget allowing not only for the coverage of personnel costs but also for the financing of both the development and implementation of own tasks, missions, programs, projects) and organizational management (e.g. development of internal business management processes, functional and sectorial specialization independent from quotas respecting members representation *versus* territorial units);
- the policy-type and/or policy-mix the cross-border governance system is able to handle on behalf and/or instead of its members (predominance of rather apolitical distributive policies *versus* assignment of redistributive and regulatory policies usually characterized by a much higher level of conflict to be handled);
- the existence of a specific organizational/administrative working culture within the cross-border governance system and which is distinctive from all the working/administrative cultures of the members (promoting a strong in-group identity, cohesion and social obligation between the participating actors).

### *3.4 Effectiveness and Outcomes*

The evaluation of the effectiveness and/or outcomes of cross-border cooperation is a difficult task, due to the lack of empirical studies and compiled territorial data. With regard to relevant policy-achievements, however, two levels of analysis must be distinguished: the level of programme- and project based cross-border cooperation (the INTERREG-world) and collaboration taking place between individual technical administrative services (the structural administrative level).

With regard to INTRRREG-based cross-border cooperation, evaluations (European Commission, 2016) in general show a rather positive picture, however highlighting both its achievements (high numbers of projects, contribution to the fulfilment of EU strategies such as Lisbon, enhanced cooperation between a wider range of stakeholders, better

visibility, developing the institutional organisation across borders) and its limitations (no evidence that economic or legal/institutional barriers were reduced, the relative low financial weight, low impact beyond individual project level, programmes often driven by common generic policy-concerns of the partners rather than specific territorial cross-border needs). It seems that cross-border cooperation works relatively well at this level, yet always within the given systemic limits. The most evident weaknesses can be seen in the demand driven bottom-up approach which in general leads to both a high-level of fragmentation between isolated projects and a remarkable gap between strategic territorial development-objectives defined at program-level and a multitude of sectorial project initiatives which even in their entirety hardly show the necessary potential to back them with the necessary policy-content (Taillon, Beck, Rihm, 2010).

The obvious explanation, literature from public-management would provide in this regard, focusses on the necessity of an improvement of both the planning/programming and implementation mechanisms of INTERREG: A more evidence-based policy-making with informed quantative ex-ante impact assessment of both programmes and projects, for instance, combined with innovative forms of PDSA (Plan-Do-Study-Act) approaches (Fleischmann, 2014) instead of classical one-off SWOT-Analysis exercises combined with a more indicator-based project- and program-monitoring could improve the effectiveness of cross-border cooperation significantly (Beck, 2015c). Yet, the shortcomings at this level of cooperation can also be explained by drawing on two more far-reaching theoretical frames. The concept of bounded rationality (Simon, 1947), for instance, states, that inability, incomplete information, or the lack of time to obtain necessary information are just some of the reasons why people often make poorer decisions than under ideal conditions: actors abandon the search for alternatives because a solution found satisfies them, regardless of whether a better one could be found. In a cross-border context, the challenge to find a compromise between different cultural and structural expectations, for instance, can thus lead to both a low level of ambition and innovation. One indicator in this respect is the pre-domination of a "budget-spending" over a "thematic impact" orientation, that often can be observed both at programme-management and project level. The second concept, interesting in this regard, is the so-called garbage-can model of public policy-making (March, Cohen, Olsen, 1972). Accordingly decisions in public organizations/systems

are generally marked by three points: 1. Problematic preferences (the definition of the problem and the objectives are unclear and/or the actors recognize their preferences late in the process and / or change their preferences several times), 2. unclear technology (the actors know little about the organizational rules and structures of decision-making processes. They have only a rudimentary understanding of which means serve what purposes. It is likely that actors do not understand the underlying causes of the functioning of means) and 3. fluid participation (the members of decision-making bodies change, and the involvement of the stakeholders depends on their energy, their interest and limitations on their temporal possibilities. In addition, certain topics are discussed repeatedly). The interaction of these three factors leads to situations which favour certain (non-)decisions. According to the garbage-can model, four independent factors (issues, solutions, subscriber, decision, opportunities) typically meet each other and interact during a decision-making process in a stochastic way, so that decisions are not necessarily the result of rational analysis, but the random flow of the four factors which take the nature of "streams". As a result, solutions can be generated for problems that have not yet occurred ("solutions searching for their problems" or wishful thinking). The attentive observer of cross-border decision-making processes – especially taking place at the level of INTERREG programmes and projects – may easily confirm the basic assumptions of the garbage-can model: problematic preferences, unclear technology and fluid participation as described by the model, are especially marked patterns within the complex inter-cultural and inter-institutional context of a relatively closed cross-border cooperation system. This may also explain why cross-border-cooperation often is perceived (and even justified) as being a policy-field of symbolic action (Edelman, 1985) rather than an effective answer to real world territorial challenges.

Beyond the INTERREG-level, cross-border interaction and collaboration between national thematic administrations, is still less well established. Analyzing the annual reports of cross-border information centres such as INFOBEST,[12] the European Consumer Centres Network (ECC-Net),[13] Grenzinfo-Point[14] one can easily recognize the factual evidence of how important the persistence of national/domestic legal- and

[12] https://www.infobest.eu/.

[13] https://ec.europa.eu/info/live-work-travel-eu/consumers/resolve-your-consumer-complaint/european-consumer-centres-network_en.

[14] https://grenzinfo.eu/.

administrative obstacles still is marked, when confronted with an increase in cross-border horizontal mobility. Not only the effective identification and reduction of identified administrative and legal obstacles is still the exception than the rule (see for instance the outstanding role of the Nordic Council in this regard[15]) – the more fundamental problem can be seen in the absence of defined cross-border public business-processes between competent authorities such as tax-administration, social-services, health-insurances, child benefit funds, vehicle Registration Office, etc. Cross-border cases of individual citizens often turn out to be an exception to the administrative rule of a given public institution. Without informal flexibility of individual agents, many cases can easily turn out to be burdensome if not Kafkaesque.

Especially in legal fields, which are not harmonized by the European level, a complete and transparent definition of individual procedural steps to be followed combined with multi-lingual administrative forms is required. Administrative science can provide a wide range of applied research and good practice in this regard, starting with organizational solutions such as one-stop agencies based on life-situation and/or cycle-concepts, business-process optimization, open data and e-government (Beck, 2015a), shared-services, etc., which could – if jointly applied to the cross-border context by the competent administrative services – also contribute to a further demand-oriented design of the European Administrative Space (EU Commission, 2017).

## 4. Conclusion

Cross-border cooperation in Europe today finds itself on the threshold of a new functional and conceptual phase. With the process of established approaches of European integration becoming more difficult in the coming years, cross-border cooperation, understood as a specific form of vertical and horizontal European multi-level-governance shows an increasingly attractive perspective. Many of the reform proposals currently discussed both at European and national level show a direct link to the changing future role, established legal and administrative systems will have to play in this regard. It is evident, that approaches such as mutual recognition, clauses of experimentation in thematic law, new shared cross-border public

[15] https://ec.europa.eu/futurium/en/blog/nordic-council-ministers; http://www.norden.org/en/nordic-council-of-ministers.

services, the implementation of legal provisions such as the GECT, new cross-border e-government applications, new approaches of cross-border institution-building and (participatory) multi-level governance based on new functional territorial justifications etc. all show a direct link to topics currently discussed in Administrative Science too. This normative turn from cross-border cooperation being perceived as a means to developing and implementing pragmatic project- based solutions in order to solve specific problems towards an understanding of cross-border cooperation being a means of developing 360° integrated territorial potentials, based on flexible legal and administrative structures allowing for the smooth interaction between individual and corporate actors across the borders, certainly requires relevant scientific support in the new future.

Based on the operating principle of "horizontal subsidiarity" (Beck, 2012) which aims at strengthening the role and function cross-border territories may play for the future design and implementation of European integration, the following four research questions in the field of Administrative Science seem of particular interest in this regard:

1. What are the roles and functions that institutionalized approaches of cross-border-cooperation do play as specific forms of International Public Administration and what is their resulting contribution to the realization of a multi-level European governance system?
2. How can approaches of flexibilization of the institutional framing of cross-border cooperation through mutual recognition and clauses of experimentation be concretely designed and to what new and innovative forms of transnational public administration may this lead?
3. How can approaches such as Open Government and agile Public Administration and Management stimulate flexibilization and innovation in the way both cross-border programmes and projects are handled practically? What specific functional and structural prerequisites have to be fulfilled within the inter-systemic and inter-cultural perspective of a sub-system of cross-border cooperation?
4. How can new approaches of shared-services and cross-border business process management lead to a new quality of cross-border service provision, what structural and leadership implications does this imply, how to design specific e-government and open data provisions in this regard?

Administrative Science, understood as a trans-disciplinary approach, can provide applied research to stimulate and inform such a broad approach of capacity-development for the case of cross-border cooperation. At the same time, this could help to better establish cross-border cooperation as an interesting object-field within Administrative Science, thus allowing to integrate the so far rather separated research lines of (comparative) "Public Management/Governance" on the one hand and "European multi-level administration/European Administrative system" on the other.

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# Part 2

## Inter-disciplinary and multi-level challenges of cross-border cooperation from a practical perspective

# Placing cross-border cooperation at the core of Europe – The view from the European Committee of the Regions[1]

Karl-Heinz Lambertz

Over centuries of difficult European history marked by wars and tensions, border regions have acted as barriers against neighbouring countries. These regions remained on the periphery − places where peoples, living in the vicinity of one other, did not cooperate, or where any opportunity for economic, social or even cultural cooperation across borders was considered either too difficult to pursue or not considered at all. The borders of today's Europe bear the scars and division from many wars that Europeans have waged.

After World War II, the founding fathers of the European Union were the first to realise that Europe could not continue down this path, which was increasingly seen as leading to destruction and global insignificance. They realised that, in order to make the European continent prosperous again, people needed to overcome their differences, to get over centuries of animosity and work together to heal those wounds at their borders to create a prosperous Europe for all Europeans.

Over the past six decades, they have accomplished a great deal more than many of their founding fathers had hoped for. Borders are no longer considered barriers, and border regions are no longer viewed as being on the periphery. Today, these regions are even deemed to be the cornerstone of European integration and the completion of the internal market-places where Europeans meet to share, discuss and cooperate. EU cohesion policy and especially programmes such as European Territorial Cooperation have played a key role in facilitating such cooperation, but

[1] The author would like to thank Slaven Klobucar and Michael Jansen for their support in writing this article.

so has the wish by people to cooperate with their neighbours and work together towards a better common future. The creation of the Schengen area in 1985 and its subsequent expansion, most notably in 2007, removed an important number of the remaining obstacles to cross-border cooperation. However, the European crisis of recent years has also put considerable pressure on the Schengen agreement, which raised concern about its future and was underlined by the CoR on 11 February 2016 with a *Resolution on the Threats to the EU Schengen Border-free Area*.

Nevertheless, today many obstacles remain, although they are often invisible. The European Commission has taken a challenging task of intensive research and dialogue with border stakeholders, national authorities of Member States and regional and local authorities to analyze all the obstacles that exist in Europe today. The research lasted for two years, and included an extensive study which provided a detailed inventory of critical border obstacles along with examples of how these obstacles have been addressed on certain borders. Additionally, public consultations were carried out and the European Commission organized four workshops with key stakeholders to further identify all remaining obstacles and problems that hamper border regions from developing. As a result of this research, on 21 September 2017 the European Commission launched a Communication on *Growth and Cohesion in Border Regions* which identified all existing obstacles in cross-border cooperation and was welcomed by the CoR. Most are related to persistent differences between legal and administrative systems in the EU. This might be discouraging for many people living in border regions, but eventually they will be overcome, as European integration cannot be completed without steps being taken to ensure borders do no longer visibly and administratively exist for European citizens.

Despite many of our accomplishments over the decades, it was saddening to see the events in 2015 and 2016 which seriously challenged the European integration process and called cross-border cooperation into question. Europe without borders was threatened by those events as well as the lack of solidarity and cooperation between Member States. The refugee crisis and the various terrorist threats Europeans have been facing over the past few years have also proved to be a crisis for cross-border cooperation. Faced with a large influx of refugees, EU internal borders have begun to close – with some Member States even setting up barbed wire fences and sending their armies to protect their borders –

something that people believed was behind them, buried in the history of the 20th century.

The crises of 2015 and 2016, combined with slow economic recovery from the 2008 economic recession and the narrow British vote to leave the European Union, have called into question European unity, the consensus on the benefits of open borders and the mutual trust one had been building over the past 60 years.

2017 brought fresh hope for a better future. People have to learn from these crises and not to take the European Union they have today for granted. Work on making Europe a prosperous, solidary and free continent will never stop. Member States need to take responsibility and tackle the challenges they face in a constructive way, by cooperating without endangering the way of life they have been building up for a very long time.

The founding fathers of the European Union were right to consider European integration as a solution to the extreme nationalism which had devastated the continent for centuries, especially during the first part of the 20th. But the challenges we are facing today can only be solved through more cooperation at European level.

For the European Committee of the Regions (CoR) – the EU's political assembly of 350 local and regional leaders − deeper integration and cooperation between EU Member States cannot be accomplished without their regions and their border regions. Without involving them, the EU will never adopt efficient enough legislation or sufficiently effective measures, nor will it bring all Europeans on board, leaving many of them to doubt its usefulness. If one looks at the results of some of the recent elections in Europe, one also notices the rise of euro-scepticism in border regions, which means that the EU is not delivering enough. Consequently, more has to be done to convince them of the added-value of the European Union though better two-way communication and results.

People living in border regions often encounter difficulties in their daily lives, whether it be finding a job, accessing healthcare, everyday commuting or overcoming administrative problems. Furthermore, living there is also often considerably more expensive in comparison to other EU regions, which is deeply worrying.

The European Union is divided by many internal borders that entail different competencies, structures and social as well as fiscal laws. Despite

all accomplishments, borders are often still viewed as impenetrable barriers, considered by local and regional authorities as something that would require too much effort and time to overcome. Consequently many opportunities are wasted.

The before mentioned study by the European Commission's Directorate-General for Regional Policy (DG REGIO) shows that if all cross-border obstacles were removed, one would see an 8% overall rise in the GDP in these areas. It is clear that it will never be possible to remove all of them, but the study suggests that even if just 1/5 of today's obstacles were removed, the benefits would be immense. Furthermore, not only the so-called periphery is affected, as many capitals, such as Bratislava, Copenhagen, Vienna and Zagreb, are located in border regions. It is easy to imagine the wasted opportunities.

As a precondition, sustainable and effective European integration process needs joint growth at borders through cross-border cooperation. The CoR, adopting a place-based approach, is therefore strongly in favour of designing EU funds to support cross-border development strategies, and of these funds being tailored to meet regional needs and specificities.

Based on the CoR's opinion on the Future of Cohesion beyond 2020, adopted at its plenary session on 12 May 2017, the Cohesion Alliance was launched at the European Week of Regions and Cities on 9 October 2017. The CoR and major associations of local and regional authorities (CPMR, AER, Eurocities, CEMR and AEBR) agreed on key principles inspired by the CoR opinion, and advocated for a strong, effective and visible cohesion policy for all regions and cities.

Within the framework of the future cohesion policy, it appears to be important that the financial support envisaged for European Territorial Cooperation after 2020 increases and is significantly higher than the current 3% of the European Structural and Investment Funds (ESIF), which is simply insufficient. One should, however, be well aware that even with the increased budget for the EU's cross-border regions, many obstacles will remain and funding itself will never be sufficient to remove them all. That is why also other EU programmes have to be mobilised for the financing of cross-border projects.

The significant simplification of rules is also a prerequisite for successful cross-border cooperation, including, for example, removing the European Territorial Cooperation (ETC) from the area of application of state aid rules, which the CoR has called for in its opinion on *Simplification of*

*ESIF from the perspective of local and regional authorities* and which was adopted on 11 October 2016.

Additionally, people-to-people and small-scale projects have an important added value at a European level and contribute considerably to the overall objective of cross-border programmes, but they are often underfunded and overly complicated. In a recent opinion on this topic adopted on 12 July 2017, the CoR calls for "people-to-people projects and small-scale projects to be anchored in the regulations governing EU support for cross-border cooperation as a legitimate instrument in cross-border programmes". At the same time the opinion calls for suitable simplified cost options to be enabled and used as the main approach to these projects.

Beyond funding, one also has to look into a better coordination in implementing EU directives so that the flexibility of implementation does not create additional obstacles to cross-border cooperation. Besides better policy-making and coordination at EU level, there are also different tools, approaches and instruments that exist which can significantly improve cross-border cooperation.

One of the leading instruments for better cross-border cooperation, created specifically to strengthen this type of cooperation in particular, but also transnational and interregional cooperation, is the European Grouping of Territorial Cooperation (EGTC). The EGTC Regulation was adopted by the EU in 2006 and amended in 2012 to clarify, simplify and improve the groupings, following the initiative of the CoR which launched the idea in an own initiative opinion and a study presenting a fully-fledged EU regulation some years before. The EGTC was the first European cooperation structure defined by European law and designed to facilitate and promote territorial cooperation. It is also one of the finest examples how the CoR has changed Europe for the better for those who work and live in border regions.

In 2017 69 EGTCs existed throughout Europe, involving 20 Member States and three non-EU states, with over 700 directly involved local and regional authorities. The EGTC has proved to be a very useful tool in developing existing and promoting new cooperation at the EU's internal and external borders.

Being single legal entities that cover territories from multiple EU and non-EU Member States, EGTCs have allowed many administrative and legal obstacles to be overcome. The CoR, which is the official EU EGTC

register and home of the EGTC Platform, daily witnesses all the benefits this instrument has brought to the regions and cities across EU and above all to border regions.

An EGTC may carry out territorial cooperation measures – with or without a financial contribution from the EU. Specifically, the EGTC is dedicated to the management and implementation of territorial cooperation programmes or projects co-financed by the European Union through the European Regional Development Fund (ERDF), the European Social Fund (ESF) or the Cohesion Fund. Moreover, it can use all the other financial instruments of the EU.

Every year, new EGTCs are created which can be new cooperation projects, but can also involve existing structures being transformed into an EGTC. There are around 25 EGTCs under construction at the beginning of 2018, contributing to the increasing number of EGTCs in Europe. Prospective EGTC members can be found all across the EU and, once established, they help to widen the variety of fields of action even further, as well as the number of regions involved in EGTCs.

The EGTC Regulation is flexible, allowing local and regional authorities to adapt it as needed in their Member States. There are many benefits associated with EGTCs, such as clear management structures, permanence and stability. This reduces dependence on electoral cycles, which then allows for long term strategic planning and vision in cross-border regions.

The fact that an EGTC is a separate legal entity cuts down on red tape considerably, as only the signature the EGTC director is needed – as opposed to the need for all the municipal and regional councils to approve participation in EU funded projects. Based on where its office is located, the EGTC also applies the legislation of one Member State to its operations, which likewise helps to remove many administrative issues.

Today, the majority of EGTCs are located along the eastern, central and southern internal borders of the European Union, with many of them overlapping, yet each having a different goal and structure. One thing all EGTC have in common is the aim of building up trust between citizens of border regions, as it is trust that is the basis for any kind of cooperation and which, even after 60 years of EU integration, still needs to be fully established.

With the exception of cooperation between armed forces and police, there are very few areas that are out of range for EGTCs today. There are EGTCs working on transport issues and accessibility, seeking to overcome the lack of connectivity in cross-border areas that Member States on their own do not tackle in a satisfactory way. Many EGTCs create a joint economic and tourism strategy, since they see their regions as naturally one region. Other EGTCs work on cooperation between public services such as health and disaster prevention, or they jointly manage cross-border nature parks and biospheres.

One also finds EGTCs that manage NATURA 2000 areas, protecting birds, animals and their habitats. Other EGTCs are interested in cooperating on energy issues, natural risk management and prevention or in giving local people equal public services on both sides of the border.

It is important not to forget that, although in a minority of cases, some EGTCs work as transnational entities, bringing together cities and regions that have a similar history, economic activities or other features that make them want to work together on a joint future.

The EGTC Lille-Kortrijk-Tournai was the first to be created on 5 July 2006, resulting from a partnership between France and Belgium. Its mission is to ensure efficient and coherent cross-border cooperation, to improve the quality of daily life of the inhabitants, which will be realised through the promotion of regular dialogue between partners, preparation and management of projects co-financed by the EU.

Another good example is the EGTC Cerdanya Hospital on the French-Spanish border, which was constructed jointly by the Catalan and French governments, with financial support from the EU, and a total budget being EUR 20 million. The immediate added value of the building of this hospital is that it provides access to specialised healthcare for the French population (14,500) of the Cerdan plateau. Previously, this population had no access to the existing Spanish hospital across the border, and had to travel 105 km to Perpignan to access specialised care. The existence of the cross-border hospital fosters improvements in research and innovation, employment and mobility as well as social inclusion. It is an excellent example of why cross-border cooperation is needed and why the EGTC Regulation is so useful. Populations on both sides of the border, as well as tourists visiting the region, needed a hospital on a daily basis, but there was no financially viable proposition for either side. The EGTC Regulation provided an opportunity for them

to build a hospital together, acquire EU funding and share the costs based on the share of population in each region.

**Photo: Cerdanya Hospital constructed jointly by the Catalan and French governments**

This example is seen as one of the flagship projects of the EGTC Regulation, as it shows the undisputable added value of EU legislation for Europeans. People of that region, as well as their local authorities, identified the problems and thanks to this, they managed to find solutions and funding.

Some EGTCs try to overcome national differences and create concrete transport connections across borders, as seen in the example of the Strasbourg-Ortenau EGTC that created a cross-border tramway connecting the cities of Strasbourg and Kehl, enriching the existing symbiotic relationship they have had over last few decades.

It was a big challenge to construct such a tramline, as legislation and standards differ between Germany and France. Nevertheless, the tramline was launched in April 2017.

**Photo: Strasbourg-Kehl cross-border tramway**

Another interesting example of an EGTC on the governance side is the Chaves – Verin Eurocity on the border between Spain and Portugal. This EGTC created a card for all the citizens living on the territory of the EGTC, giving them access to public service on either side of the border, enriching the lives of the local population, providing them with better public services and cutting costs. The partners in this EGTC took their cooperation further and created joint tourism services and economic strategies and they continue to cooperate on many different projects.

These are just four EGTCs, but many more exist and provide the best examples of how cross-border cooperation can be structured. There are also EGTCs which involve more general and extensive cooperation, for example Saar-Lor-Lux, Eurodistrict Pamina and soon the Euregio Meuse-Rhine.

This instrument has existed for more than 11 years, allowing to assume that more important examples of cross-border cooperation are yet to come. Member States, along with the European Commission and the CoR, need to step up their work to promote this tool which can remove many administrative obstacles and strengthen cross-border cooperation.

**Photo: Chaves – Verin Eurocity joint tourism services**

However, it is beyond the scope of the EGTC tool to address certain obstacles resulting from the differing national legal systems in the Member States concerned. The EU, along with its Member States, need to do more to remove these obstacles.

The EGTC Regulation cannot resolve all cross-border obstacles and some do not require a permanent structure such as an EGTC. Institution-related tools such as the EGTC focus on the institutional set-up across borders and do not do enough to resolve legal or administrative obstacles related to project implementation. To overcome these specific problems, the 2015 Luxembourg Presidency of the European Council established a working group of experts to discuss and find a solution as a complement to the EGTC Regulation. The CoR has been actively involved in its work adopting an opinion on 13 October 2015, *Strengthening Cross-border Cooperation: the need for a better regulatory framework?* This working group comprises experts from many EU Member States and EU institutions,

seeking solutions to existing legal obstacles that burden cross-border cooperation.

The working group proposed that the EU draft a "Regulation on a European Cross-Border Convention (ECBC)". The Regulation itself would not include any ECBC proposal or specific provisions, but it would allow local and regional authorities in cross-border areas to sign a convention outlining how a certain cross-border issue would be solved and which legislation would apply to the territory concerned.

An example of this would be the construction of a tramway network crossing a national border between two cities located next to one other. Nowadays the tramway would be constructed as follows: Member State number 1 would construct its part of the tramway up to the national border, in line with its legislation and its own standards. The same would be done by Member State number 2. However that would not resolve the issue of the inter-connectivity of tram lines or resolve the issue of what type of tram would be used, as standards and legislation might differ. There would also be a question mark over the drivers of these trams, as licenses might differ too, as well as insurance and many other administrative issues which might arise. This would result in elevated costs, timetable problems and inconsistencies and the idea would very often go no further than the planning stage. The proposal of the Luxembourg EU Presidency would allow both local authorities to sign a convention and agree on the area and project as well as on which legislation would apply to the project and the territory concerned. This would mean that the tramway network would be constructed and operated in line with the standards and legislation of one Member State, but on both Member States' territories.

The CoR is very interested to see how this proposal will develop as such a tool could resolve many of the problems the public daily faces. It would continue to be compatible with the EGTC Regulation, giving new momentum to this kind of work and a new dynamic for cooperation between border regions.

Besides the tools that already exist, the European Union needs to assess the territorial and cross-border impact of EU legislation, something that has often been inconsistent, but has proved to be very significant. The long-term goal of the CoR is to have Territorial Impact Assessments as a standard part of the Impact Assessments carried out by the European Commission, given almost 70% of all EU legislation takes place at local and regional level. This is particularly important when considering EU

border regions, as they will be the first to feel the effects of inadequate legislation and uncoordinated implementation thereof. For this it is important to develop a special territorial assessment for border issues ("Grenztauglichkeitsprüfung").

The CoR firmly believes that by carrying out territorial and cross-border impact assessments, the EU can adopt legislation that is more transparent and that will, at the same time, be more effective, taking into account the economic, social, cultural and administrative diversity of EU regions. EU legislation cannot be effective enough if the special needs and also the advantages of the EU's regions are not taken into account.

For the CoR, cross-border cooperation is at the top of the agenda, even though it is not high enough on the European Union's or the Member States'. At a time when people are reflecting on the Future of Europe this needs to change. It is naive to think that the European Union can be stronger and more prosperous, if it does not take into account of 30% of its population, properly address their problems and challenges, or build up trust of our Member States in those places where they physically come into contact with one another.

As the assembly of the EU's regions, and the home of EGTCs, one has seen the passion, the commitment and the incredibly successful outcomes of cross-border cooperation, which clearly indicates that there is a need, there is a will and there is a way to cooperate at our borders and make European integration a greater success than it is today.

The CoR will continue to work to promote such cooperation, working closely with partners like AEBR, MOT or CESCI. It will continue to call for more of it, since it not only sees the benefits of cross-border cooperation, but also perceives border regions as places where full European integration will finally be achieved. When this moment arrives, European citizens will no longer realise they are crossing a national border.

If Europeans are to create a truly cohesive Europe, led by solidarity, they need to weld borders together smoothing over the scars of history.

# When border regions have wind in their sails – A short history of the European Commission's communication "Boosting Growth and Cohesion in EU Border Regions"

Nathalie Verschelde

## The Genesis

For the author of this article, 2015 marked a professional turning point. After many years as a professional involved in various aspects of cross-border cooperation, I landed the ideal new job: deputy head of unit for the cross-border cooperation unit in DG REGIO. This is the place where it all happens for cross-border regions – or so I thought.

2015 was also the year when EU financing for cross-border cooperation celebrated its 25th anniversary – what started as a modest Community Initiative in 1990 has become a fully-fledged objective of European cohesion policy with an increased budget and an expanded geographical coverage (reflecting the EU enlargement of course, but also with the introduction of maritime cross-border cooperation areas).

The conjunction of those two events, one very personal and one more societal could not have happened at a more appropriate time. Joining a team that prepares to celebrate an important birthday is an exhilarating moment not only from the social point of view (positive celebrations are always a good thing to do), but also from the reflective point of view. As a (semi) outsider to the birthday preparations, I had the right to ask the difficult questions: do we really have so much to celebrate? Can we be happy with what we have achieved? Have we made a difference?

Naturally, being part of the team also means you are responsible for helping find the answers to the questions – there are hundreds of pages of reports to read and analyse, thousands of figures to decipher and make sense of. A big task but also one that helps tell a very good European story

– with modest financial means, much has been done along EU internal borders to build trust between close, yet divided, populations. One of our most precious assets – the air we breathe, the water we drink, the fauna and flora we cherish – has been better protected thanks to cross-border cooperation investments and initiatives. We are generally better prepared and equipped to deal with natural and man-made disasters that can strike anywhere, including along borders. In many areas long secluded and cut-off, mobility across borders is improving. Neighbours can generally get access to each other more easily than before. A good story indeed.

But as a border child, born and bred on a highly integrated border, in daily contact with cross-border interaction at school, in shops, in youth clubs, in sports, there remained a nagging feeling that this is not the full story. How about this friend who is a speech therapist back home in "my" border region and who still does not know how much she will earn now that she shares her working time between the two sides of the border? How about this acquaintance in a Nordic border who after an accident at work cannot follow his rehab at home because it is on the other side? How about all these pupils in our technical schools who simply cannot do their apprenticeship close to home, on the other side? How about this single mother in my home town who wastes three full days per week for a dialysis treatment 100km away from home when there is just as good a service 3km away, on the other side? And why can this ambulance not pick up a patient in need of urgent intervention right on the other side?

There was no sign of such stories in my Interreg birthday preparations.

And this is where it all started – this new and bold reflection on why there is such a marked difference between the positive Interreg stories and achievements and the unsatisfactory real life border stories? The need to understand and fully grasp what was at stake set in – there would be no respite until answers were uncovered – there would be no peace until the phenomemon was identified so that solutions could be envisaged.

This is the beginning of what became known in DG REGIO and among border partners as the "Cross-Border Review". It took an open and interested hierarchy to agree to explore the questions, and it took a small but highly dedicated team to carry out the work.

Working for a European institution, we felt we had the mandate to do this. Who else is better placed than DG REGIO to try and identify trends common to so many of its regional constituents? Who could quickly mobilise regional expertise and stakeholder's involvement? The EU

Treaty gave us the legal basis we needed to translate our deep questions and impressions into policy investigations and potential responses.

It was hugely important for us to embark on this exercise with two fundamental requirements: we needed fast work and we needed robustness. Our results would need to appear within 2 years and they would need to be based upon solid evidence. We decided to make the most of these two requirements to launch a focused, yet inclusive process.

Speed would be obtained by outsourcing research work and robustness by involving stakeholders with deep knowledge and practical experience early on in the process in order to obtain regular feedback and checks against real border life. Inclusiveness was also secured through an on-line public consultation in 23 languages…

## The process

In summer 2015 we were ready to launch a comprehensive study on border obstacles/barriers along all EU internal land borders. As anticipated, one of the key challenges for the contractor was the availability of reliable information. Those of us familiar with border regions know about the issues (see my "anecdotal" examples above). But where is the evidence? Anecdotes are not solid enough to be used as evidence – you cannot build a case upon individual stories. It is imperative to be able to measure the scale of the issues, the frequency of occurrence of certain problems, the impact they have locally, on people, on the economy and on the European integration process. This was a real challenge we had to acknowledge and in the end accept. For those who read the full study,[2] it will be soon obvious that only some borders offer enough data and information to be able to apprehend the border phenomenon. Hence what some will see as a bias towards more integrated border regions in Northern and North-Western Europe. Alternative methods were tried to obtain more information from other parts of Europe but to little effect. There is simply a fundamental and serious lack of information for the majority of our internal land borders.

This fact was quickly checked and ascertained via our early work with stakeholders. Here, we were able to involve experts from North,

[2] http://ec.europa.eu/regional_policy/en/information/publications/studies/2017/easing-legal-and-administrative-obstacles-in-eu-border-regions.

South, East and West. Our impression concerning lack of information was confirmed – this is a genuine problem, not a sign of weakness on the contractor's side. Sadly, there was no immediate remedy. The point had to be noted, the work had to go on with what was available.

Then came the extremely rewarding public consultation strand of the Cross-Border Review. Here again, we have to be grateful to the hierarchy of the time in DG REGIO. All senior managers got involved in this exercise and not only by promoting the consultation in the countries of their respective portfolios (a number of Directors in DG REGIO work exclusively with groups of Member States). They became involved with direct interaction along borders, with border institutions and citizens. Within the space of a few weeks, 11 visits took place across Europe. Commissioner Crețu kicked off the process during a visit she still refers to now along the Austrian-Slovak border in Vienna and Bratislava regions. Then came visits to Lille (France-Belgium), Komarno-Komarom (Slovakia-Hungary), euroregion Egrensis (Czech Republic-Germany), Gorizia-Nova Gorica (Italy-Slovenia), Thessaloniki (Greece-Bulgaria), Ruse-Giurgiu (Bulgaria-Romania), Greater Copenhagen and Skåne (Denmark-Sweden), Chaves-Verin (Portugal-Spain), Valga-Valka (Latvia-Estonia), Szczecin (Poland-Germany).

As a result of this mobilisation and our wider promotional work, the public consultation received over 600 replies. This has been considered a very good result in the framework of public consultations launched on-line by the European Commission on such a specific topic. Close to 300 private persons took the time to respond to the questionnaire and more than 60 organisations representing sometimes very high numbers of citizens (e.g. Association of European Border Regions). Importantly, the responses came from all parts of the EU and not exclusively from highly integrated cross-border regions with a high degree of awareness of border issues. More than 80% of responding individuals and organisations were based in border regions. A comprehensive analysis of the results is available on-line.[3]

For the purpose of this paper, which aims at dissecting the Cross-Border Review process, the key feature to retain is the very high level of convergence between the findings of the desk review carried out by the contractor and the replies received from the wider public. Reading the

[3] http://ec.europa.eu/regional_policy/en/newsroom/consultations/overcoming-obstacles-border-regions/.

replies, the CB Review team was strongly comforted in its work: top obstacles identified under both strands were almost identical. We felt that this was a solid validation of the work already carried out.

In parallel to the study and public consultation, four workshops took place with border partners from all horizons. These moments were key in establishing the diagnosis and in identifying the root causes. With our border partners we also agreed what were the most acute border difficulties and we gained a deeper understanding of the mechanisms at work in border interaction. Some of these can be read in the fifteen case studies produced.

At this point it is important to stress the internal work going on among different Commission services If DG REGIO was the natural place for the coordination of this work, it was obvious from the start that other services would need to be associated – mainly from "thematic" services such as transport, health, education and employment, but also from "horizontal" services such as internal market, e-Government or Better Regulation. The increased awareness of border-specific problems from colleagues naturally more remote from territorial considerations has been a key to the success of this initiative. This cooperation will remain an important element if the Commission is to succeed in implementing the proposed actions that have resulted from this work.

The outcome of this will certainly remain a great pride to those most closely involved in the process. It proved very challenging to synthesise all the data, information and facts obtained during 15 months of research and exchanges. Even though it became clear very early on to the CB Review team that only a Commission Communication would be a satisfactory outcome – because it provides a political platform to obtain attention and stimulate solution orientation – the team had to be convincing and robust in our argumentation. There was reticence in some quarters… But continued (some would say obsessive) commitment and perseverance guided the team towards a first draft Communication text. This was of course too long, at times to complex and definitely too detailed. The temptation of using all the material collected was just too strong. But when it comes to drafting a political document, we soon understood the imperative to be shorter and sharper. Even more importantly, we learned that proposing a list of concrete actions would be more powerful than any plea for attention, no matter how well formulated. Many versions of the text were necessary to finally reach the objective initially set: to make the case convincingly and to propose recognisable and measurable

actions. The Communication cannot be brushed aside easily for being too vague, too theoretical or wishful thinking.

## A few lessons learned along the way

This long, winding but highly rewarding process had led us to draw some conclusions that can hopefully be used, in our future implementation work:

1) "Words matter" – one of the most striking issue the CB Review team had to face and address was in establishing a common understanding outside the border community for such fundamental terms as "cross-border" or "obstacle". The word cross-border was the most surprising and challenging one for our semantic work. To us and to the border community, this is very obvious. Not so in other circles. Especially within our own institution, it became clear early that we did not all mean the same thing when we talked about "cross-border activities" for instance. This confusion is not helped by the fact that the same word is used to mean different things inside different Commission services. To the regional policy family, cross-border implies proximity of two or more regions situated along an administrative border – as is implied in Article 174 TFEU. To most other services though the word refers to activities that go "across borders," without any sense of geographical proximity, as is for instance illustrated in the Directive on Patients' Rights In Cross-Border Healthcare.[4] This had to be clarified repeatedly – and it explains why most meetings to discuss the CB Review work started with the sharing of a map.[5] The word "obstacle" also carries a different meaning within the legal profession – for some it is very strongly linked to the European Court of Justice's interpretation[6] and implies a notion of infringement to existing legislation – to the border layman, the sense is different and applies to any situation which is more complex, more costly or longer because it takes place on the other side of the border.

4 *Directive* No. 2011/24/EU of March 9, 2011.

5 See page 3 of Communication COM(2017) 534 final.

6 The European Court of Justice ruling of 28 April 2009 Case C-518/06 noted in relation to the term 'obstacle' or 'restriction' that "all measures which prohibit, impede or render less attractive the freedom of establishment or the freedom to provide services are restrictions to the relevant freedoms".

2) In the absence of solid data, personal stories are very powerful. Being unable to call upon reams of impressive statistics, the CB Review team quickly discovered that using personal stories was an effective way of "converting" the non-border community. The absurdity of many cross-border situations, the persistence of "small yet annoying problems"[7] have gone a long way towards illustrating our topic and convincing our hierarchy and colleagues of the merit of our work and proposals.
3) There is a very closely knit border community around Europe. Throughout the entire process, it has been fascinating how easy it has been to exchange views among border people. Immediate recognition of each other's plight, no need for lengthy explanations. Even when issues touch upon different topics, the process that leads to difficulties or "obstacles" is always immediately recognised. Every border across Europe is different from the next one, but every border issue has its roots in similar processes. Having said that, the team was also struck by the lack of visibility of many issues – whether key decision-makers are too far away from borders, or whether they are under the misgiving that the completion of the Single Market has resolved all border issues – these difficulties are simply not recognised enough at central level. Border regions must become better at articulating some of this themselves – they need to improve their collective advocacy!

## Conclusions

With this article, the intention was to illustrate a very enriching process, over a period of two and a half years, and show how dedication, backed by strong support from higher up and access to as much information as possible, can lead to significant polity initiatives, also in the context of what is often perceived as a public administration "isolated" from real life issues. At no point in the process was the CB Review team impeded from taking the project forward – yes, there was a deep need for information, yes, we had to be convincing and persistent in our communication efforts. But once colleagues understood the scope of the problems and the need to make progress, there were no real internal "obstacles" to our work.

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7 Quote used by the Secretary-General of the Nordic Council of Ministers, Dagfinn Høybråten in his opening speech during our joint event on the Communication, held in Copenhagen on 16 January 2018.

# Challenges of cross-border cooperation from a practical perspective: people-to-people projects as Europe-building tool

Pavel Branda, Hynek Böhm

## Introduction

Border areas can be described as very colourful territories, as they have been an intersection of various interethnic and cultural influences. Historical consequences and different processes have formed these areas differently than those in the metropolitan or mainland areas. Groups with various traditions, systems of values, different languages and dialects meet and interact in the borderlands (Kantor, 1989, pp. 243-244). Borderlands were moreover often areas of conflicts of various actors, led by different and often competing interests. On the other hand, borderlands create the opportunity for fostering openness, respect and understanding for others, enabling building positive relationships overcoming differences. Borderlands teach coexistence on the basis of partnership, not a subordination (Róg, 2001, pp. 21-40). These are the principles valued and shared also by the Association of European Border Regions (AEBR).

A special role in these regional cooperations is played by a different kind of structures such as euroregions, eurodistricts, European Groupings of Territorial Co-operation (EGTC) or working groups without more profound institutionalisation. These structures can take very different forms, which depend on the degree of homogeneity of the region, its development, status, location along the borders of the Community etc. Their scope can range from the arrangements for co-operation between local and regional authorities of two or more countries, aimed at the realization of common interests and improving the quality of living in borderlands. EU funds play a key role in functioning of cross-border

regions, because they enable the implementation of various types of projects, including microprojects. These people-to-people projects should care for cross-border contact between people from two or more sides of borders and have a substantial impact on the convergence of societies living in each side of the border. They help in overcoming stereotypes, eliminating antagonisms and resentments stemming from the past and help in cross-border relations building.

Microprojects were not introduced in all INTERREG programmes. However, their implementation mainly in Central European INTERREG programmes has always been valued highly by stakeholders at national as well as local levels. Therefore it is important to demonstrate the meaning of these projects for cross-border co-operation in Europe now, in the period of European crisis. We believe that they represent not only cohesion instrument, but mainly help to create Europe on a daily basis (AEBR, 2018).

## CBC Framework and the INTERREG

Cross-border cooperation can also be identified as a specific form of secondary foreign policy that has been practiced in Western Europe from the late 1950s onwards. In some parts of Europe, it has been almost even synonymised with a term Euroregion (for example Klatt, Wassenberg, 2017), sui generi "terminus technicus," to be used when setting up cross-border cooperation governance structures (i.a**.** Dokoupil, 1999).

The INTERREG programmes, launched in 1990, aimed to support the completion of the single market through cross-border cooperation. These programmes have helped to increase the number of cross-border cooperation (CBC) initiatives substantially (O'Dowd, 2002) and to engage a wide range of actors. An important remark must be made here: although INTERREG was introduced to ease the completion and smoother functioning of single market, it has also opened up for opportunities for local and regional actors to engage in secondary foreign policy and add truly "European" dimension of their day-to-day activities.

Euroregions are one of the key recipients of EU funds for cross-border cooperation. After cross-border cooperation had been connected with EU funds via the Interreg programme at the end of 1980s, the number of cross-border initiatives and non-central governmental actors engaged in secondary foreign policy increased substantially, as evidenced i.a. by

Perkmann (2003). Some authors (i.a. Scott, 2000) consider working with Interreg as the primary purpose of euroregions. Projects financed from INTERREG and implemented by euroregions (and other beneficiaries) have helped to initiate numerous cross-border partnerships and have involved many people into CBC. This article will put forward evidence from several borders, which have experienced working with the small projects facility.

Small-scale projects are projects, which reinforce cross-border relationships based on mutual trust at local and regional level in border regions and improve cooperation in all areas of life. They are characterized by a rather small volume of eligible project expenditure of not more than EUR 100.000 and a rather small ERDF contribution. In principle, it is possible to implement small-scale projects or small-scale project funds in all priority axes of an European Territorial Co-operation Operational Programme as a specific project type, with the aim of enabling low-threshold access to funding. This is very important in the area of cooperation between civil society actors, who often have only limited administrative and financial resources.

## Euroregions and their use of microprojects – examples from the Czech Republic

Euroregions generally represent permanent structures for cross-border cooperation between regional and local authorities, which are located on the borders between two or more states. Euroregions and similar structures are not either a new administrative level, but they constitute a platform for horizontal cross-border exchange and cooperation between local and regional administrations. Ideally, they support greater vertical cooperation between regional and local authorities, governments and European institutions. Euroregions are often not limited solely to geographic or political-administrative, but also share common economic, social or cultural features. It is a cross-border association with its own permanent secretariat, technical and administrative facilities and its own resources. The existence of its own professional administrative apparatus, for which the cross-border cooperation is its primary assignment, is extremely important − for example, Schmitt-Eggner (1998) claims that the cross-border region is not only a space for action but also a powerful unit of this action − it presupposes the existence of an executive body that

coordinates cooperation. Raich (1995) defines a cross-border region as a territorial unit that has historical, socio-economic and cultural common points and, at least, a hint of its own regional identity. It also has its own (political and social) governance structures and therefore calls for an autonomous definition of its needs, which it is willing and able to defend.

The advantage of euroregions is certainly their greater flexibility in the implementation of the cross-border initiatives, and a wide range of their statutory activities which allows for the realization of many interesting projects. It can be said euroregions have a considerably "more comfortable" position than the local governments, which have to implement a certain set of own tasks, including legally delegated "national" competencies. For euroregions operating in the Czech Republic, the possibility to use microprojects' scheme initiated cross-border experience for non-for-profite operating actors from the substantial part of Czech territory, as illustrated in the map below.

**Picture: Euroregions operating in the Czech Republic (their Czech parts)**

Source: The Center for Regional Development (2017).

The picture illustrates that most of the territory of the Czech Republic is covered by the activities of 13 euroregions − with the exception of Prague, Central Bohemian Region and the Vysočina Region, who have not been institutionally involved in euroregional activities. Some 70% of all 10,5 million Czech population live in the border regions, in which euroregions have been working.

In the Central and Eastern Europe generally, the first euroregions were formed on the borders between "old" and "new" Europe − the first was the Czech-Polish-German Euroregion Nisa, which was founded just before the end of 1991. The euroregions composed solely from members of post-communist states started to be created in the second half of 1990s, which was also the case for the Czech-Polish borders. The possibility to administer the Small Projects Fund within the PHARE program was a major incentive to create euroregions (Scott, 2000).

## Euroregions on Czech-Polish border and their use of people-to-people projects

The further attention will be given to the Czech-Polish euroregions, as they all have experienced working with microprojects during most of their existence. Moreover, the Czech-Polish INTERREG has the highest financial envelope out of all INTERREG V A programmes. We will present six euroregions on the Czech-Polish borders:

- Tesin Silesia
- Silesia
- Praděd
- Beskydy
- Nisa-Nysa-Neisse
- Glacensis

The four mentioned above are a Czech-Polish co-operation entity; the Beskydy Euroregion is a tripartite Czech-Polish-Slovak and Neisse-Nisa-Nysa Euroregion is Czech-Polish-German grouping. The founding treaties of these euroregions reveal that the their scope of statutory objectives and activities is essentially very similar. The basic co-operation objective is socio-economic development, permanent improvement of the living conditions of the population and facilitation of mutual

contacts between the communities from both (all) sides of the border in. This scope is in line with the European Charter of Border and Cross-border Regions, initiated and elaborated by the AEBR and the European Convention on Cooperation between Communities and Territorial Authorities, facilitated by the Council of Europe.

The analysis of the founding treaties and statutes of these euroregions confirms that cooperation is most often focused on regional development and exchange of cross-border information. Somewhat less are tasks associated with joint risk management, environmental protection and cultural cooperation. The cooperation in the field of tourism, construction of technical infrastructure, cooperation in education or joint spatial planning create further co-operation fields. The range of co-operation activities was also influenced by EU regional policy, as these co-operation objectives reflect priorities of INTERREG programs (Sitek, 2014).

From the beginning, euroregions have emerged as leading actors in shaping cross-border cooperation in Czech-Polish borderland. Their most important task is the administration of the Microproject Fund for people-to-people micro-projects of cross-border Czech-Polish cooperation between public and non-profit entities from their territory.

The microprojects started to be used even in pre-accession period on Czech-Polish border. All six euroregions obtained a possibility to co-manage these grant schemes relatively shortly after their creation already in the end of 1990s, as the Phare pre-accession programme had its cross-border co-operation branch. Although the Czech Republic-Poland programme was directed especially to support big investment projects, the "Joint Small Project Fund" (JSPF) supporting smaller non-investment "people-to-people" projects was an integral part of the programme as well. The JSPF was constituted in the form of a grant scheme financing small projects up to 50,000 EUR per project. The total amount earmarked for small projects represented 10% of total financial means of the programme each year. The use of microprojects caused that municipalities in the border regions started to add "European dimension" to their day-to-day activities much sooner than those from the more central locations of both countries. Small-projects fund served as an excellent training tool to understand the regional policy principles. Moreover, municipalities from the borderland areas were less hesitant to use the Structural Funds after EU enlargement of 2004.

As the JSPF was very successful tool for support non-investment "people-to-people" projects, in 2004, when the Initiative INTERREG IIIA the Czech Republic − Poland started, the JSPF was replaced with a similar tool − so-called Micro-project Fund/Microprojects Scheme. Allocation of 5.1 million EUR, which was a subsidy of the European Regional Development Fund, was intended for the whole duration of the programme and represented 15% of total financial measures. Maximum financial support was 20,000 EUR per project.

Even larger sum of financial means for the small projects of local communities was earmarked in Operational Programme of Cross-border Cooperation the Czech Republic − the Republic of Poland 2007-2013. The Micro-project Fund represented a flexible instrument for implementation of the smallest projects of the Programme, both non-investment and small investment ones up to 30,000 EUR, with total cost of the joint complementary project up to 60,000 EUR. In total, 20% of the total programme allocation was allocated to the Micro-project Fund (i.e., in total 43 891 869 EUR from the European Regional Development Fund). It should be clearly stated that their use was a huge success in all these euroregions, therefore the INTERREG CZ-PL 2014-2020 continues supporting the microprojects with roughly same amount.

Bigger euroregions (Nisa. Glacensis, Silesia, Praděd and Tesin Silesia) have the option of distributing between 5 and 9 million EUR (each) in the period 2014-2020; the Beskydy Euroregion can work with a lower amount of around 2 million EUR.

Euroregional secretariats, controlled by municipalities, have been responsible for the entire process of allocating these grant funds − developing, evaluating, selecting and controlling projects. Each of these six euroregions identified their own co-operation priorities, as it was predefined by the INTERREG program CZ-PL 2014-2020), in which they have been distributing grant funds among applicants.

**Cooperative Areas of Czech-Polish euroregions under the Micro-Projects Fund 2014-2020**

| | ER Praděd | ER Silesia | ER Tesin Silesia | ER Beskydy | ER Nisa | ER Glacensis |
|---|---|---|---|---|---|---|
| **Priority Axis 2: Developing the potential of natural and cultural resources to support employment** | X | x | x | x | X | x |
| **Priority Axis 3: Education and qualifications** | | x | x | | | |
| **Priority Axis 4: Co-operation of institutions and communities** | X | x | x | x | X | x |

Source: Own processing based on web presentations of all euroregions.

The above table shows that the cooperative priorities of these six regions are rather similar. Only difference is that the Euroregions Silesia and Tesin Silesia have decided to open cooperation also in the area of education and qualification. In the case of the Silesia Euroregion, this was a selection of the traditionally strong cooperation between the schools in this euroregion, which was significantly influenced by the euroregion members (Böhm, 2015), the Euroregion Tesin Silesia then faced relatively the smallest language barriers and considered the intensification of school cooperation to be natural.

The other four euroregions have decided to allow schools to cooperate only with a lighter form in the Priority Axis 4, which allows the establishment of co-operation through meetings and the creation of cooperative networks.

Apart from setting up co-operative areas, the euroregions are also responsible for evaluating and selecting projects themselves. In practice, however, the overwhelming majority of grant applicants from the microprojects fund are satisfied. The rejection of projects is most often due to their poor quality than to some content controversy.

## Euroregion Tesin Silesia

In order to improve the understanding of the operation of the Micro-Projects Fund, its use in the Euroregion Tesin Silesia in the period 2007-2013 will be presented. The first table reveals that the primary

microproject holders are cities and municipalities and organizations set up and controlled by them – it was a full 72%, therefore 193 of the total 269 projects (Olszewski, Böhm 2017).

**Chart: Micro-project holders in Euroregion Tesin Silesia 2007-2013**

| **Type of holder** | **Number of supported projects** | **Total costs of projects in EUR** |
|---|---|---|
| Local governments directly (municipality, their associations and Polish self-governing districts) | 116 | 2 964 274,31 |
| Organizational units of municipalities and their directly managed organizations (schools, cultural centers, libraries, theatres). | 63 | 2 964 274,31 |
| Non-governmental non-profit organizations | 17 | 1 252 677,40 |
| Sport clubs | 28 | 459 142,98 |
| Universities | 4 | 95 708,83 |
| Euroregion itself | 14 | 360 872,59 |
| Others (police, fire-fighters, church) | 28 | 658 536,82 |
| **Total** | **269** | **6 548 540,31** |

Source: Olszewski, Böhm (2017).

The Euroregion Tesin Silesia did not differ from other Czech-Polish Euroregions in the topical orientation of the supported micro-projects.

**Chart: Content orientation of supported microprojects on the example of the Euroregion Tesin Silesia**

| **Theme of the microprojection** | **Number of implemented microprojects** | **Total costs of projects in EUR** |
|---|---|---|
| culture | 129 | 3 137 749,00 |
| sport | 50 | 1 325 948,00 |
| tourism | 38 | 946 032,90 |
| entrepreneurship | 5 | 94 857,40 |
| education | 26 | 486 110,90 |
| transport | 2 | 79 113,00 |
| environment | 2 | 45 516,00 |
| public health | 6 | 168 983,00 |
| spatial planning | 3 | 64 929,90 |
| crisis management | 8 | 199 300,21 |
| **Total** | **269** | **6 548 540,31** |

Source: Olszewski, Böhm (2017).

The administration of these microprojects is done by a team of cca 10 professionals working in both Czech and Polish secretariats of the euroregions. These full-time paid experts are supported by the network of external evaluators and other experts, nominated mainly by the local municipalities. The existence of this network, ensuring smooth functioning of people-to-people projects, is a principal co-operation engine of the euroregion.

## Evidence from German borders

Small-scale projects have been continuously implemented in the framework of INTERREG programmes with German participation since 2002. Local stakeholders always tended to understand it as a common will of the European Commission, Member States, regions and citizens in Europe to promote the European idea and to make it tangible through projects of small financial volume, but with a great effect for people living in border regions. This common conviction is based upon the great success of the promotion of small-scale projects in the past, as it was evidenced by a total of 478 projects funded from ERDF funds since 2002 under the ETC-programmes Alpenrhein-Bodensee-Hochrhein (191) and Oberrhein/Upper Rhine (287), it also encourages supporting such projects also in the future (AEBR 2016).

At the same time, in the face of ever-increasing administrative demands, the voices of those who doubt that ETC programmes are an appropriate tool to promote small-scale projects are increasing. This applies to both the regional programme partners and the beneficiaries of small-scale projects. In order to allow the successful continuation of small-scale projects in the future, there is an urgent need for simplifications, clear regulations and the direct anchoring of small-scale projects in the framework of the regulation. In the context of the ongoing preparatory work for the future multiannual financial framework and the regulation framework for the European Structural and Investment Funds (ESIFs) after 2020, the opportunity is currently available to take account of the above-mentioned aspects at the earliest possible stage. From AEBR point of view, this must be done directly in the texts of the regulation. To this end, a AEBR working group of practitioners who are entrusted with advising and supervising small-scale projects, draw up legislative proposals that take into account the specific requirements and circumstances of the promotion of small-scale projects (AEBR 2018).

## AEBR INTERREG Task Force Survey

Another example can be furnished by AEBR INTERREG Task Force, which asked some of AEBR members to participate in a survey focused on people to people projects. This survey showed that the people-to-people programs and their implementation are of very high relevance for euroregions and border regions. These sub-programs are actively managed by a large part of AEBR members. In addition, these projects also exert a very great influence on the border regions which do not yet have this funding instrument available.

According to a study these people-to-people-projects have proved to be successful instruments for sustainable regional development of cross-border areas that create added value. They strongly promote and facilitate intercultural competence and important cooperation in legal and administrative questions as well as cooperation between institutions and citizens. They create the necessary conditions for the establishment of functional networks by stakeholders from both sides of the border, for the exchange of knowledge and experiences, for the elaboration of joint solutions to problems and in particular for the elaboration of real cross-border projects.

The results of a survey of the AEBR INTERREG Task Force in 2016 (with a very high response rate of 45%) underline these experiences and highlight the importance of the people-to-people projects and corresponding subprograms for the success of INTERREG A and the development of cross-border cooperation in general. The quality of the projects is consistently classified as very high. Importance of the "people to people projects", which have so far been realized mainly in the Central European region, is according to the survey also recognized in other border regions where they have not yet been used, and should be implemented in the future. Stakeholders from borderlands such as Bulgaria / Romania, Belgium / Netherlands (Euregio Scheldemond), Finland / Russia (Northern Karelia), Finland / Sweden (Ostrobotnia, Kvarken Council), Spain / Portugal are considering their introduction. Accordingly, people-to-people projects prove to be an engine accelerating current and future cross-border cooperation in economic/ infrastructural and socio-cultural field. In particular, through "people-to-people-projects" (small projects) European funding policy becomes visible and tangible for citizens, as cross-border cooperation in daily life (AEBR, 2016).

Their eventual non-continuation in 2020+ would lead to a serious negative impact on building cooperation based on mutual trust that forms the basis of all cross-border cooperation. The AEBR members value mainly diversity as the principle value of people-to-people projects and the eligible subject areas. The importance of people-to-people projects for the quality of cross-border cooperation is estimated as very high. If people-to-people programmes were to be abandoned, trusting cooperation at European borders would be severely restricted (AEBR, 2016).

Respondents also want to continue to rely on this funding tool and were asking for further simplification and want a reasonable percentage of the administrative costs of the umbrella projects. AEBR members stress that under the impression of the current crises within the European Union (Brexit, refugee crisis, etc.) successful models, as for example people-to-people projects, should be further strengthened, as they are an elementary part of INTERREG's success story and the guarantee of a lived and successful European integration.

## Need for anchoring people-to-people projects in regulation for 2020+

To strengthen European cohesion and in particular the involvement of citizens into CBC, the AEBR considers as very important to anchor small-scale projects in a EU Strategy for the post-2020 period. In case that the approach of thematic concentration of the European Structural and Investment Funds introduced in the 2014-2020 period, will be maintained or even extended, the AEBR than calls for establishing a specific intervention category for small-scale projects embedded in this approach (e.g. "development and promotion of encounters and cooperation between representatives of civil society from borderlands" (AEBR, 2018)).

## Conclusions: Europe of citizens – Here it becomes reality!

The core objective of European Territorial Cooperation (ETC) is to contribute towards bigger European cohesion by linking states, regions, municipalities and mainly people across the EU's internal borders and its neighbouring countries and to contribute thereby recognizably to

the process of European Integration. Small-scale projects/micro-projects (people to people projects in particular) bring together citizens at local level and are therefore of enormous significance for the development of border areas. Applicants are usually municipalities or civil society actors (often they are volunteers). Small-scale projects are characterized by a rather low financial project volume and a correspondingly rather small amount of funding (AEBR, 2017).

These projects have been continuously implemented in the framework of INTERREG as a clear expression of the common will of the European Commission, Member States, regions and citizens in Europe to promote the European idea. They want to make it tangible through projects of small financial volume, but with a great effect for people living in border regions; thus, actively counteracting the increasing scepticism about the European idea, which is so necessary in these days (AEBR, 2018).

Advanced euroregions and similar structures have long experience in cross-border regional development and implementation of EU funding programmes. They work also with many contacts, cross-border networks and working groups (with experts, NGO's private stakeholders etc.). They are well known by the citizens and are perceived as a competent provider of advisory and support services. This advice and support at regional / local level is particularly acknowledged by applicants in INTERREG A projects, above all in "people-to-people-projects". For less experienced euroregions and similar structures the management of "people-to-people projects" (especially in some new member states and candidate countries) provides the opportunity to take gradually ownership with the rules and procedures in INTERREG A (or similar programmes such as ENPI and IPA) and to take over responsibility and accountability. This hugely helps to promote a real bottom-up-approach towards building a joint Europe (AEBR, 2018).

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# Planning across borders – space, time and narratives

Jean Peyrony

Addressing the interdisciplinary challenges of cross border cooperation from a practical perspective means a triple challenge. Our world faces new threats and opportunities requiring integrated answers, aiming ultimately at improving the life of persons in harmony with their local and global environment. But sciences are more divided than ever between narrow disciplines, each of them addressing only a very specific dimension of life: interdisciplinarity from an academic perspective is a 1st challenge. Practitioners, in the field of public policies, are in charge of proposing solutions to political deciders they work for; for that they use technical tools based on sciences, and sometimes directly work with academics. Every practitioner has gathered an empirical interdisciplinary tool box, using various technics, or even inspirational ideas foraged here and there in scientific publications. But they generally don't explicitly formalize such a tool box: to do so is a 2nd challenge. I am a spatial planner; in a context of globalization and Europeanization, planners have to integrate transnational contexts. But the European Union has no competence in spatial planning (Peyrony, 2018a), and there are various national understandings of the concept; this is a 3rd challenge. Needless to say that it seems impossible, in the format of a book chapter, to meet these challenges while respecting the ordinary requirements of a scientific publication. So I will rather use a narrative way, following my own intertwined exploration of practical and academic fields.

Spatial planning is an interdisciplinary field. I am an engineer with a background in hard sciences, having had the chance of curing myself of this initial bias, thanks to some professors aware of the need to bridge between hard sciences, social sciences, and "humanities". The planners I have worked with have been trained in engineering, economy, law,

political science, and have learned planning mostly by doing, working with specialists of other disciplines. The academics who have inspired my practice come from these disciplines, but also from geography, sociology, history, and ultimately anthropology and philosophy. Beyond their discipline, all share an integrated approach, considering persons in the territories where they live. The most inspiring academic expression of interdisciplinarity I found with 2 sociologists, Boltanski and Thévenot (2006 [1991]), who elaborated their model of 6 "Cities", and tested it in the world of firms. This model can be used as well to explore the field of territorial development; I will develop this through the example of a hospital in part (1): Spatial planning and its 6 cities.

Planning is mainly organised within territorial boxes (Faludi, 2018): local authorities and their urban plans, regional authorities and their regional plans, and obviously, States. But planning also consists in crossing all sorts of borders, so as to address the real life of persons and firms that for most of them live in areas going beyond administrative, and sometimes national borders. During my professional life, I have explored successively local and regional planning within the Paris metropolitan region, sprawling out of the institution into the Paris basin; macro-regional and European planning – that I have practised in the French planning agency, dealing with Interreg transnational programmes such as the Alpine space, or EU wide programmes such as ESPON, and in the European Commission's territorial directorate, the DG REGIO, working on territorial cohesion; and cross border planning − the topic of this book − that I now practise in Mission Opérationnelle Transfrontalière, a public agency dealing with cross border cooperation. How to practise the interdisciplinarity of planning, in a transnational context? Coherence of public action, common good, and cohesion of societies, have been for decades, not to say centuries- searched − and sometimes partially obtained − within national frameworks; but can no longer be obtained so. Now the challenge is, not to delete borders, but to build, beyond them (on each border, at the European and at the global level), new ways to take care of the common good. For this, new cross border arrangements between Boltanski and Thévenot's 6 cities are required. I will develop this, with the case of a cross border hospital, in part (2): Out of the territorial box; planning is always across borders.

Persons living across borders- cross border workers, users or producers of public services- remain quartered between the 2 sides of the border. In the globalized, complex world we live in, this is even true for many of us.

To understand − and act − in such a world, we need new narratives, as well individually − building our own stories on the basis of multiple inherited identities through the borders we cross- and collectively, within, but also between, regional and national communities, upset by globalization. We need to put our action in a time perspective, as the philosopher Paul Ricœur (1983 [1984]) invites us to do. Collective history is still shaped in national frameworks; we now have to share national memories, and also a common destiny, in the "time of project" (Dupuy, 2002), the time of planning and prospective, considering possible futures: desirable ones, but also futures we don't want, from which we can learn because they have already happened: catastrophes. I will develop this in part (3): Time governs spaces; from different memories to a common future.

## 1. Spatial planning and its 6 cities

Andreas Faludi (2018) tells the retrospective of his career as a specialist of comparative and European planning, as a homothety from the local scale which is the basis of planning − the regulation of individual property rights, to the global perspective. As an urban developer in local public agencies, I have spent much time with surveyors and notaries, and ordinary people, either owners from whom we acquired land, sometimes through expropriation in the public interest, future inhabitants or entrepreneurs to whom we sold building lots equipped by us. People are the ultimate actors of territorial development. In the State regional agency having the competence for the Paris region master plan at this time, I was later head of a unit in charge of studies dealing with housing, economy, coherence between urban development and transport, but also of "observatories", places where planners were discussing with developers, local authorities, statistical producers, and academics. The issues were the same as today: how to reconcile aspirations of individuals wanting to have the cheapest, most accessible and nicest places to live or work, with constraints of numbers and scarcity: competition for land in a global city, socio-spatial segregation, climate change mitigation. To manage trade-offs between efficiency, equity and respect of the environment, partnership with academics provided food for thought. My preferred reading was sociology: Crozier and Friedberg's "Actors and systems" (1980), with their theory of change in public administrations interacting with societies, from implicit to explicit negotiations; and even more, Luc Boltanski and Laurent Thévenot (2006 [1991]). According to them, in

open societies, actors coordinate on the basis of 6 registers of justification that they call "cities": the market city; the industrial (or functional) city; the civic city; the city of opinion; the inspired city; and the domestic city (based on individual links). In each country with arrangements which are specific to it, these cities coexist, enter into conflicts and compromises, that the book describes in depth, on the double basis of field surveys in firms, and theoretic enquiries in the works that have inspired the cities: e.g. Rousseau for the civic city.

In common situations − this excluding as well situations of violence, and situations of disinteressed love (Boltanski, 2011; Peyrony, 2018b) − agents refer to the grammar of the 6 cities, either through adjustments in routine situations aiming at "justesse", or through resolution of disputes aiming at "justice". To allow both regulation of situations internal to a single city, and confrontation with other cities, each city contains devices, consisting in objects mediating relations between agents: patterns of information exchanges, evaluation modes, academic or philosophical references, personal capacities. If we consider for instance the city of market, such objects are goods and services; the information exchanged is the monetary price; the evaluation mode is utility; academic references are those of economists, such as Adam Smith; the valued capacity of persons is purchasing power. Boltanski and Thévenot's approach, and more widely institutionalist approaches (North, Wallis, Weingast, 2009; Bomsel, 2017) contest the pretention of a single academic field to give a unique explanation of human behavior. If we take the city of market, and economy, they contest the dogma of unidimensional rationality, according to which each person makes choices based on an individual utility function, and coordinates with other agents through the mediation of market processes.

Boltanski and Thévenot's description of the role of figures, plans, visions, to coordinate people with initially antagonistic interests provides a powerful reading grid of concrete territorial development processes. One of the compromises they enlighten is the one between "civic" and "industrial" cities (politicians and engineers), so characteristic of the French public policy process (Peyrony, 2007). Planning consists mainly in horizontal and vertical coordination between actors, which are − more or less − strategic players, defending their interests (Crozier, Friedberg, 1980). But they are also persons, sincerely justifying their acts, referring to values that differ, but all aim at the common good, in a common world (Arendt, 1958), and enter into conflicts and compromises, based on tests

involving measurable objects. The 6 cities allow to describe the different dimensions of spatial planning and their mutual interactions: the market (of real estate, services…); the industrial city, that in the field of planning I propose to rename functional city: infrastructures and amenities; the civic city: governments at different levels; but also the city of opinion, with the role of shared information and media; the inspired city, as the ways one lives and thinks are correlated (Lévy, 1994; Bieber, Massot, Orfeuil,1993); and the domestic city (or interpersonal city), where individuals also belong to families and professional networks. "City" resonates with public space, being both a physical and political concept. A world consisting in one city would be hell; the existence of a plurality of cities allows to create a balance: persons can be "great" in of the cities, and "small" in another.

How does the hypothesis of the 6 cities work in a concrete case? Let us consider a public service: a hospital. In an ordinary, domestic hospital, the 6 cities co-exist. A hospital is functional, needs technical and administrative arrangements, because it provides care with machines, chemistry: procedures, protocols have to be defined. A hospital is impacted by economy: costs of health care have to be covered. Will it be by the market, a national or regional public system, or a combination of both? Furthermore, there is also a civic dimension: local and regional politicians have their say, notably about its location. But other "cities" are concerned: the city of information: what care should be done? Patients have also their opinion; the domestic city: the hospital life is also based on relationship between nurses, doctors and patients; the inspired city: in each country a national medical order is a sort of confraternity, based on the Hippocratic Oath, where doctors promise to respect the profession's ethics.

The life of a hospital is based on the coexistence of these different spheres (functional, economic, civic, opinion, inspired, interpersonal), the conflicts and the compromises between them. Health is priceless, but not costless, so decisions have to be taken. For example, how long should the care of a person in a coma be maintained? Another question is: can the local hospital be kept, or should the hospital be suppressed and patients asked to travel 50 km away to a bigger hospital? There are trade-offs between economic *versus* civic (equal access) and interpersonal considerations. In a domestic hospital, the national framework shapes the decision process. For trade-offs between economic and functional cities vs interpersonal and inspired cities, the national social security system

decides that one can make this sort of care, that will be reimbursed until a certain amount. Health spatial planning provides a framework for the discussion whether to keep a hospital or not. National ethic committees give rules about how to decide for expensive care in case when the treated person is not conscious. People may complain, but decisions are taken, and they are legitimate. Boltanski and Thévenot's model allow to describe and analyse very efficiently such processes (Orvain, Angelé-Halgand, 2011).

Adam Ferguson said that societies result from human actions and not human designs; but when acting, men have designs, and societies need institutions and collective vision (Boltanski, 2012; Dupuy, 2002). Planning requires attention to processes, and to individuals that are inextricably producers and consumers, users of public services, citizens, but also informed and inspired individuals, interacting with other individuals − and more than that: persons. This may inspire a sound programme for interdisciplinarity between economy, administrative science and law, political science, science of communication, sciences of cultures and religions, psychology and demography − with the cement of sociology, geography, history.

## 2. Out of the territorial box; planning is always across borders

In modern life, two different territorial orders coexist. The classical, so-called Westphalian order, consists in nested governments, which are supposed, according to the subsidiarity principle, to deal with issues that require public action at their level. However, the increasing mobility across administrative borders, generates "functional territories": this is the field of soft governance (Faludi, 2018). As cities grow, functional urban areas go beyond administrative borders, as in the case of Hamburg with neighbouring Länder in Germany, or even national borders in the case of Basel in Switzerland. The institutions do not match the functional reality. Sometimes reforms are made in order to adapt them, but their parameters cannot be modified every day. Other examples of functional areas at an upper level are cross-border regions, such as the Upper Rhine, or macro-regions, such as the Alpine space. They are relevant to deal with policy aspects, such as the management of a mountain range, a big transport infrastructure, or cooperation

between cities. These "soft spaces" (Faludi, 2018) do not replace hard ones: nobody intends to change national borders to manage functional interactions. Moreover, it might prove impossible, as different spaces fit different functions. The European Union can be considered as a soft institution, not similar to regular state structures. It has a variable geometry (Schengen, the Euro zone…) and a member State can leave the Union, as the Brexit unfortunately demonstrates. This new, soft approach does not replace the hard, older approach. Both orders coexist and permanently interact with each other. Hooghe and Marks (2000, 2001) have studied these 2 approaches, that they call governance I (for nested governments − corresponding to the civic city of Boltanski and Thévenot) and governance II (for functional governance of overlapping areas, corresponding to the industrial city), and their mutual interaction (the "civic-industrial" compromise). This model allows to describe, as well domestic territorial cooperation between territories (urban-rural, metropolitan areas), governance of cross-border or transnational cooperation, and governance of the EU (Faludi, Peyrony, 2011).

Let us now consider functional spaces crossing national borders. While developing integration processes many obstacles are met. In 2011, the Council of Europe's members were asked to list obstacles to CB cooperation and solutions. The analysis of their contributions (ISIG, 2013) led to a typology of cross-border obstacles, including criterions such as the level of solution (some obstacles have to be solved locally, some require national or even European intervention); the sector of the concerned policy (employment, transport, etc). ISIG also identified another criterion: the reason for obstacles persistence. They identified 6 factors: "institutional"; "administrative" (I propose to add "and technical"), "economic", "expertise" (obstacles linked with lack of knowledge), "cultural" and "propensity to cooperate". These 6 categories of obstacles roughly correspond to civic, functional, market, opinion, inspired and interpersonal "cities" found out by Boltanski and Thévenot (Peyrony, 2018b). The 6 cities also fit with the 4 fields identified by E. Brunet-Jailly (2005) in his analysis of CB governance: market; government (for which B&T and ISIG would distinguish between civic and functional); culture (corresponding to the inspired city), and clout (where B&T would differentiate between inter-individual and opinion). A more developed typology is necessary in the European context, because the European project of integration is more demanding that for other

borders in the world – for instance between USA and Canada, where the strong economic integration has no counterpart in the political field.

After having considered a domestic hospital let us consider the case of a CB hospital, the one of Cerdanya, at the border between France and Spain. In France, the social security system is Bismarckian: decisions are taken by representatives of employers and employees. In Spain, the Beveridgian system prevails: it is a state system, managed by the Generalitat of Catalunya, who exerts the health competence. Subsequently, on the border between France and Spain 2 different systems coexist. As any hospital, the cross-border hospital has to deal with issues of life and death. The main specificity is that cross-border frame has to combine the two national frames. Some issues have been solved, but others not yet. Functional decisions had to be taken: what are the norms of the care, how the medical diploma should be acknowledged on the other side of the border? In this case, as no legislation is available at the European level, the question has been solved by empirical decisions, admitting that the French nurses can be acknowledged by the Catalonian health system.

There are legal issues: if there is a car accident in France and injured patients are treated in the hospital in Spain, can the French police go to the hospital to interview them? At the moment, there is no possibility to do that. A further question is that of wages. How much the medical workers are going to be paid? Some people work permanently in the hospital, so they are hired by the EGTC managing the hospital, but some doctors from the French side work there only for two days. The economies of the two sides are different, hence there are no ideal, but empirical solutions. Furthermore, there was the question of lunch break. In French hospitals, people eat generally at 11:30. In Spain, people eat around 1:30 PM. The compromise found is that the lunch break is at 12:30.

Another issue was the declaration of birth when a French baby is born in Spain. According to the general rule for a baby born abroad, it has to be done in the closest consulate, which in this case is in Barcelona. The French administration agreed that the declaration can be done in the hospital. Another problem concerned the dead people. The general rule for people dying abroad is that the dead body needs to be taken across the border within a sealed coffin, which is more expensive. The solution found, after several years, is that for any person who dies in France or in Spain and is a citizen of the other country, there is no need of sealed coffin. In that case the hospital has provoked a general bilateral agreement valid for the two countries, ant not only for the case of the

hospital's patients. But it required a bilateral treaty and ratification by the 2 Parliaments.

So cross-border public services are real laboratories, machines to solve obstacles. The cross border hospital works because patients want to live, doctors and nurses want to cure, and persons cooperate. Cooperation is heavily based on human factor, willingness and trust, as only persons can escape cultural conditioning (Beck, 2015). Max Weber (1917) explains that a person taking a tramway does not need to understand how it works, but simply to trust the engineers who conceived it. The point here is: is it also true for a French tramway crossing the Rhine border, as it is the case between Strasbourg and Kehl? The social cohesion of each country is based on arrangements between the 6 cities. In a cross border context, it is possible to solve border obstacles and to build cohesion through cross border arrangements, as the case of the hospital shows. In the more complex case of a cross border agglomeration, as the Greater Geneva (Peyrony, 2018b), or in the case of Europe as a whole (Faludi, Peyrony, 2011), it is still possible, but more difficult. If there is too much difference between people's representations, in the way how they see the world, then problems appear. The cross border market and functional cities have progressed, but the cross border civic, inspired, informed and interpersonal cities − common culture, cross-border media, cross-border civil society − remain to be built. European policies are generally developed with a focus on legislation, technical rules, and markets. Other dimensions such as culture, shared information, or simply relations between people are often left aside. But if one misses these dimensions, cross border or European integration remains ineffective. And academic disciplines to be mobilized are not only economy, legal, political and administrative sciences, but also psychology and sociology.

In the French journal *Le Monde* (2017), one year after the Brexit, UK citizens were interviewed. The journalist asked them: "How did you vote and what do you think now about your vote?" One interviewee said he had voted for Brexit: his heart voted for, his portfolio voted against and his head did not know. The same is true for cross-border territories. Representations of life are generally framed within national contexts. Cross border or EU integration is a win-win game, but they provoke conflicts between different narratives, and little or no representation is available to conciliate them. Brunet-Jailly (2005) recalls that 'boundary' belongs to the same semantic field as 'bind': boundaries bind nation-

states. Before being a limit with another country, a boundary is directed inwards. National systems frame our daily life and also the way we think.

## 3. Time governs spaces: from different memories to a common future

In a sensible book entitled *Frontaliers pendulaires, les ouvriers du temps. Cross-border workers, workers of time*, Maryse Vuillermet (2016) tells the stories, based on interviews, of ten of these workers at the border between France and Switzerland. They experiment a double disjunction: between the 2 territories they belong to − the one where they live, and the one where they work; and between the different facets of theirs lives: the economic agent for whom crossing the border is a good deal, the user of services and informed person optimizing travel constraints, the person interacting with other persons on both sides of the border, the civic and the inspired person remaining caught in national belongings. The reader feels empathy with Sarah, a young woman with a Moroccan origin, living in Thonon and working in Lausanne, crossing the Leman Lake twice a day, torn between her good job and marriage expectations in Switzerland, and her belonging to a family and a migrant community being part of French society.

How can science account for such stories? Certainly not economy, legal, administrative or even political science alone; this is also a matter of psychology and anthropology. How to think the (im)possibility of cross border, or European, integration? How to reconcile personal narratives, for many of us impacted by mobility across borders, Europeanization and globalization; and collective narratives, remaining mainly national? The most important obstacle is of an epistemological nature.

Karl Popper (1957) denounced the "poverty of historicism": a holistic, organicist approach of social sciences, as conceived by Marx or Durkheim, which present the risk of over evaluating concepts like State, social groups, which would be more than the sum of their members. Faludi (2018) adds that the "poverty of territorialism" should also be fought, that is to say approaches remaining caught within territorial boxes such as nation states. Historicism and territorialism are generally combined, as social sciences are mainly produced within national systems. Popper proposes a more fragmented, empirical approach based on methodological individualism, privileging coordination mechanisms

such as the market, to which he attributes a high moral value. In the context of the 20th century and its twin totalitarisms, this is valid. On the other hand, how to take into account the institutions on which our societies are still based? The philosophy of Paul Ricœur (1983) offers a possibility to go beyond the opposition between methodological individualism and holism. According to him, institutions, existing only if individuals take part in, regulate the distribution of roles. Social relations should neither be reduced to their terms, nor to a new entity. Persons build themselves through narratives they produce, ever renewed. They are not objective stories, but stories they tell to themselves, as both readers and writers, not as authors of their real lives, but co-authors of the meaning of them. In other terms, personal identity is narrative, built through narratives produced by oneself, integrating narratives transmitted through tradition or literature.

Boltanski was the disciple of Bourdieu; but inspired by the reading of Paul Ricoeur, he turned to a more personalist approach of sociology: a sociology of critique, rather than critical sociology, where individuals are neither pure monads (such as "homo oeconomicus" or legal subjects), nor ghosts prisoners of their habitus (Bourdieu), or of their social class. *Mysteries and conspiracies* (2014) starts with an analysis of Conan Doyle's Sherlock Holmes and Simenon's Commissaire Maigret's detective stories, showing, through Boltanski's playful reading, the differences between conceptions of State and public order in England and in France, that such novels have also contributed to shape. Then Boltanski turns to spy novels, such as Buchan's *The 39 Steps*, published in 1915 during the Great War. For Boltanski, these novels are a literary expression of societies' interrogations about the Nation State. Detectives solve mysteries consisting in local disturbances of the Nation State system, in a way that is specific to each State: the private detective Sherlock Holmes for England; the civil servant Maigret for France. Spy novels describe Nation States at war, threatened in their integrity by conspiracies. Like police investigations, those of journalists and sociologists often stay prisoners of Nation States. Beyond the monopoly of legitimate violence (Weber, 1919), States also hold, through the production of statistics and education, a monopoly of evidence (Peyrony, 2018), of construction of the reality we perceive. Boltanski observes the growing distance between reality, and conceptual systems that have been framed throughout the political building of European States. New conceptual frameworks with simultaneous causalities at different scales are required. Many modern

novels tell the story of persons overwhelmed by historical events, and leaders trying to control these events (Boltanski,2014).

Literature explains, more appropriately than social sciences, interactions between individuals and structures of modern societies, characterized by complex interdependencies: this is the thesis of René Girard (1961). According to him, each individual story proceeds of imitation of other individuals, that Girard names "mediators", which can be external or internal, depending on the distance with the model. External mediators can be as well individuals (for instance parents or educators), or heroes, as those proposed by literature. In internal mediation, the proximity between the individual and his or her mediator can make them rivals, in a reciprocal process of imitation. Girard elaborated his theory of "mimetic desire" through studying literary works. For instance, Don Quichotte, who imitates Amadis de Gaule, is characteristic of external mediation. More recent novels, such as those written by Stendhal, Dostoievski or Proust, reveal processes of internal mediation. Situations where individuals, imitating others, compete for the possession of the same single object, and finally attach more importance to their rival than to the object, may turn into violence without limits. In primitive societies such crises led to collective murders of "emissary victims", which, according to Girard (1972) gave birth to institutions, such as rituals and prohibitions.

For Girard and searchers exploring these hypotheses, modern institutions such as market, culture, politics, justice, religions, aim ultimately at regulating violence. Let us consider the case of economy. According to André Orléan (2011), economy's pretention to consider rationale agents is ruined by the simple fact that the agents' desires depend on those of other persons that they imitate. The market, allowing persons to acquire equivalent goods and avoid direct confrontation to rivals, is of course to be preferred. For Orléan, the economic science has to admit that it is does not describe an objective reality, but rather proposes behavior models to agents. In Girardian terms, economy tries to favour "external mediation", that is to say the imitation of a model of rationale consumer or producer: the heroe of Market city; it is not a natural, but a political, normative science. Other authors share this critic of the homo oeconomicus; J.-P. Dupuy (2012) underlines the role of beliefs in the economy. Paul Dumouchel (2011) tells the story of State territoriality from Stone Age to its present deconstruction. He emphasizes the role of Christianity in the emergence of modern institutions: the parable of the Good Samaritan operates the deconstruction of a system

of compulsory solidarity − the depersonalization which will allow the birth of the modern economy and of gratuity (that Boltanski (2012) proposes to name Agape). North, Wallis and Weingast (2009) provide a theory of "social orders": a history of institutions – markets, but also customs, religions, politics – and describe the story of countries such as England or France, from "natural states" as coalitions of (political, economic, religious…) elites organized to contain violence, cumulating all fields of power, to the "open orders" of contemporary societies, with a separation of powers.

Boltanski and Thévenot describe situations of crises that can still be regulated without violence, through conflicts and compromises within and between "cities", while Girard describe them at a later stage where violence between individuals prevail. Let us consider the wars between France and Germany. Social sciences are able to describe, but not to explain such catastrophes (Clark, 2012); literature is (Girard, 2010; Peyrony, 2017). National heroes – such as Napoleon − have crystallized passions of admiration and hate that contribute to explain the rivalry between German and French military strategists, at the starting point of wars of the 19th and 20th centuries (Girard, 2010); and after the war breakout in 1914, representations were available to legitimate revenge between the battling countries (Rolland, 1915). But this provides only a partial explanation of the breakout itself. Martin du Gard's novel *Les Thibault* (1936, Nobel prize of literature in 1937) makes clear that the substantial cause of the summer 1914's catastrophe is the boundary itself, binding each national space, making almost impossible for individuals to escape the trap. Many persons with authority (political, moral, intellectual…) were not hawkish. The story was not written in advance. European socialists, before Jaurès' murder, proposed a different scenario. Narratives and heroes other than military, some of them common to France and Germany, were available in 1914; but most people were thinking and acting in a national frame; national bounds were too strong, and voices able to counteract them too scarce. The novel perfectly describes how individual narratives already crossed borders, but were still caught in collective narratives, mainly framed within national frameworks. Borders are the last remaining, horizontal transcendence (Beckouche, 2002); the "undemocratic condition of democracy" (Balibar). Nation states perpetuate the violence of all against all (Rougemont, 1977, commenting Girard).

Even if nowadays such a war within Europe seems impossible, the consideration of what happened in July 1914 is still useful: the cohesion of national societies is so strong that it can be itself a cause of violence. The problem is not that we do not like our neighbours; but that our attention concentrates on our fellow citizens (Dumouchel, 2011). If one wants to think cross border or European integration, one has first to understand and question national cohesion. As long as nation states have been the main framework of our lives, with states keeping their monopoly in the production of evidence and education, the "external mediators" were mainly national. Nations are built not only through States and national markets, but also national institutions, symbols, histories, "lieux de mémoire", which have been forged to support national identities (Thiesse, 1999).

The biggest challenge of cross border and European integration consists in opening the possibility for persons, not only to experiment cross border functionalities, but also to share cross border and European narratives. In front of globalization, the European construction is a first, but unachieved answer. Thinkers of cohesion and territorial policies (Barca, Davezies) underline that the lag between Europeanization with its open borders, and still national solidarity systems (pensions, etc.), is at the source of populism. In contradiction with the need to strengthen integration – within nations and between them, the desire for independence of some territories, the electorates' radicalization, with its risk of contagion, undermines territorial cohesion and organic solidarity (Durkheim) and threatens democracies, with the risk of regression towards mechanic solidarity within closed, exclusive communities. The most serious crisis is cultural; political, economic theories are obsolete.

For Beckouche (2002), Bomsel (2017), the decoupling between Europeanization, beliefs and institutions remaining national weakens the project. The lack of narrative of UK as part of Europe contributes to explain the Brexit. TV series are the narratives of our century; in the UK, they should have offered as well positive rationales and emotions linked with Europe, and showed the potential catastrophic effects of the Brexit. So Bomsel invites Europe to assume the building of a European identity beyond national stories. He proposes to create a consortium of European public televisions, on the model of Arte, which would produce stories synchronizing national histories. The need to develop a European narrative is also stressed by Thiesse (1999). European states have in common to have produced unity from diversity; Europe is just one step

more (Lévy, 1997).We can create a European identity from those of the States, learn stories and heroes of neighbouring countries, to create new individual and collective stories

Though wars of the 20th century are at the origin of the European construction, the way the UK commemorated the centenary of World War I, as a pure national history, was an early signal of Brexit. This contrasts with Franco-German common commemorations. The Franco-German history book for schools, initiated by President Chirac and Chancellor Schroeder in 2003 is an example, aiming to contribute to a common understanding of history, while respecting approaches that may differ on the other side of the border. More recently, the French and German Presidents inaugurated in November 2017 the common museum of the Hartmanswillerkopf in Alsace. President Macron wished that France and Germany share their memories and sovereignty. Building integration of cross border regions and Europe requires to mobilize the "inspired" city: as well negative visions of past catastrophes that may happen again, resulting of dissent between nations, different memories with no effort to share them; or positive visions of a common, desirable future. This echoes Ricœur, for whom Europe is characterized by its diversity of rival traditions, and the European culture by its critical dimension, coming from the confrontation of different national narratives and traditions, which allow a mutual correction between them, based on cross fertilisation, translation, exchange of memories.

## Conclusion

Time governs spaces (Pope Francis, 2014). Not in the time of causality, but in the time of project (Dupuy, 2002), building new visions of cross border territories and Europe, overcoming national visions (Faludi, Peyrony, 2011). This goes through the building of each of the 6 cities across borders: a cross border, a European common world, as a collective project able to include persons: cross-border market regions; functional regions with cross-border public services; civic regions with political leaders and citizens who are engaged in a common development. But also informed regions, with cross-border education and media, participative democracy across borders, common knowledge of the territory; human cross-border regions with interpersonal links; and inspired cross-border regions.

Curing the scars of history does not mean to make them invisible. The philosopher Michel Serres (2008) compared Europe to the Arumbaya fetish with the "broken ear" of the eponym Tintin album (Hergé, 1937). Tintin, in his quest for the fetish, which has been stolen from the ethnographic museum, travels through space and time, from contemporary Europe to "natural states" of South America, with their confusion between markets, politics and interindividual relations, and then back to the primitive societies of Amazonas with their human sacrifices. At the end of the story, Tintin gives the fetish back to the museum, without its treasure, but with visible scars and patches. Serres explains that Europe, letting its borders and tinkerings visible, is to be preferred to the purity of markets or nations. According to him, Hergé is social sciences' Jules Verne. May be he is our best guide to interdisciplinarity.

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# The EGTC Eurodistrict PAMINA

## A facilitator of cross-border cooperation

Patrice Harster

## Introduction

The beginnings of cooperation between the border territories of the Southern Palatinate, Mittlerer Oberrhein and Northern Alsace date back to the end of World War II, with activities as modest as essential. After the Marshall Plan and the creation in 1948 of the O.E.C.E. (European Organization for Economic Cooperation) which allowed Western Europe to avoid bankruptcy, the real Europe remained to be done. In many countries, various movements for European unity emerged, and they obtained the creation of the Council of Europe, whose statutes were adopted on May 5, 1949. Among the various movements and projects that emerged in this context, one is focused on the region of Wissembourg, Landau and Karlsruhe. This project called "White Village" made Wissembourg the capital of Europe to come (Weigel, 1986-1987). On Sunday, August 6, 1950, this movement of young European federalists meets at the St.Germanshof to proclaim its desire to build European unity. The young federalists have symbolically attacked the French and German barriers.[1] The movement was however exhausted very quickly and in 1954 it returned to national problems of territorial possessions. Creating a federal state straddling France and Germany to bring together all the European institutions was also a proposal put forward by Maurice Allais, a supporter of Europe. This state had to be located on both sides of the Lauter, between Wissembourg and Lauterbourg and to be composed of approximately 400 km$^2$ (Allais, 1991).

[1] In 2007, the EGCZ REGIO PAMINA supported the project of creating a European memorial to be built exactly on the place where the events of 4 August 1950 have taken place.

This territory could have known a leading European destiny, but European history decided otherwise. Today, this cross-border territory finds its significance by being exemplary in terms of cross-border cooperation at the level of the Upper Rhine but also at European level. It is a handful of men and women who has given this cooperation its nobility and who has been able to draw a vision for the future of all the citizens who live the real "Europe" on a daily basis with these advantages and disadvantages.

In terms of Franco-German rapprochement, it is important to recall the important role of the first twinnings, for example between the municipalities of Kandel (Palatinate) and Reichshoffen (Alsace) since the 1950s. At the national level, the Treaty of Franco-German friendship, signed in 1963, supported and promoted the development of cooperation based on mutual trust. The different meetings between actors from the political, administrative and economic worlds then allowed a concrete transposition of cooperation in what we now call the PAMINA area.

Among many other partners, it's people in charge of territorial development who understood the need for this cooperation. Contacts were established and expanded in the late 1960s. At that time, the engaged dialogue and the common thematic areas addressed provided a solid basis for cooperation. Progress in the realization of the European Union, the internal single market, as well as the many inter-relationships between the three territories have all been incentives for close cooperation: all partners were ready to embark on the adventure.

## The "Declaration of intent for a cross-border action program"

Committed efforts, especially at the regional level, to intensify cross-border cooperation in this cross-border area, have led, in 1986 and 1987, to systematic studies and consultations. On December 12, 1988, a declaration of intent for a cross-border action program, also known as the "Wissembourg Declaration", was signed in the city of Wissembourg by the heads of the States and regional authorities of the three territories concerned.

The major interest of this declaration was to affirm the will to intensify cross-border cooperation. The declaration also specifies the geographical sections that make up the area of cooperation. For the French side it

concerns the districts of Haguenau and Wissembourg. The district of Saverne was only included in this cooperation area in 1995.

Its signature represented the founding act of the cross-border area and helped drive the design and development of various forms of cross-border cooperation. The sub-prefect of the district of Wissembourg, Rémy SERMIER, finds the name: PAMINA. This name was inspired by the one of the heroine of Mozart's Flûte Enchantée and refers to the three main components of the Franco-German geographical area concerned, PA (Southern Palatinate), MI (Mittlerer Oberrhein), NA (North of Alsace).

This cross-border territory, hosting the northern part of the upper Rhine, is marked on the east by the Black Forest, on the west by the northern Vosges and the Palatinate forest. The distribution of the population (1.6 million inhabitants) and the economic activities is contrasting over the 6000 km$^2$ of the PAMINA area.

Indeed, while the Mittlerer Oberrhein has an average population of about 450 inhabitants/km$^2$, the Southern Palatinate, with a population density of 195 inhabitants/km$^2$ and Northern Alsace, with only 124 inhabitants/km$^2$, appear relatively sparsely populated. The disparities in terms of gross value are even more eloquent, since the ratio is 12 (MI): 3 (PA): 1 (NA). This situation is reflected in the distribution of employment. Nearly 16,000 frontier workers from the north of Alsace cross the Lauter and the Rhine every day and many inhabitants of the Southern Palatinate are employed on the other side of the Rhine.

## 1. Support from the European Union

Since 1989, the PAMINA area has benefited from European support within the framework of the P.A.C.T.E. (European Transboundary Cooperation Action Program) set up by the European Commission to prepare frontier regions for the opening of the borders scheduled for 1993 (Article 10 FEDER). Two territories in the Upper Rhine were the most likely candidates: PAMINA and the three-border region (Basel, Saint Louis and Lörrach). As Switzerland is not a member of the European Union and the Commission in Brussels did not yet allow third countries to participate in a European program, PAMINA was chosen. Adopted on January 5, 1990 by the European Commission, the cross-border program with 977,500 ECU, allowed the realization of eight actions on the 38 proposed, four in the economic field and four in the environment

field. The other PACTE proposals were subsequently included in the INTERREG I and INTERREG II PAMINA programs (1991-1993 and 1994-1999).

It is interesting to note that there were two different partnerships at this time, on one hand the partnership created to pilot the information and advisory authority in Lauterbourg and composed of the co-signatory partners of the declaration of intent, and on the other hand the broader partnership intended to manage the PACTE and the eight actions. For the two initiatives, the partners pooled their action by financially supporting a single Franco-German multidisciplinary team whose role was to inform and advise the citizens but also to monitor and implement the PACT. This arrangement persisted until the creation of the EURODISTRICT in 2003.

A project will forever mark the cooperation in this area and subsequently cooperation in the Upper Rhine area: the installation of an information and advisory body on cross-border issues in the old customs building at Lauterbourg, today called INFOBEST.

The INTERREG I program (1991-1993) made it possible to continue the implementation of certain actions announced in the action program from 1989 but not retained. That is how 17 new actions were carried out thanks to the support of the European Union. The Lauterbourg authority conducted the monitoring and implementation for all French and German public partners.

The program will represent a new stage. Indeed, the local elected representatives wanted to give more body to the pilot action program through the definition of broad orientation and development guidelines for the PAMINA area. The study funded by the FEDER funds and led by the Bezirksregierung Rheinhessen-Pfalz aimed to achieve a strategic reference framework for cross-border activities that go beyond the various development concepts and existing limited territorial projects. "The main objective is to ensure that the PAMINA area evolves from a field of experimentation of cross-border cooperation to a true functional area of cooperation at the center of which there are common relations and interests, and not borders." The guideline development process revealed that the establishment of a strategy is not enough. The sensitization of elected representatives and the public to PAMINA will not happen without visible results in the form of concrete projects. At the heart of the strategy proposed by PROGNOS and BIPE appears the principle of

"support for the joint economic and spatial development of the PAMINA area through joint projects". The following three lines of guidance have been proposed:

- Establishment of equal living conditions throughout the PAMINA area and guarantee of equal rights for all citizens
- Enhancement of the PAMINA area and guarantee of sustainable and balanced development
- Encouragement of cooperation and exchanges within the PAMINA area

The project 2.3 "Concept of development for the cross-border area PAMINA"[2] of the INTERREGI program aimed at defining a common strategy for spatial planning and development. Assigned to external service providers, the project predicted the development of guidelines to define a reference framework for cross-border activities in the PAMINA area. The study resumes and completes the AFOM analysis carried out for the pilot phase. It determines three lines of orientation:

- Equivalence of living conditions and equal opportunities (create similar living conditions for the entire population of the PAMINA area concerning the essential functions: housing, services, work-education, hobbies and communications-transportation)
- Improvement and sustainable development (Develop the economy and regional structure of the habitat according to the principle of the balanced development of the territory. Protect, manage and enhance the natural and landscape heritage. Preserve in a sustainable manner the availability of natural resources)
- Cohesion and exchanges (Strengthen the exchange of information, goods and services, both through the promotion of bilingualism and the improvement of transport and communication infra-structures).

The providers pointed out that "the difficulty of setting up a common strategy for the geographical and economic development of the PAMINA area, in large part, is the result of the divergence between the expectations

[2] The project was later called "Strategic guidelines for the economic and spatial development of the PAMINA area" ("Lignes d'orientation pour le développement économique et spatial de l'espace PAMINA"). Rapport final Prognos AG et BIPE Conseil, 19.10.1995.

of the different actors. It was considered insufficient. The sensitization of elected representatives and citizens to PAMINA will not happen without visible results in the form of joint projects".[3]

These two successive studies on the development of the territory and the definition of a future vision for the PAMINA area did not really meet the expectations of the PAMINA partners. The external providers have certainly done interesting work but that did not allow creating a consensus between the three territories. Based on these experiences, PAMINA's partners[4] decided to use their own internal resources. Thus the 3.1.4 INTERREGII PAMINA project "PAMINA spatial planning scheme" was born. Led by the Bas-Rhin department from 1998 to 2001, it updated the AFOM analyzes carried out previously to determine six strategic axes for the future vision of the PAMINA area. It is:

- AXIS 1 − PAMINA landscape park
- AXIS 2 − Trade: Networked territories
- AXIS 3 − The balanced development of the qualities of the territory
- AXIS 4 − Diversity and solidarity
- AXIS 5 − European, networked and cooperative
- AXIS 6 − Integration: a chance for the future

In addition to the 151 maps produced, to the many seminars on spatial planning, and to the bilingual and accessible database on the Internet, the project identified 16 pilot projects out of the 140 proposals collected during a public consultation phase.

The INTERREGII program (1994-1999) will pursue this approach through the design of a PAMINA spatial planning scheme (SAEP) and the establishment of preparatory steps for the creation of a GLCT REGIO PAMINA. The scheme, whose work was coordinated by the Bas-Rhin department, proposes a diagnosis of the territories, which leads to the definition of planning and development issues. It thus provides the actors with a common reference for future policies and actions. "This vision of the future, PAMINA for tomorrow, defines principles relating to territories − a landscape park, networked spaces, a balanced development of the qualities of territory − and to men − diversity and solidarity, exchanges between territories of the PAMINA area to concrete

3 PROGNOS AG/BIPE, 1995.

4 These were the co-signers of the Wissembourg declaration of intent.

actions that can be carried out by each of them. Among these actions are proposed 16 pilot projects which would make it possible to implement the principles enunciated and to achieve concrete and legible achievements by the population."

The proposals have been included in a Livre Blanc for the future development of the PAMINA area. It was planned to send this Livre Blanc to the REGIO PAMINA local cross-border cooperation group for its long-term implementation. Since the statutes of GLCT REGIO PAMINA have not yet been validated by publication of the corresponding prefectural decree, the SAEP partners have initiated a project 1.2.4 INTERREGII PAMINA "Pursuance of the SAEP − transitional phase REGIO PAMINA" still under the project management of the Bas-Rhin department, which also led the creation project of GLCT REGIO PAMINA.

As with the other initiatives, the very important work carried out within the framework of the SAEP largely contributed to the INTERREG III PAMINA program (2000-2006).

The INTERREG III program (2000-2006) will support the creation and installation of GLCT REGIO PAMINA, a body intended to implement the PAMINA spatial planning scheme. GLCT REGIO PAMINA was created by prefectural order dated January 22, 2003. Shortly after the organs were formed. At its very first meeting on 22 May 2003, the planning and transport committee considered the implementation project of the SAEP and just as the Council met on 2 June 2003 in plenary session. It first appears that for the local grouping, the SAEP takes all its meaning as:

- strategic monitoring tool for the territory (essential for identifying the necessary actions);
- a reference framework for the tasks of coordination and political action of the local grouping, as well as for the support / implementation of concrete measures and projects.

At the Council meeting on 8 December 2003, the representatives decided not to adopt the Livre Blanc and the public consultation provided for that purpose. The works are considered interesting but the implementation would require too many resources. Another problem is that all SAEP partners are not included in GLCT REGIO PAMINA, including the State and the two German Länder. At the meeting of

18 June 2004, the Council approved a document grouping 6 lines of guidelines[5] for the PAMINA area, namely:

- Strengthening the PAMINA territory, a future model for Europe
- Preservation of the quality of life of all inhabitants
- Economy and labor market
- Transport
- Culture and tourism
- PAMINA: a future model for sustainable development

This document takes in consideration more or less the strategic axes of the SAEP. It was sent to all local authorities in the PAMINA territory.

Unlike previous initiatives, the actions planned in these guidelines did not feed the INTERREGIV program. Indeed, in 2009 with the merging of the two PAMINA and Center-South programs for INTERREGIV (2007-2013) into a single Upper Rhine program managed by the Alsace region, the Managing Authority, the PAMINA area and the GLCT REGIO PAMINA lost its instrument of animation and territorial development. Since 2009, GLCT REGIO PAMINA, meanwhile called EURODISTRICT REGIO PAMINA, has set up a new mechanism for its territorial action essentially based on "territorial interviews"[6] and the notion of a coordination platform.

The thematic territorial interviews aim to create permanent networks of actors that can generate, in the long term, sustainable cross-border initiatives. This approach is based on the organization of a meeting by theme selected associating all partners with the thematic competence will produce a document that will serve the approach of "bringing thematic knowledge" including the territorial issues for all the actors (communities, associations, socio-economic, citizens…).

This approach differs from the guidelines and allows a better knowledge of the action of the EURODISTRICT, a better knowledge of the expectations and the needs of the actors, a rapprochement of the competent structures thanks to a better knowledge of the competences of the neighbor and finally the possibility of pooling resources in the EURODISTRICT territory. At this level of territorial integration, the

5 Guidelines for the PAMINA area. Territory of the future in Europe from 19 June 2004.

6 Council meeting of 19 June 2009.

local grouping is the appropriate governance instrument to carry out this process. In the end, it was planned to identify all the actions under a multi-year territorial animation contract.

Three territorial interviews were organized:

- Territorial interview on sport (May 14, 2009)
- Territorial interview on youth (November 18, 2010)
- Territorial interview on culture (February 2, 2012)[7]

The notion of coordination platform has been tested for the theme of employment and the specific theme of micro-projects.

Since 2009, the EURODISTRICT REGIO PAMINA has been coordinating a network of actors and ensuring cross-border coordination of the policies to be implemented within the framework of the French national directives for the fight against unemployment with their regional sections and German Länder versions. The EURODISTRICT territory covers more than 80% this mobility of work, which is almost a one-way mobility of proximity, that is to say flows from Northern Alsace to the Southern Palatinate and the Mittlerer Oberrhein.[8] This project with strong political stakes and based on a right to experiment approach linked to the coordinated implementation of three FSE funds (Alsace, Land Baden-Württemberg and Land Rheinland-Pfalz) as well as funds of FEDER INTERREGV Rhine may serve as an example for other border regions in Europe experiencing the same structural difficulties in the labor market.

With regard to micro-projects, the EURODISTRICT REGIO PAMINA has developed a strategic document aimed at creating a common framework for the processing of micro-project funds in Europe.[9]

The EURODISTRICT acts as a coordination platform that goes beyond its territory but whose goal is very important for associations and local authorities. It is a question of guaranteeing a development of the territory based on the proximity with the inhabitants and thus answering their expectations of cooperation.

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7 Thematic paper "Transfrontier Cultural Cooperation" from September 2012.

8 Strategic framework for the establishment of a common action plan (CAP) "PAMINA job and labour market". PAMINA March 2013.

9 MICROPROJECT FUND NETWORK IN EUROPE. STRATEGIC DOCUMENT. A common strategic framework for micro-projects financed under the ERDF in Europe. PAMINA September 2013.

The encouraging results obtained during the three territorial interviews on sport, youth and culture have created the conditions for setting up specific action plans. The approach that is based on the coordination of actions and skills in cross-border as well as the pooling of resources is highly appreciated and constitutes on this territorial scale an exception in this area.

It is now proposed to apply this procedure to all the topics administered by the EURODISTRICT (Article 6 of the Statutes) within the framework of a PAMINA2020 action and territorial cohesion plan. This plan, which is based on 25 years of experience in cross-border governance, including 17 years of structural funds management, could be valued in the framework of the future community regulation on the structural funds 2014-2020 and the resulting INTERREG V program for the Upper Rhine.

This is a strong challenge for the EURODISTRICT, which will make it possible to implement local governance as expected by the Greater Rhine Metropolitan Region and as the EURODISTRICT has repeatedly formulated in these contributions to the Lire Blanc on multilevel governance and the 5th Cohesion Report.[10]

The action plan will highlight the role of the EURODISTRICT which must remain a coordination structure necessary to regulate/rebalance the functions of a territory that has become common thanks to the opening of borders. The plan presents the ways of intervention of the EURODISTRICT which must be a facilitating element of cross-border action and not a substitute for competent French and German actors. It also determines the role of the EURODISTRICT in its territory and the territory of the Upper Rhine. At the end, the PAMINA action plan will never be adopted.

## 2. The local grouping of cross-border cooperation REGIO PAMINA

The fruit of a long cooperation of fifteen years, during which numerous initiatives and partnerships have emerged, the GLCT REGIO PAMINA was created by prefectural decree on January 22, 2003, symbolic date of

[10] Consultation on the Committee of the Regions White Paper on multi-level governance − March 2010 and EURODISTRICT contribution REGIO PAMINA to the conclusions of the fifth report on economic, social and territorial cohesion: the future of cohesion policy − 24 January 2011.

the declaration of the 40th anniversary of the Elysée Treaty. It is governed by Articles 11 to 15 of the Karlsruhe Agreement of 23 January 1996. Established under the Karlsruhe Agreement, GLCT REGIO PAMINA, a public organization in the form of a "syndicat mixte", has provided cross-border cooperation a real legal basis.

The functioning of the local grouping takes up the notion of the three territories. The twelve communities members of the group nominate representatives based on each territory at the rate of 10 elected by territory to form the Council of 30 representatives. The chairman and the two vice-chairmen of the group are elected within the Board for a period of three years. With three secretaries, they form the Bureau of the local grouping. The debates take place in three thematic committees, namely the finance, economy and social affairs committee, the territorial development and transport committee and the environment, tourism, sports and culture committee. Committee opinions are sent for deliberation to the local grouping Council, or by delegation to the Bureau, which meets on average twice a year in public meetings.

The purpose of GLCT REGIO PAMINA is to promote, support, coordinate cross-border cooperation and to ensure the implementation or, if necessary, to carry out or manage certain joint projects in the fields of competence of its members. In order to achieve the intended purpose, the group assumes the following tasks:

a) The development of common planning concepts and recommendations to ensure a coherent development of the PAMINA area in the medium and long term, by:
   - the elaboration and periodic review of a cross-border concept of spatial planning,
   - the development of a cross-border concept of development and economic promotion,
   - the development of a cross-border concept for the maintenance and development of natural resources and for supporting the protection of the environment,
   - the elaboration of a cross-border transport scheme,
   - the development of a cross-border concept for the management of raw materials.

b) The coordination and promotion of cross-border cooperation on a daily basis, in particular by:

- the development of cross-border cooperation in the field of the environment,
- the development of cross-border cooperation in the field of tourism, leisure and sport,
- the development of cross-border cooperation in the field of culture,
- the promotion of bilingualism,
- the development of cross-border cooperation in the field of health and social action,
- cooperation in prevention against natural and technological risks.

c) The dissemination of information and the advice to public bodies as well as to private persons in matters relating to cross-border cooperation. The implementation of this mission, called the "INFOBEST mission", was transferred to GLCT REGIO PAMINA on the 1st of January 2004. It has existed since 1991 in the old customs building in Lauterbourg. The department of Bas-Rhin managed the project on behalf of the State, the Alsace region, the Land Baden-Württemberg, the Land Rheinland-Pfalz, the Verband Region Rhein Neckar and the Regionalverband Mittlerer Oberrhein. It is part of a network of four INFOBEST in the Upper Rhine area.

d) The preparation and monitoring of community programs. This mission mainly concerns the INTERREGIIIA-PAMINA community program. It was transferred to GLCT REGIO PAMINA on the 1st of January 2004. Previously, the department of Bas-Rhin assumed the responsibility of managing authority and payment authority for this program. It is not useful here to develop the description of this program in more detail, but it is interesting to highlight the advantages and disadvantages of this transfer.

The Franco-German partnership created within the EURODISTRICT had as a first "test" the establishment of bodies in accordance with the statutes and the Karlsruhe Agreement. After five years of negotiations for the drafting of the statutes, it was necessary to prove that the structure thus created really works. That is how the Council, the Bureau and three commissions were set up as the administration composed of French and German agents, all made available. Finally it was the implementation

of the budget that caused the most concern. Indeed, the headquarters of GLCT being French side, the accounting is French. It took a lot of patience and pedagogy to explain to the German representatives the completely different functioning of the accounts of a French "syndicat mixte", especially in terms of budget lines but also decision-making discrepancies over the annual budget exercise. Having two budget documents, the administration account established by the GLCT and the management account established by the assigned accountant, namely the "pairie départementale", required a certain creativity in the translation, the German accounting having only a single accounting document to settle the current year.

This phase was marked by another major challenge, the transfer of the responsibilities of managing authority and payment authority for the INTERREGIII PAMINA program as well as the transfer of the INFOBEST mission created in 1991 and supported by the French State, Land Baden-Württemberg and Land Rheinland-Pfalz. Here again, it was necessary to negotiate with the various partners and find the appropriate tools internally to manage the 14 million euros of the INTERREGIIII PAMINA program.

The model existing in the department of Bas-Rhin since 1989 for the deliberations, which ratify the decisions of the INTERREG steering committee, has been taken over by the local grouping. The stability of the preparation and steering bodies as well as the presence of the Bas-Rhin department as a member of the local grouping ensured the implementation of decisions relative to the allocation of FEDER funds through a delegation to the Bureau of the local grouping (composed of 6 representatives including the President and the two Vice-Presidents – also note that three representatives sit on the steering committee of the INTERREGIIIA-PAMINA program through another mandate).

The concentration in a single location of all functions and responsibilities from instruction to payment and controls has been largely successful. However, it must be taken into account that the bureaucracy induced by community regulations but also by the French system of control and validation required a large recruitment in terms of personnel. For the GLCT, it represents 6 full-time jobs and the involvement of the Director and the accounting department (to be highlighted in relation to the FEDER allocation to the program of € 14 million).

Lastly, maximum effectiveness can be achieved in this system, in particular by ensuring that people occupying key positions in the steering and decision-making organs of the operational program also hold strategic positions in the management and decisions implementation organs.

For a GLCT, or GECT, it's important to be aware of these constraints in terms of staff recruitment, delegation of signature and separation of functions, and finally decision on the allocation of FEDER funds.

When the partners wish to implement a territorial approach to cross-border cooperation, the experience of GLCT REGIO PAMINA has clearly shown the limits of the management system of Community funds, since the local group bodies are not in a position to make decisions on allocation of funds. At this stage of the reflection, it would be interesting to experiment with an application that allows to cumulate the two approaches, perhaps thanks to an EGTC.

Finally, the establishment of the administration was not easy.

It was decided to use the provision and not the direct recruitment because the last one would have brought too many difficulties for the German agents under French salary system. Internal rules define other operating clauses for staff, such as regulatory working time, training or promotion. These elements ultimately remain the responsibility of each employer community. This system must be perfectly controlled by the Director of the structure, who must also be recognized for this function by the human resources managers of the employer communities.

Since January 2011, the Eurodistrict has new premises in the former customs in Lauterbourg. This symbolic place on the border allows citizens to obtain information on cross-border issues through the INFOBEST office. Since 1991, approximately 2,500 applications have been processed each year.

Thanks to several networks such as the PAMINA Business Club, the PAMINA People's University, the PAMINA women's association, the PAMINA youth network, the PAMINA senior network, the PAMINA Rhine Park, the Eurodistrict intends to pursue a policy promoting European integration through the local heritage, cultural, economic, social and linguistic wealth.

Exchanges and cooperation between the three territories of the Eurodistrict concern all areas of political, economic, social and cultural life. These privileged relations between the three territories, generally considered as a given, must constantly be alimented. Citizens, while

remaining conscious of their national identity and history, are determined to overcome their old divisions and, united in a closer and closer way, to forge their common destiny. Who better than the citizen living at the border can understand the stakes of European construction?

## 3. Evolution towards an EGTC: the European stakes

At its meeting on May 19th 2010, the Bureau of the GLCT adopted the principle of a modification of the statutes to a European Grouping of Territorial Cooperation (EGTC) by asking the administration to prepare these elements in agreement with the services of the French State, Land Rheinland-Pfalz and Land Baden-Württemberg.

As the European Commission, with the support of the Committee of the Regions, launched at the end of May 2010 a consultation on the revision of EGTC Regulation 1082/2006, the Bureau, at its meeting on 8th October 2010, adopted the principle of not to amend the statutes immediately and to wait for the revision of the EGTC regulation.

The new regulation on the simplification and improvement of the constitution and functioning of an EGTC was adopted on 17th December 2013.[11] It has been applicable since 22nd June 2014. The EGTC remains subject to the legislation of the Member State in which it has its seat, so for the EURODISTRICT REGIO PAMINA the legal personality will remain the open mixed syndicate. However, the new regulation introduces more flexible rules than those of the Karlsruhe Agreement, particularly as regards the delegation of the implementation of powers, the functioning of the bodies and the management of personnel. The creation of an EGTC is based on principles almost identical to a GLCT of the "Karlsruhe Agreement" type. It is necessary to sign an agreement constituting the structure to which will be annexed to the statutes. All communities will have to deliberate individually on their membership of the EGTC. The EGTC, however, provides a broader vision for the membership of members other than local authorities.

Considering the fact that the EURODISTRICT is part of many European networks, has a good experience in the management of community funds, and that the territorial reform in France will bring about

[11] European Regulation No. 1302/2013 of 17 December 2013 amending Regulation (EC) No. 1082/2006 on a European Grouping of Territorial Cooperation (EGTC).

changes on the current cross-border cooperation, the evolution towards an EGTC would be an asset for the future of the EURODISTRICT.

At its meeting on 23rd June 2008, the Council adopted the principle of a new name for the GLCT, namely "EURODISTRICT REGIO PAMINA". Experience has shown that a shorter denomination can be more easily used by citizens. The terms DISTRICT, REGIO and PAMINA all refer to the notion of territory. In current practice, the notion of EURODISTRICT PAMINA has gradually become part of collective imagination.

On December 15th 2016, the prefectural decree creating the PAMINA Eurodistrict EGTC was signed by the Prefect. The objectives of the EGTC are as follows (Article 3 of the Convention):

(1) The main purpose of PAMINA Eurodistrict is to facilitate and increase cross-border cooperation in favour of sustainable and balanced development of the reference territory, in order to facilitate the daily life of the inhabitants, whatever the subject concerned. By this, the Eurodistrict is meant to be a platform for pooling competences, that is to say a facilitator for the development of territorial cohesion, without wishing to replace the existing competent authorities.

(2) The PAMINA Eurodistrict can develop activities, develop and implement programs and projects, apply for financial resources.

(3) The PAMINA Eurodistrict advises citizens, businesses and associations, local and regional authorities on cross-border cooperation-related issues. This mission consists of collecting, synthesizing and disseminating relevant data that can promote, on one hand, citizen information and, on the other, cross-border cooperation between public and private organizations. This concerns in particular the following points:

- information on living and working conditions in the neighbouring country and the regulations applying in border areas,
- information on the administrative procedures and skills of public or private actors,
- a direct response to the questions of individuals, public actors, companies and referral to specialized organizations.

As part of the 25th INTERREG celebration (Wassenberg, Reitel, Peyrony, Rubio, 2015), in 2015 DG REGIO embarked on an ambitious project to "inventory" and list the remaining border barriers in Europe, despite the single market and the good work of Interreg programs. In this context, DG REGIO commissioned a study of independent experts, organized a public consultation on the Internet (September 2015)[12] and organized a series of events to accompany this work. The PAMINA Eurodistrict was chosen by DG REGIO to be part of the steering group as an expert on the issue of border barriers.

This two-year work has identified 239 specific cases of administrative and legal obstacles, invisible but real for the 150 million citizens living in the border regions of the EU. This analysis identified three broad categories of obstacles:

- Landing a job on the other side of the border,
- Conduct cross-border business activities,
- Use public services.

The work resulted in the publication of a communication from the European Commission on 20 September 2017.[13] The PAMINA Eurodistrict EGTC took part in the closing event organized on 20 September 2017 in Brussels, in the presence of the INFOBEST Upper Rhine network.

The purpose of this communication is to stimulate a dialogue on cross-border issues between Member States and regions and to help them, upon request, to strengthen their cooperation. The Commission will make good practices available and provide expert advice through the creation of a Commission platform of experts, the Border Contact Point, and select in 2018 a maximum of 20 pilot projects proposing innovative solutions to overcome cross-border obstacles (one per project).

In addition, in the context of the ongoing reflection on the future of the Union's finances, this Communication provides elements for reflection on the development of the next generation of cross-border cooperation programs ("Interreg").

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12 "Overcoming obstacles in border regions". Summary report on the online public consultation (21 September-21 December 2015). European Union 2015.

13 Communication from the commission to the Council and the European Parliament. Stimulating the growth and cohesion of border regions of the European Union, SWD (2017) 307 final.

The communication includes various proposals which represent important issues for the PAMINA Eurodistrict EGTC for the upcoming years.

For example, the INFOBEST Upper Rhine Network is cited as an example in communication as an available and reliable information tool for citizens. In the context of the information work, the European Commission is also proposing the creation of a single digital portal. The PAMINA Eurodistrict EGTC will work with DG Grow, which is in charge of this portal.

The new Border Contact Point is made up of Commission experts specializing in cross-border issues. The experts will interact with Member States, regional and local authorities and businesses via a new online network hosted on the Futurium Commission's IT platform.

"Futurium" is an e-platform dedicated to Europeans to discuss about EU policies. It already includes several discussion groups. In January 2018, the platform will have a new group dedicated to border barriers. Even if one can "post" in any EU language and "community managers" will do their best to respond, the majority of posts are in English. PAMINA Eurodistrict EGTC already has an e-platform practice and will regularly feed the group to be created.

To resolve border barriers (legal/administrative) the European Commission will launch a call for proposals to select 20 pilot projects proposing innovative solutions. This call will target governments that wish to address one or more specific border issues of a legal or administrative nature. Projects could, for example, aim at improving the compatibility of administrative systems; facilitate labor mobility through increased opportunities for recognition of qualifications or ensure harmonization of legal standards. These projects will serve as a starting point for exploring innovative ways of resolving border issues. Their results will be summarized in a compendium that will be widely disseminated and will serve to raise awareness among key actors and to encourage them to build their capacity.

The communication states that transportation is an essential factor for exchanges between regions, across national borders. Public transport services, in particular, not only contribute to integration processes, but also improve the viability of cross-border connectedness. Inadequate or poor public transport services are still a reality for many citizens in the border regions. This observation applies to three levels:

1) Connections between infrastructures,
2) The provision of services,
3) The quality of services.

In particular, small-scale railway infrastructure is lacking or ineffective, in many cases, along the internal borders of the EU, due to various difficulties (such as divergent priorities, different legal / procedural / organizational approaches, budget constraints).

In 2016, the Committee of the Regions commissioned a complete study on *Missing Links*.[14] The overall objective of the study is a systematic analysis of the problems faced by European border regions (and possibly other European regions) due to missing links in small-scale infrastructure. This means that the study is limited to physical transport infrastructure such as roads and railways, which are considered to be of almost exclusively local or regional importance. Usually these are secondary or tertiary roads, secondary railway lines and, possibly, other infrastructure, e.g. bicycle lanes, narrow gauge railways or ports of local importance. This study includes valuable information on potential sources of funding.

The European Commission, in July 2017, decided to allocate 140 million euros to the *Missing Links*, a first in the history of the EU. DG REGIO has launched a study on missing cross-border links, which is expected to be presented in 2018 and will serve as a basis for future cohesion policy. It was entrusted to a German consulting firm KCW GmbH Strategie und Managementberatung in Berlin.

As a first step, the research department will identify all the missing links. In a second step, the office, in consultation with DG REGIO, will contact the border regions concerned in order to redefine the needs.

With the support of the French State and in accordance with the PAMINA Mobility Action Plan, the PAMINA Eurodistrict EGTC has addressed the project of a renovation and recommissioning of the Franco-German railway line Saarbrücken-Haguenau-Rastatt-Karlsruhe to design office. The Committee of the Regions' study cites the missing rail links in the Upper Rhine only at Colmar-Breisach, such as the report of the

[14] The potential of closing the missing links of small scale infrastructure in Europe's border regions for growth and employment. Recommendations for the way ahead. Comité des Régions. European Union, 2016.

European Parliament (Michael Cramer) in 2016.[15] To obtain European funding, whatever it is, the project of a renovation and recommissioning of the Franco-German railway line Saarbrücken-Haguenau-Rastatt-Karlsruhe[16] is to be quoted. The PAMINA Eurodistrict EGTC also launched an initiative with Anne Sander, MEP, who leads an intergroup on cross-border cooperation in the European Parliament.

It is actually the old Nuremberg-Luxembourg line dating from 1895, used militarily in both wars, and then by NATO, including the French barracks in the north of Alsace and the country of Baden. It could become a strong symbol of lasting reconciliation. The route still exists in its entirety, including structures such as the railway bridge on the Rhine between Beinheim (France) and Wintersdorf (Germany).

This upgrade is a unique opportunity to connect the cities of the Eurodistrict PAMINA and thus ensure access from the North-East of France to major European corridors.

The agglomeration of Haguenau and the population of the surrounding rural areas would greatly benefit from the links with Landau, Rastatt and the metropolis of Karlsruhe (4th EU Start-Ups Center according to the EU (JRC)), which would strengthen the employment and cross-border tourism. The economic stakes are high: the three border areas (Northern Alsace, Southern Palatinate, Karlsruhe Region) have a vital need for common infrastructures to revive an active but compartmentalised economic basin and benefit from mutual dynamics. In particular, state support would offer a good chance of obtaining European funds (CEF, EIB) for carrying out the work according to an affordable cost distribution key. A very modest expected investment cost for a cross-border infrastructure project (upgrading, no or few new works), to achieve fast results.

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15 Missing links regional trans-border rail connections. European Parliament (EP) Brussels, Room ASP 05E01 Wednesday 25 January 2012 at 15:00 to 18:00 "The EP asks the Commission to set out a selection of examples of regional trans-border rail connections, which have been dismantled or abandoned, favouring especially those which could interconnect with TEN-T." (§ 40 in EP resolution P6_TA(2009)0258 of 22 April 2009. TEN-T Green Paper).

16 The project is quoted in the Hambach Declaration. Conference "Franco-German cooperation in the border region: a think tank for Europe". Hambach Castle (Neustadt an der Weinstraße) on 6 April 2017 and during the 43rd plenary session of the Franco-German-Swiss Conference of the Upper Rhine on 1 December 2017.

In the field of health, the European Commission has published a collection highlighting the principles and practices at the borders.[17] The Upper Rhine has a tool called TRISAN, piloted by the Euro-Institute. For the PAMINA Eurodistrict EGTC the aim is to lead an initiative aimed at pooling healthcare offers on the territory of the Eurodistrict (to promote complementarity and not competition) within the framework of a project aiming at the right to experiment. Bringing the existing territorial conferences in the three territories of the Eurodistrict closer would already be a first step. For example, the cross-border rescue services of Wissembourg-Bad-Bergzabern, but also the idea of a cross-border home care project in Lauterbourg/Neu Lauterburg.

The PAMINA Eurodistrict EGTC took part in the work and supports the opinion of the Committee of the Regions dated 12 and 13 July 2017 on "Interpersonal projects and small-scale projects in the framework of cross-border cooperation programs" and the position adopted by AEBR[18] at the AGM end of October 2017.

The Committee of the Regions proposes to draw up an evidence-based survey of the benefits and added value of such micro-projects and their decentralized implementation through Euroregions and similar structures such as EGTCs; to provide recommendations for further simplification; and, finally, to put forward specific proposals for future INTERREG programs and thus contribute to the debate on the future of post-2020 cohesion policy.

In addition to administrative simplification, AEBR considers that micro-projects are the most tangible cross-border projects for EU citizens and contribute significantly to cross-border interaction. To prove and improve the impact of this type of projects:

(1) Experience gained in measuring the impact of micro-projects should be shared and discussed.
(2) The distribution of funds for micro-projects needs to be simplified.

In current programs, the administrative burden is out of proportion when compared to the size of the projects.

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17 Eric Delecosse-Fabienne Leloup-Henri Lewalle: *La coopération transfrontalière dans le domaine de la santé : principes et pratiques*, Union Européenne, 2017.

18 Association des Régions Frontalières d'Europe.

The INTERREGV Upper Rhine program is one of the programs in Europe where the implementation of micro-projects is difficult and too bureaucratic.

PAMINA Eurodistrict EGF hopes that these different opinions will be taken into account, especially since in the context of the European Commission's communication DG REGIO supports this proposal.

## 4. Conclusion

**I**n conclusion, it should be noted that, more than ever, the command of the neighbour's language will be the key to the success of cooperation and will have to play a central role in a policy that is the responsibility of all actors at all scales. To be inventive, voluntarist, ambitious and why not to create a truly bilingual Pamina territory?

The EURODISTRICT must have a clear, identifiable and understandable policy for the citizens who live and work in this area and whose future cannot be lived and thought of in isolation, but in solidarity.

Local and territorial authorities play a vital role in cross-border cooperation. Adherence to European common values is a commitment to respect and tolerance, a precondition for democratic coexistence within the territories. Intercultural dialogue can greatly stimulate this process; we need to support it through exchange, mobility and meetings.

Pamina, Alsace, and the Rhine Basin with its capital city Strasbourg are more than just a welcoming place for European institutions. The history of this Rhenish Space is that Europe lives here and believes in Europe more than anywhere else. Land of sharing, solidarity, humanism, we do not just live in Europe everyday, we are European, rich in our cultures and diversities.

The challenges ahead require more and more intense cooperation and further deepening of European integration. To do so,

*"We must dream the future to achieve the projects of tomorrow."*

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# Cross-border impact assessment as a bottom-up tool for better regulation

Martin Unfried, Lavinia Kortese

## 1. Introduction. The objective and background of ITEM's cross-border impact assessment

Border regions are faced with consequences of European and national legislation and policies that have potential negative or positive effects on, for instance, cross-border cooperation, cross-border economic development or the situation of cross-border workers. For a long time, there has been debate on impact assessments and the territorial dimension of legislation. The European Commission has discussed the topic in the framework of its own impact assessment strategy. In its *Better Regulation package* adopted in 2015, the Commission has proposed measures to ensure that territorial aspects are factored into policy options (European Commission, 2015). This should happen through the implementation of robust impact assessments of legislation that include territorial elements. The European Commission (n.d.) defines "Territorial Impact Assessment" as the procedure (or method) to "evaluate the likely impact of policies, programmes and projects on the territory, highlighting the importance of the geographic distribution of consequences and effects and considering the spatial developments in Europe". In this sense, the process of assessing the effects of certain policy or legislation on a cross-border situation can be regarded as a territorial impact assessment. However, the European Commission's guidance documents do not discuss specific assessment criteria for border regions. National governments have also not yet developed specific tools to measure effects on border regions or to assess potential effects ex ante. Furthermore, we have not yet seen border regions themselves develop sound cross-border impact assessment studies aimed at evaluating the effects of EU or national legislation and policies.

Against this background, the Institute for Transnational and Euregional cross border cooperation and Mobility/ITEM has developed a bottom-up Cross-border Impact Assessment, carried out for certain geographic areas, with the expertise of scientists and experts in specific border regions. The objective of ITEM's Cross-border Impact Assessment tool is two-fold. On the one hand, it is designed to facilitate the *ex ante* recognition of potential negative or positive cross-border effects of planned legislation or policy initiatives. On the other hand, it allows for the *ex post* identification of negative or positive cross-border effects of existing legislation and/or policy. The Cross-border Impact Assessment may be used to assess the policy or legislative intentions of the European Union (EU) and/or governmental bodies at the national and/or regional levels.

The term "border region" can be understood in several ways. First of all, border regions may be institutional, e.g. the Euregional partners at various administrative levels. However, other parties such as organizations and individuals working on cross-border cooperation also fall within this definition. The term "border region" obviously also has a territorial dimension. Due to the geographical situation of ITEM, border regions in the Cross-border Impact Assessment are typically defined as the areas where the borders of the Netherlands, Belgium, and Germany meet. This specific demarcation is made due to the unique character of each border region. General observation indicates that there are few (if any) generic causes of effects on border regions. Nevertheless, the European Commission's research conducted in the context of its 2017 communication *Boosting Growth and Cohesion in Border regions* revealed that many border regions are encountering issues regarding labour mobility (European Commission, 2016, 2017). Such issues originate from differences in the implementation of EU law as well as varying levels of coordination among neighbouring countries. It is because of these differences at the national level that ITEM advocates a bottom-up approach for impact assessments produced by and for specific border regions to better estimate the effects of policy and legislation on the region they relate to.

The final goal of the ITEM Cross-border Impact Assessment is to offer additional insights into national and EU initiatives and to serve as a valuable tool for policy makers whose decisions will ultimately influence border regions. Moreover, the tool also strives to contribute to the improved identification of existing or expected border effects. Additionally, the assessment can materially support the political debate

so that the right adjustments can be made to a legislative proposal during the parliamentary legislative process, prior to adoption. Furthermore, a sustainable evaluation of border effects may offer added value to the European Commission's *ex ante* impact assessment and the evaluation of existing legislation. Finally, the assessment can also contribute to a better *ex ante* and *ex post* evaluation of legislation and policy at the Member State and regional levels.

In this contribution, the methodology behind the ITEM Cross-border Impact Assessment is explained. We will also illustrate how the methodology behind the assessment has been applied in the 2016 and 2017 Cross-border Impact Assessments by providing examples of the research conducted. Because this Cross-border Impact Assessment has been the first of its kind, the development of the Cross-border Impact Assessment tool also included establishing a specific approach and defining the objective of the review. ITEM's work so far should therefore be seen as an invitation for discussion about the tool and its continued development.

## 2. Calling for more cross-border impact reviewing

At the moment, several impact assessment tools exist at the European, national, and regional levels. Table 1 below provides for an overview of such initiatives. Despite the extensiveness of the assessment below, these tools do not appear to be well-suited for monitoring the impact of legislation and policy on specific border regions. "Brussels", for example, lacks detailed knowledge of the future and existing negative cross-border effects of policy and legislation in each specific European border region. Considering the myriad of border regions the EU counts, it would be impossible for the European Commission to map out detailed cross-border effects for all the EU's border regions in the impact assessments it conducts. This complexity which the European Commission faces has also been highlighted by the Committee of the Regions.[1]

National governments also face difficulties in carrying out impact assessments. In particular, they may face obstacles when seeking to cohesively integrate cross-border impact assessments in their existing

[1] The Committee of the Regions would like to play a greater role in the assessment of the impacts of EU policies and has formulated this as one of its five political priorities. Retrieved from http://cor.europa.eu/en/activities/Pages/priorities.aspx.

frameworks with which they assess the impact of new legislative, policy and enforcement measures. For example, in the Netherlands the government and Lower House of Parliament have been discussing the introduction of a review for national legislation and policy initiatives focusing on the border regions for a number of years.[2] As of yet, there is an intensive debate at the working level, how to improve consideration of cross-border effects in the proposals of the various line ministries.[3]

Additional challenges existing at the national level relate to the specificity of the expertise necessary to carry out cross-border impact assessments in certain border regions. It may therefore be difficult for line ministries to obtain the necessary expert knowledge relevant to each border region surrounding their country. For example, Germany borders on nine other countries, which likely complicates *ex ante* impact assessments conducted by the Federal Government in Berlin. The multitude and unique nature of individual border regions reinforces the need for small-scale bottom-up impact assessments from the perspective of specific border regions. Such border region specific impact assessments could play an important role in national analyses aimed at identifying the effects of legislative, policy and enforcement measures.

Like the EU and its Member States, border regions also face challenges in implementing impact assessments. Despite the need for structural analyses of the border effects of newly adopted and prospective legislation, policy and enforcement, there may be issues regarding the availability of relevant tools and know-how. This is an issue that the Dutch Province of Limburg has been raising in The Hague for a number of years. The Province has stimulated the debate by issuing its own cross-border impact assessment in 2013 and 2014 (Bangma, 2014).

Via its annual Cross-border Impact Assessment, ITEM therefore seeks to both complement the evaluations carried out at the European, national and regional levels as well as contribute to the need for border region specific impact assessments.

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2 In 2015 already, the Minister of Interior and Kingdom Relations has promised to the Dutch Parliament (Tweede Kamer), that he will look into the question of the necessity of an interdepartmental cross-border impact assessment (*Brief van de Minister van Binnenlandse Zaken en Koningrijkrelaties aan de Voorzitter van de Tweede Kamer der Staten-Generaal*, Den Haag, 3 February 2015).

3 The government had also involved ITEM, Maastricht University in the deliberations with respect to their experiences with the impact assessment described in this article.

**Table 1. Impact evaluation – various tools**

| Instrument | Application | Decision phase | Objective/focus |
|---|---|---|---|
| European Commission | Regulatory Impact Assessment | Assessment of Commission proposal for policy(strategy) or legislation | Cost-benefit analysis, employment, European competitiveness, sustainability, Territorial dimension (so far modest) |
| National Government Netherlands | Discussion on cross-border impact assessment prior to national/European legislation/policy | National Ex Ante Part of proposal by ministries | Harmonization national policy / border situation Harmonization transposition of European law on conversion in neighbouring countries |
| Province Limburg (NL) Internal cross-border impact assessment | Intention: assessment of border effects of provincial Acts | Ex ante | Preventing negative cross border effects of provincial policy |
| ESPON Quickscan ARTS Territorial Impact Assessment | Assessment of territorial effects of EU legislation | Ex ante | Improving the impact assessments of the European Commission and Member States |
| EURO Institut/ Center for Cross Border Studies, Impact Assessment Toolkit for cross-border cooperation | Assessment of cross-border projects / policy | Ex ante | The improvement of projects, programs |
| ITEM Annual cross-border impact assessment | Assessment of border effects of relevant European, national and regional legislation, policy and enforcement. | Ex ante and ex post | Mapping of negative effects of laws and policies on border mobility in the broad sense |

## 3. Evaluating cross-border effects: a methodology

In order to fill the gap among the different existing impact assessments, the ITEM Cross-border Impact Assessment employs its very own methodology. The yearly process kicks off with the identification of the topics to be researched. These potential topics are not only identified following ITEM's activities related to scientific research, counselling, knowledge exchange, and training activities, but also by means of a survey. This tool allows stakeholders and other interested parties to react to suggested topics of research by informing ITEM of their experiences. Additionally, the survey allows them to put forward their own topic related to legislative, policy, and enforcement measures having (potential) effects on border regions.

After the identification of possible research topics, a final selection is made by ITEM's Cross-border Impact Assessment working group. This working group consists of members coming from various ITEM partner organisations. The proposed research topics are assessed by the working group, focusing on the topicality of the issues, the relationship to ITEM's research focus, the number of requests submitted in relation to a subject, and the various research themes within specific proposed topics. ITEM aims at including around 10 topics in its yearly Cross-border Impact Assessment.

Once the research topics have been selected, scientists and experts connected to ITEM will commence their research activities. Despite the great variety of topics ITEM's Cross-border Impact Assessment may concern, the research takes place following the same methodology. The research results of each individual topic are collected in dossiers, which together form an ITEM Cross-border Impact Assessment.

### *3.1 Outlining research: territorial demarcation and more*

The first step in the research concerns demarcation. All researchers first establish the border region to which their dossier pertains. As mentioned in the introduction, ITEM's geographical situation plays a role in the area studied in the Cross-border Impact Assessment. In the broad sense, the research area consists of the border regions along the German/Dutch/Belgian border.

The area can be considered the same as the one defined by the Statistics Netherlands (CBS) and the Netherlands Environmental Assessment

Agency (PBL) in the 2015 study *Arbeidsmarkt zonder grenzen*, namely NUTS 3/COROP areas immediately along the border (*Landkreise* in Germany) or at a defined distance from the border (Weterings, van Gessel-Dabekaussen, 2015). Although suited for ITEM's Cross-border Impact Assessment, this definition is paired with a disadvantage, namely that it defines border regions on a national basis. Therefore, these border regions are not cross-border political entities, unlike Euregions or urban partnerships. When the border region is defined from a national perspective, this may influence the research at hand (which will likely represent a more national as opposed to a cross-border perspective). At the same time, the disadvantage such a national perspective may bring, can also translate into an advantage for neighbouring countries. Taking these considerations into account, the research area for ITEM's Cross-border Impact Assessment is not solely the border region, but the cross-border Euregion.

Euregions and other cross-border partnership structures as seen in Figure 1 formulate strategies and programmes that identify priorities for improving cross-border situations. In recent years, a large number of Euregional partnerships have developed collectively supported vision documents containing policy goals. An example of such a vision document is the Euregio Meuse-Rhine's EMR 2020 strategy. The existence of such documents allowed for the inclusion of the perspective and objectives of border regions in some dossiers of the 2016 and 2017 Cross-border Impact Assessments. In particular, these perspective and objectives were able to serve as a benchmark for desired or undesired effects.

That being said, policy and legislation may have effects on a very specific area. Therefore, some topics within ITEM's Cross-border Impact Assessment may require further refinement of the definition of "border region". Accordingly, each team of researchers ultimately defines what is understood as a border region in their dossier.

Apart from a territorial demarcation, researchers further delimitate their research as necessary.

### *3.2 Research themes, principles, benchmarks and indicators*

In the second phase of the research, the potential effects of certain measures are assessed following certain themes. Depending on the topic of the research, effects may be evaluated for all or only some of these themes. In particular, the ITEM Cross-border Impact Assessment features the following themes:

**Figure 1. Cross-border partnerships along the border (BE/NL/DE/LU)**

1) The cross-border impact from the perspective of individuals, associations and enterprises correlated with the objectives and principles of European Integration (freedoms, citizenship, non-discrimination).
2) The cross-border impact on socioeconomic development/ sustainable development.
3) The cross-border impact on Euregional cohesion and cross-border governance structures (cooperation with governmental agencies, private citizens, the business sector, etc.).

Assessing certain legislative, policy, and enforcement measures for their effects on European integration, citizenship and non-discrimination

(theme 1) allows for a discussion about the potential impact of certain measures on employees and employers. A core question posed in relation to this theme relates to the extent to which a measure violates the principle of non-discrimination as embedded in the EU Treaties, secondary legislation and case law.

Apart from European integration, citizenship and non-discrimination it is also of great importance to examine the (potential) effects of measures that detract from or reinforce the cross-border competitive strength of border regions (theme 2). Despite the importance of such an evaluation for the public sector in border regions, it is very difficult to accurately estimate the impact of certain measures on the Euregional economy both in the short term as well as in the long term.

The third research theme of the ITEM Cross-border Impact Assessment focuses on analysing the impact of legislation on Euregional cohesion. This theme particularly focuses on questions related to what impact certain policy or legislation has on a Euregional partnership or governance structure.

The above mentioned three research themes are connected to good practices which will form the benchmarks for a certain theme. Finally, the researchers formulate indicators to review the (potential) effects of policy and legislation on border regions. Table 2 below provides for some examples of benchmarks and indicators connected to the main research themes of the Cross-border Impact Assessment.

**Table 2. Examples of principles, benchmarks, and indicators**

| **Goals/principles** | **Good practice/ benchmark** | **Indicators** |
|---|---|---|
| European integration, European citizenship, Non-discrimination | No border controls, open labour market, easy recognition of qualifications, good coordination of social security facilities, taxes | Number of border controls, cross-border commuting, duration and cost of recognition of qualifications, access to housing market, etc. |
| Regional competitive strength, Sustainable development of border region | Cross-border initiatives for establishing companies, Euregional labour market strategy, cross-border spatial planning | Euregional: GDP, unemployment, quality of cross-border cluster, environmental impact (emissions), poverty |

| Goals/principles | Good practice/ benchmark | Indicators |
|---|---|---|
| Cross-border cooperation/ Good Governance, Euregional cohesion | Functioning of cross-border services, cooperation with organizations, coordination procedures, associations | The number of cross-border institutions, the quality of cooperation (in comparison to the past), development of Euregional governance structures, quantity and quality of cross-border projects |

## 4. Assessing the cross-border effects of legislation and policy: the 2016 and 2017 assessments

So far, ITEM has published its first two Cross-border Impact Assessments. The 2016 and 2017 editions focused both on evaluating the border effects of policy and legislation (EU, national, regional) that has already come into effect (*ex post*), as well as the identification of desired or undesired effects on border regions of European or national proposed legislation (*ex ante*).

### *4.1 Dossiers of the 2016 cross-border impact assessment*

The first Cross-border Impact Assessment carried out by ITEM in 2016 consisted of ten dossiers covering a variety of topics. In the 2016 report, researchers primarily investigated national topics that were the subject of much discussion along the Dutch border. Examples of these topics are the new Tax Treaty Netherlands – Germany (Heller *et al.*, 2016, Bollen-Vandenboorn *et al.*, 2016) and the qualifying foreign tax obligation (Arts, Korving, 2016). A large part of the 2016 Impact Assessment therefore related to recently adopted legislation and policy, which posed a challenge to quantifying the effects of the measures analysed. For example, the true impact of the Tax Treaty Netherlands – Germany on the pensions of former mobile workers could not yet be established due to the Treaty's recent adoption.

Despite the fact that most dossiers researched national topics, several dossiers also investigated the way in which EU Member States implemented European legislation. An example thereof is the dossier analysing the implementation of Directive 2013/55/EU on the recognition of professional qualifications in Belgium, Germany, and the Netherlands. In that dossier, a mapping study into the possible border

effects of Directive 2013/55/EU was conducted. The dossier shows that even if the same methodology is applied in all dossiers of the Cross-border Impact Assessment, the method nevertheless enables researchers to adapt the research to their particular topic. Therefore, nine indicators were used to review the national transposition of Directive 2013/55/EU for four professions in three Member States (Schneider *et al.*, 2016). The research indicated that the directive was transposed differently for various professions. However, the researchers concluded that overall the legislation was transposed properly, meaning that from a material perspective, well-functioning recognition procedures should be possible in practice (Schneider *et al.*, 2016).

Another example of a dossier analysing national legislation was the dossier social security. The research focused on the effects of the Dutch short-term and long-term incapacity for work in a cross-border situation (Montebovi, 2016). The dossier identified a number of problem areas and possible effects liable to impede free movement and threaten social cohesion. One example relates to the lack of knowledge as regards the reintegration obligation the employee and employer carry in cases of illness and occupational disability. This lack of knowledge may lead to lacking support for the employee and financial sanctions by the Dutch Employee Insurance Agency (UWV) for the employer, thereby potentially dissuading the latter from hiring a cross-border worker (Montebovi, 2016).

The Dutch Employee Insurance Agency also played a role in the Dossier on cross-border employment services. For this dossier, the assessment of cross-border impact was not restricted to an analysis of legislation. Instead, the dossier sought to determine what cross-border effects were connected to the mandate and financing of the Dutch Employee Insurance Agency (Unfried, 2016). In the dossier, the research of which was conducted by means of qualitative interviews and intensive participatory observation, it was concluded that a lack of financing failed to adequately prepare jobseekers for a career across the border, meaning that the objective of closer cross-border labour mediation was not attained (Unfried, 2016).

The dossier on cross-border labour mediation was not the only dossier relating to policy as opposed to legislation. In the dossier on the three INTERREG VA programmes at the Dutch border, a survey, comparative study, and in-depth interviews were conducted (Van der Giessen, 2016). The study found that although European regulations on the

implementation of INTERREG VA programmes had become simpler, the image of a heavy administrative and intransparent process remained. Nevertheless, respondents found the cross-border administration of the programme unique and a reason in itself to consider the INTERREG VA programme as an exemplary form of cross-border cooperation (Van der Giessen, 2016).

The abovementioned only describes the research and results of a selection of dossiers from the ITEM Cross-border Impact Assessment 2016. In sum, the assessment counted ten dossiers, the topics of which can be seen in the table below.

**Table 3. Themes of the Impact Assessment 2016**

| No | Subject | Research questions |
|---|---|---|
| 1. | The new NL-DE tax treaty<br>a. Labour; b. Pension | What are possible effects of the new tax treaty between the Netherlands and Germany on frontier workers and former frontier workers, with a focus on labour and pension? |
| 2. | Recognition of professional qualifications<br>National application of Directive 2013/55/EU<br>BE/NL/DE | How does the recognition of certain significant professions work for the frontier labour market and what are the biggest effects on frontier workers (costs, procedures, complexity of the recognition of qualifications)? |
| 3. | Cross-border cooperation<br>Investigation of INTERREG programmes on the Dutch border | What were and are the effects of the new INTERREG programme and national programmes on the quality of the programmes (EMR, Netherlands-Germany, Flanders-Netherlands), approval, and closure of projects? |
| 4. | Social security: illness and disability | What consequences do the Dutch systems governing illness and disability have for the free movement of labour across the border, and can these lead to legal uncertainty? |
| 5. | The qualifying foreign tax obligation of section 7.8, Income Tax Act, and EU law | What impact does the Dutch 90% scheme have on frontier workers? Is this scheme in conflict with European law? |
| 6. | Proposal for a directive amending Directive 96/71/EC (COM(2016) 128 final) | What quality does the proposed revision of the posting of workers Directive have? |

| | | |
|---|---|---|
| 7. | Flexibilisation of the Old-Age Pension Commencement Date Act | What are the effects on the position of workers who have accrued both a Dutch General Old Age Pension and a statutory pension in another country? |
| 8. | Cross-border employment services: Effects of mandate and capacities of the Dutch UWV | What is the impact of the UWV's current financing and mandate on the implementation of cross-border employment services? |
| 9. | Cross-border train transport – Fourth Rail Package | What effect can be expected concerning the coordination surrounding the allocation and organization of cross-border interlocal public transport? |
| 10. | The Belgian toll system for lorries | What are the additional costs for cross-border transport for the logistics sector in Belgium/ the Netherlands/Germany? What are the consequences in reference to the routes used by German and Dutch lorries? |

## *4.2 Cross-border impact assessment 2017: the Dossiers*

The 2017 Cross-border Impact Assessment focused on both the *ex post* evaluation of existing legislative, policy and enforcement measures as well as the *ex ante* identification of desired and/or undesired effects of certain measures on border regions. Examples of *ex post* dossiers are the Tax Treaty Netherlands – Germany (Bollen-Vandenboorn *et al.*, 2017) and the dossier analysing the national legislation concerning students from third countries (Hoogenboom, Reinold, 2017). The dossier on the Commission proposals amending the Regulations 883/2004 and 987/2009 (Montebovi, 2017) and dossier on the Belgian legislation on the identification of travellers (Adriaensen, olde Scheper, 2017) are examples dossiers which included an *ex ante* assessment as to the potential border effects of the measures.

As was the case in the 2016 Cross-border Impact Assessment, different research methods were applied in addition to ITEM's methodology. For example, the dossier on the cross-border (im)mobility of students from third countries in the Euregio Meuse Rhine applied the methodology of the ITEM Cross-border Impact Assessment described in this contribution in combination with a mixed methods approach (Hoogenboom, Reinold, 2017). Analysis of the relevant legislation and policy on student immigration was therefore paired with a survey conducted among international students and semi-structured interviews

with relevant stakeholders. These different research methods were applied to ascertain whether a "border region penalty" could be deduced from certain assumptions underlying EU, Dutch and German legislation (Hoogenboom, Reinold, 2017).

Other teams of researchers also supported their research with surveys and interviews. The team of researchers working on the potential effects of the German car toll on border regions discovered that car drivers from the Belgian and Dutch parts of the Euregio Meuse-Rhine viewed the car toll as very negative, fearing that the toll would restrict cross-border mobility (Unfried, Hamacher, 2017). Their research furthermore indicated that the impact of the measure on border regions was insufficiently taken into account in the impact assessment of the German federal government. The researchers estimate that the car toll will have particular impact on legal certainty, the possible development of an EU-wide toll scheme, certain economic sectors and the regional economy, the environment, and regional cohesion (Unfried, Hamacher, 2017).

Of a completely different nature, the dossier on the qualifying foreign taxpayer obligation (90% rule) uses a statistical overview of non-resident workers in the Netherlands one month before the rule came into force to provide an ex-ante estimate of the potential cross-border impact of the rule (Vink *et al.*, 2017). Although challenges pertaining to the available data allowed the researchers to only establish an *ex ante* and preliminary impact assessment, they did conclude that the qualifying foreign taxpayer obligation was likely to reduce the positive effects of EU labour mobility (Vink *et al.*, 2017).

In keeping with the topic of taxes, the topicality of the Tax Treaty Netherlands-Germany called for its recurrence in the 2017 assessment. The team of researchers studying the Treaty used detailed practice-based calculations to determine to what extent Dutch and German frontier workers are fiscally treated equally with their colleagues or neighbours under the new treaty (Bollen-Vandenboorn *et al.*, 2017). From their research, the researchers concluded that, despite the complexity in achieving full parity via national fiscal and social security systems, the dossier may contain some noteworthy border effects particularly in relation to sustainable/socio-economic development. They thereby called for both quantitative and qualitative data analyses as well as coherent cross-border data collection (Bollen-Vandenboorn *et al.*, 2017).

This paragraph has provided insight in only some of the 2017 Cross-border Impact Assessment's dossiers' research and results. The full 2017 assessment consisted of 6 dossiers and two pieces of preliminary research, the topics of which can be consulted in the table below.

**Table 4. Themes of the cross-border impact assessment 2017**

| No. | Subject | Specification |
|---|---|---|
| ***Dossiers*** | | |
| 1. | The potential effects of the German toll on border regions | Research focused on the potential effects of the proposed German toll legislation. The dossier includes a survey carried out among Dutch and German drivers, and interviews with German experts from the tourism, marketing, and retail sectors. |
| 2. | Tax Treaty Netherlands-Germany | Follow-up to the ITEM cross-border impact assessment 2016 by drawing a comparison between the income situation of frontier workers (Dutch and German) and their neighbours and colleagues. |
| 3. | Social security | Research focused on the *ex ante* analysis of the proposed amendments to EU Regulation No 883/2004 and 987/2009. The focus is on cross-border social security in long-term care, unemployment benefits, family benefits, and social benefits for EU citizens who are not economically active. |
| 4. | Cross-border (im)mobility of students from third countries in the Euregio Meuse-Rhine | Analysis and evaluation of European and national student immigration policy from a Euregional perspective. In particular, the research focused on the question whether there is a border region penalty for students from third countries, whereby they experience more obstacles than students who live and work or study in the same Member State. |
| 5. | Belgian passenger name records regulation | Dossier research focused on evaluating the potential impact of the proposed Belgian measure of processing passenger name records on cross-border mobility. The dossier also aims at identifying possible conflicts between the proposed measure and European law. |

| No. | Subject | Specification |
|---|---|---|
| 6. | The qualifying foreign taxpayer obligation ("90% rule"): a quantitative ex-ante impact assessment | Analysis of non-resident workers in the Netherlands as of 1 December 2014. The purpose of the research is to provide an estimate of the potential cross-border impact of qualifying foreign tax liability (90% rule), which entered into force on 1 January 2015. |
| ***Preliminary research by student teams*** | | |
| 1. | Euregional mindset in two Euregions | A study on the European mindset of citizens in the Euregio Meuse-Rhine and euregio Rhine-Meuse-North |
| 2. | Ex-ante analysis of the effects of the General Data Protection Regulation in Limburg | Research into businesses in Limburg with regard to their preparation for the legal requirements in data protection 2018. |

## 5. Impact assessments as a basis for action: Concluding remarks

This contribution sought to provide an overview of the methodology and research of the ITEM Cross-border Impact Assessment. As was stated in the introduction, the Cross-border Impact Assessment seeks to complement other instruments aimed at assessing the impact of new or prospective legislation and policy on border regions. However, the ITEM Cross-border Impact Assessment also seeks to raise awareness on the importance of bottom-up initiatives from and for specific border regions, thereby calling for more evaluations of potential border effects.

Experience shows that, so far, the research activities conducted in the context of the ITEM Cross-border Impact Assessment have been followed-up. The Commission recognised the importance of bottom-up impact assessments in its recent communication *Boosting growth and cohesion in EU border regions*. Specific interest was shown in the approach developed by ITEM, which DG Regio considered a best practice.

However, individual dossiers also formed a basis for further action and research aimed at improving cross-border labour mobility. The 2016 dossier social security was followed-up by two symposiums for employers organised in collaboration with several ITEM partner organisations (Holland Expat Center South, the Maastricht border information point (Grensinfopunt), and City Deal Eurolab). These sessions aimed at raising

awareness on the procedures for cross-border sickness reporting in the Netherlands/Germany. Moreover, an expert workshop focusing on the Commission proposal amending Regulations 883/2004 and 987/2009 was organised in partnership with the European Parliament. These activities finally led to the recurrence of the topic in the 2017 Cross-border Impact Assessment.

Further action was also undertaken on the recognition of professional qualifications. In the 2016 dossier, the researchers indicated that the current EU legislation on recognition does not contain any separate provisions that acknowledge the unique situation of frontier workers. To that end, ITEM launched a feasibility study into a cross-border professional recognition card aiming to design a tool which ensures that recognition procedures in border regions take place as quickly and efficiently as possible.

At the time of writing, the research activities of the 2017 Cross-border Impact Assessment had recently been concluded and the results published. In 2018 and 2019 ITEM intends to discuss the approach with other cross-border researchers and practitioners in order to further develop the tool and adapt it to regional needs.

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# A transdisciplinary approach to cross-border cooperation: A dream?

## My experiences at the Euro-Institut and within the Transfrontier Euro-Institut Network (TEIN)

Anne Thevenet

This article is to be understood as a personal testimony based on my experience working on cross-border cooperation in cross-border context at the Euro-Institut[1] in the Upper-Rhine Region since 2005.

As I joined the team of this very special Franco-German institution I was a young woman who just finished her studies in Political Sciences, European Affairs and Management. I was used to work with different disciplines on different fields. Indeed I studied different aspects of law, economy, sociology, history, language, philosophy, geography, etc. In retrospect, it is definitely one of the reasons why the perspective of joining the team of the Euro-Institut seduced me and it certainly also influenced my way of working here.

## The Euro-Institut

Before going any further let me introduce you briefly the Euro-Institut. This is a Franco-German organization which was created in 1993 as a European Economic Interest Grouping by French and German local and regional authorities as well as the French state on the initiative of the University for Applied Sciences of Kehl – Hochschule für öffentliche Verwaltung (Germany). It changed its legal form in 2004 in order to become the first Local Grouping of Cross-Border Cooperation based in Baden-Württemberg on the basis of the Karlsruhe Agreement (1996).

1 www.euroinstitut.org.

At the very beginning and at the dawn of the introduction of the common market, the aim of the Euro-Institut was to give the French and German players the possibility to get information and the knowledge they needed in order to answer questions and resolve problems that could emerge from the new free movement rules. Furthermore, the idea was also to support them in their cross-border projects.

If the context surely evolved since 1993, the need of the local and regional players for support when they have to or are willing to work together across the border never decreased. On the contrary, the more a territory is integrated, the more the local authorities want to make life of citizens easier in border spaces trying to make the negative impacts of border disappear, the more things get complicated and the more the players need help.

That is why the Euro-Institut now aims primarily at improving cross-border cooperation through training, accompanying measures and consulting with regard to public policies. The binational, bicultural and bilingual team guarantees impartiality in all approaches and projects. This "neutral platform" helps to develop cross-border responses despite different legal and administrative systems, cultural or methodological backgrounds, etc. The Euro-Institut is developing tools and methods which are specifically adapted and thus contribute to the building of capacities of actors working on cross-border issues in the Upper-Rhine Region. Our primary target groups are the public service sector from France, Germany, Switzerland and other European countries as well as actors involved in cross-border cooperation from the semi-public and the private sector.

The Euro-Institut offers a service that meets the actors' expectations. Therefore we perform tailor-made basic training in cross sectoral competences (cross-border project management, intercultural communication, language courses), advanced training in specific policies issues (police, culture, health, child-protection, environment, etc.), or conferences on current issues of cross-border cooperation. The expertise gained enables the team to propose also diagnosis, feasibility studies or evaluation of cross-border projects. Moreover the Euro-Institut supports players through the organisation of study visits, exchange between civil servants, the neutral intercultural moderation of cross-border meetings and strategic workshops or the coaching of teams through their cross-border projects. The range of products is very wide and is constantly adapted to the needs expressed by the stakeholders.

In order to make it more concrete, let us imagine that you have an idea for a cross-border project. If you want to identify and/or know better your potential partners on the other side of the border, the Euro-Institut can propose you a short study in order to explore the political and administrative system of the neighbouring country and thereby identify your contact institutions and persons. The team could also carry out a feasibility study of your project idea taking into account the legal, administrative, economic, political and intercultural context. If you already have partners, the Euro-Institut can propose an intercultural coaching in order for you to be able to build a solid partnership and set up the project on a strong basis. Of course, if you want to improve the communication with your partners, the Euro-Institut can provide a tandem language course which enables your project team to better know each other on the one side and to increase the language capacities on the other. If the language level of the team members is too low or if you are lacking of time, the Euro-Institut can also moderate your project meetings on a bilingual and intercultural basis. Of course your partnership could also benefit from trainings on intercultural communication, on project management (incl. INTERREG programme management) or on the coordination of project. Let us now imagine that your partnership is set up but you have difficulties to fix common objectives as the context is slightly different on both sides of the border: The Euro-Institut can prepare and moderate a strategic workshop (on a bilingual and intercultural basis) in order to facilitate the decision making within the project team. If your project foresees a diagnostic phase in order for example to identify all existing measures in the field you are working on, the Euro-Institut can take charge of this part if you need. Finally, the Euro-Institut is also present if you need an evaluation of your project when it is finished.

I hope this allowed you to better understand what we can do. Let me now take two other examples in order for you to better realize how we work.

Since I work for the Euro-Institut I'm in charge of the support of a Franco-German Expert Group in the field of health and security at work. The group exists since 1994 and is composed of the competent institutions on the French and the German side. On the French side, two main players are involved in this field: the first one is the DIRECCTE (Direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi) which is -among other- the regional representation of the French Ministry for Work and the

second is the CARSAT (Caisse d'Assurance Retraite et de la Santé au Travail), the local section of the national institution in charge of pension payment and health at work insurance. On the German side, different players are involved in the group: two different Ministries of the Land of Baden-Württemberg, the different *Landkreise* (local authorities in charge of some state missions under which the security and health at work) along the border in Baden-Württemberg, the Gesundheitsamt in the Regierungspräsidium Stuttgart (regional representation of the Land), the Struktur- und Genehmigungsdirektion Süd (regional representation of the Land Rheinland Pfalz) and the *Berufsgenossenschaften* (the insurance for health at work).

In 2005, as I started to work with this group, some representatives of those institutions were new, especially on the French side, and an administrative reform in Baden Württemberg just entered into force. You can easily imagine that the "normal" challenge of bringing together stakeholders of different countries, different institutions and different cultures increased exponentially due to the context. Luckily the motivation of the "old" actors present in this group was really high and they were convinced of the importance of the common work. Usually, each year, the group chose a work theme: The first aim is to have an extensive exchange between experts on this topic through several expert group meetings in order to learn from each other. The second aim is to present the results of this work and even go further during a forum which gathers many professionals interested by the topic of the year from both side of the border. Nothing complicated you would say.

During the first meeting, I tried to moderate the discussions on a bilingual basis in order to find a topic of common interest. The Germans were very interested in the topic "working hours in hospitals": They knew France just implemented a new legislation in this field and Germany just faced difficulties finding a good compromise with hospital staff. The French players were relatively silent but didn't say anything against this topic. So the first meeting ended with the validation of the working theme of the year.

Preparing the second meeting, I phoned to one of the French contact persons but I was surprised to hear that its institution was not competent for this field. Unfortunately for me, they didn't say anything during the meeting as they didn't want to be impolite in front of motivated German partners: They were new in the group and didn't want to destabilize an ongoing fruitful cooperation.

I informed the German partners and tried to find the competent institution on the French side: I was very happy as I got the confirmation that the Deputy Director of this institution accepted the invitation to the second meeting. This meeting was extraordinary effective: The French representative could answer many questions of the German Partners and, in the end, all participants approved the idea to pursue the work and organize a conference on this topic. I was relieved, but not for a long time: As I prepared the third meeting I was astonished that the French actor didn't answer any of my e-mails. I decided to phone him and as we finally had the chance to talk on the phone, he explained me that his boss disapproved his engagement in this cross-border group as the topic was irrelevant from a French point of view: a reform had just been implemented and there was no chance to change something for the moment, other challenges were waiting and such an involvement was loss of time and money. Anyway the Deputy Director was ashamed of the situation and didn't want to disappoint the German partners.

In the end, I found one hospital Director and one Responsible of Human Resources of another Hospital who were willing to share views with our German partners and the German Partners decided − because they really needed information − to cover all expenses of the expert group inclusive the costs of the conference.

Through this first experience, I learned many things about how to make players form different countries, different backgrounds and different institutional levels work together:

- check the competences' distribution on both sides as well as its understanding within the group,
- check if you have all the "needed" stakeholders at the meeting table,
- check the common interest and fix common objectives,
- check the possibility of making decisions during the meeting (or make sure both sides are aware of the decision making procedure on the other side),
- in the moderation, ask for feedback, don't hesitate to repeat in both languages important information in order to make sure everyone understood the same thing,
- check the funding of the project,

- prepare meetings in advance through bilateral exchanges in order to avoid misunderstandings,
- improve diplomatic and mediation skills.[2]

This was a "perfect start" for my working life and I hope this gave you an insight in our daily practice.

Let me take another more recent example: In April 2014 the first Franco-German nursery opens its doors. The cities of Strasbourg (France) and Kehl (Germany) worked together during three years in order to achieve this ambitious project and assigned a French association with the implementation of the nursery through a public service delegation contract. After one year of functioning, the cities observed that some internal problems couldn't be solved and asked the Euro-Institut to support the Franco-German nursery team with intercultural trainings. Easy task you would say! But in order to support the team in an efficient way the Euro-Institut had first to understand the functioning of this very special structure. We had to analyze the cultural context: Indeed only the fact to give a child under 3 to day-care is not seen the same way in France (where it is quite normal) or in Germany (where this still happens exceptionally), the role of the mother, of the family can also be interpreted in different manners from one country to another. Also the pedagogical aspects were important: The cities decided to implement a "German pedagogy" (the "open pedagogy" (Rohnke, 2016) based on the principle that the child is the main actor of its own development and is free to choose what he wants to do and when), but it was never implemented for children under 3 as it is usually used in Kindergartens so that the nursery team had to invent a way of dealing with this pedagogy for the children from 3 months to 4 years it has to take care of. Many legal questions were also raised. Being on the French soil, the nursery functioned under French law which meant: French salaries for German employees (normally German salaries are higher), French working hours (a nursery in Germany closes much earlier than in France), French rules regarding the number of employees related to the number of children, etc. The French and German early-childhood educator curriculums had

[2] To go further on the subject of mediation in a cross-border context: Thevenet, A. (2017). "L'accompagnement des acteurs du transfrontalier : facteur de réussite pour la coopération". In Camiade, M., Wassenberg, B. (eds.). *La coopération transfrontalière en Europe : au-delà des cicatrices de l'Histoire*. RECERC, n° 1 spécial, http://recerc.eu/numeros/numero-1-special/.

also to be examined in that sense that German educators are for example not necessarily trained to change nappies of babies (as children under 3 mostly stay with their mother and don't go to a nursery) whereas French educators are used to work with children from 3 months on. Economic aspects were also important for the working context as it was important for the cities to develop a viable model of nursery: It was impossible to think that a Franco-German nursery could cost more than a normal "national" nursery. Even architectural data were important as the nursery building was brand new and innovative but also very big and constituted a big challenge for the members of the team having to keep an eye on all the children. All these pieces of information were very important to understand the problems the team faced: Of course the intercultural training could not solve everything but it was necessary that we – as a Franco-German trainer team – were aware of all this in order to adapt our training sessions in order to support the team in an efficient way.

On the basis of this example you can better understand how interdisciplinary work is essential to our cross-border actions.

After this description, it is easy to understand that if you want to focus on one field and/or on one discipline, the Euro-Institut is not a good employer for you. For me, on the contrary, it was the paradise: to stay tuned to the needs of the actors enabling them despite their different backgrounds to work together and propose them tailor-made products. Maybe this way of working and analysing situations is an own discipline?

Anyway, rapidly the idea of capitalizing on this capacity by developing specific methods and instruments for facilitating cross-border cooperation emerged. This enabled the Euro-Institut to exchange with other borders and learn from their experiences as well as to provide technical assistance on some specific issues to other cross-border territories in Europe.

## The INTERFORM Project

The first opportunity I had in this respect was the INTERFORM project (2005-2008) which was financed by INTERACT and coordinated by the MOT (Mission Opérationnelle Transfrontalière based in Paris).

The idea of INTERFORM was to gather cross-border researchers and practitioners from the Franco-German, the Franco-Italian and the Franco-Spanish border. At that time, cross-border practices were emerging throughout Europe and an extremely diverse range of initiatives

and responses through training or research were set up. Nevertheless, the lack of exchange and coordination of them, the absence of connection to reality made the situation relatively inefficient. In this respect, the objectives of the project were to:

- provide local territories with the skills and access to the know how required to implement cooperation projects,
- improve professionalism of persons involved in cross border projects,
- enable best practices and experiences exchange,
- develop a shared culture accessible to the new member states.

In order to meet those aims, the partnership wanted to create a network of partners, experts, training centres and resources centres but also boost professionalism by creating appropriate training tools and a sharable knowledge data base. INTERFORM was also an opportunity to develop research corresponding to the field practice.

The partners organized their collaboration around three strands. First, the "resources hub" with a web site and a resource center (document database as a teaching base for training and as reference materials for cross-border research work), a network of experts as well as an inventory of available training courses and training institutions. Second, a "production hub": The partners developed three training courses on general cross-border project management, cross-border project management specifically in the field of public health and the consistent and coherent handling of public policies in cross-border territories (the modules were developed during seminars, which resulted in the creation of three teaching packages). Finally, the "development of skills hub", by organizing the "Entretiens du transfrontalier" (cross-border forums), annual meetings addressed to practitioners and researchers in specific fields ("how can we improve economic performance in cross-border territory?", "From INTERREG III to the European territorial cooperation objective: new context, new challenges, evolving professions" and "Culture and citizenship in cross-border cooperation").

As a young professional, this project showed me the importance of capitalization of one's practices on the one side and the exchange with other borders from which we can always learn on the other side. I apprehended more concretely the different "border management", the different approaches in terms of answers to the needs or problems, the

different ways and methods used in training or supporting measures: The need for networking, for exchange between borders, between practitioners and researchers became obvious to me.

At the end of the INTERFORM Project in 2008, cross-border cooperation remained a relatively recent phenomenon. It has become more widespread due to the growing European construction process but even if it has emerged in scientific literature, reference is made only sporadically and research programmes on these issues remain rare.

This state of the art allowed for two conclusions: On the one hand, practitioners need to invent their own practices on a daily basis. Indeed, they have few possible comparisons, few instruments, limited hindsight and they have to adapt to the reality of their territory, of their border. On the other hand, scientists have only a few reference texts and little analysis at their disposal and they venture into new grounds which is sometimes difficult to broach due to its complexity and diversity.

## The "Living and Researching Cross-Border Cooperation" Project

On the basis of these findings, the Euro-Institut started a cooperation with the University of Strasbourg through the project "Living and Researching Cross-Border Cooperation" (2008-2010) funded by the Pôle Européen d'Adminstration Publique[3] which aimed at offering a new platform for the exchange of researchers and practitioners of the cross-border world through six interdisciplinary workshops ("The origins of cross-border cooperation", "The players of cross-border cooperation", "Theoretical and political aspects of cross-border cooperation", "Forms of cross-border governance: the example of the German border regions", "The European dimension of cross-border cooperation", "Sensitive cross-border regions") and a final conference ("Building bridges across borders: Towards territorial cohesion in Europe"). Six books were published in the course of this project which showed how important the confrontation of "two worlds"(research and practice) can give rise to scientific thinking with a view to the standardization of tools and methods through the formulation of certain practices. For practitioners, it is a question of being able to step back from their practices and to participate in discussions

[3] http://www.peap.fr/.

through their experiences but also to be able to exchange with other practitioners on common issues.

If this project, in comparison to INTERFORM, didn't had a "training component" and thereby didn't gave the possibility to deepen this axis of work, it offered an outstanding opportunity to open the reflection (and the network) to many other borders in Europe. In this respect the project showed the extreme diversity between borders. In fact, as Joachim Beck vividly demonstrates it (Beck, 2008), borders are multidimensional: Beside the geographical or linguistic dimension, borders have a political, an economic, a psychological, a judicial, a cultural, an administrative or an historical dimension. The different dimensions, their interpretation, their evolution through the time at each border make the situations and solutions impossible to compare. If it is acknowledged that there are real difficulties to transfer and adapt products, reflections or answers, the project demonstrated the necessity of the exchange between experts in that sense that this gave great opportunities for them to find inspiration for improving their reflection or their practice.

The awareness that borders are multidimensional showed also the extreme necessity to cross views in order to have a comprehensive understanding on a cross-border issue. The interdisciplinary approach to cross-border work and reflection became obvious.

For me it had to go even further and I dreamt of a transdisciplinary approach for cross-border cooperation: It was, I thought, what I always practiced at the Euro-Institut using my legal, economic, political, intercultural and administrative knowledge to support actors in their projects. As it was my first working experience after the university, I thought this way of working was "normal". At that time I just wanted to deepen the reflection on a scientific basis.

As the idea came out to build an "Upper Rhine scientific group" with one representative of each discipline within the Living and Researching Cross-Border Cooperation Project, I thought my dream came true. I can remember how exited I was just before the first meeting started. And I also remember how disappointed I was at the end of the meeting. Indeed this first meeting gave the members the possibility to expose their fields of research, their current work topic and their working methods. This was very informative but as an observer in this meeting I didn't understood why the participants didn't discuss a possible common research topic related to cross-border issues they could work on together each of them

analyzing the topic through the prism of its discipline. Such a work could have led to a transdisciplinary interpretation of a cross-border situation which would have been much more interesting − because more comprehensive − to me than a mono-discipline analysis. At that time I didn't realize the challenge it was for researchers from a discipline to step back, to change perspective or to acknowledge other methods. A few months later, the work on the project and especially the contribution of Michel Casteigts gave me an insight of the difficulty to work on an interdisciplinary basis on cross-border issues (Casteigts, 2014).

Looking back, I learned a lot about how Universities functioned and how researchers worked. It gave me very good clues to interact and have very fruitful collaboration with them.

More generally, what I learned from that experience is to never forget, before starting cooperating with professionals of one sector, to try to understand their working culture: It is one of the basis of the cross-border cooperation.

I have also to admit that this first meeting was not as tragic as it may seem. Indeed, the group met again and worked on the question: How avoid the juxtaposition of scientific contribution from the different disciplines and allow a real dialogue between researchers from different fields. Their findings were published in a book called "A pluridisciplinary approach of cross-border cooperation". Of course, we don't speak here from a transdisciplinary approach or even from an interdisciplinary approach but taking into account the very innovative character of the work, this book is a really worthy first step in the good direction (Wassenberg, 2014, p. 177).

## The Transfrontier Euro-Institut Network

In parallel to those projects, the Euro-Institut had privileged contacts with other borders: the Polish-Czech border since 2005, the French-Spanish border (Basque side) since 2004, the French-Spanish border (Catalan Side) since 2010, the Franco-Italian border since 2005, the Irish-Northern Irish border since 2007 and the Italian-Slovene-Austrian border since 2008. With the actors in those cross-border areas, each representing training institutions, associations of local authorities or universities, we exchanged on a bilateral basis (border area to border area) on how to support in a better way players of cross-border cooperation

through training, counselling and research. The Euro-Institut worked with them on feasibility studies in order to build other Euro-Instituts (Franco-Spanish Border both sides) or exchange of best practices (Polish-Czech border and Italian-Slovene-Austrian border), or developing new tools (the Impact Assessment Toolkit[4] with the Centre for Cross Border Studies at the Irish-Northern Irish border).

Convinced of the necessity of the exchange between practitioners and researchers, between different borders, the Euro-Institut gathered − on the basis of the INTERFORM and "Researching and Living cross-border cooperation" projects as well as the bilateral contacts it had developed over the years − motivated players together and started a Leonardo Partnership Project (2010-2012) aiming at creating the TEIN (Transfrontier Euro-Institut Network).[5]

The idea of the network was primary based on the fact that **border regions represent 40% of the European Union territory,** gathering almost one third of its population and producing 30% of its GDP. Border regions represent both a challenge and an opportunity for the future of European integration. Over the last decades, freedom of movement and the development of an always further integrated single market deeply transformed the European internal borders. Border regions, where cross-border flows are part of the citizens' everyday life, developed from peripheral to key areas. They are now recognized as laboratories of the European integration.

In order to reduce economic, social and territorial disparities in Europe, cross-border and territorial cooperation is essential and thus has been supported at various levels, either through the funding of projects or the inception of legal mechanism of cooperation.

However, it appeared in the last years[6] that despite numerous positive effects, many obstacles of various nature remain. Among them, obstacles related to culture, language, and the judicial-social-political system are prominent. There is thus a definite need for specialised training, counselling and methodologies for intercultural work to be adapted to the specific characteristics of each frontier.

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4 http://crossborder.ie/research-policy/research/toolkits/impact-assessment-toolkit/.

5 www.transfontier.eu.

6 In particular the Cross-border Review website: http://ec.europa.eu/regional_policy/de/policy/cooperation/european-territorial/cross-border/review/.

It also became clear that if difficulties appear at the local level, overcoming the obstacles often require actions at different levels.[7] Sharing knowledge and exchanging best practices between different borders in Europe is then a crucial matter.

The Transfrontier Euro-Institut Network (TEIN), formed in 2010 in this context, now brings together 14 partners from 9 border regions in Europe, as well as two associated partners (the Mission Operationnelle Transfrontalière and the Association of European Border Regions). Its unique feature is that it consists of universities, research institutes and training centres which are dedicated to the practical business of cross-border cooperation in Europe.

TEIN partners come from maritime borders, "old" European borders, new eastern borders, post-conflict borders and external borders. Because of this, TEIN is able to measure the need for capacity building in cross-border cooperation throughout Europe.

In this respect, TEIN's objective is more precisely to build capacities in cross-border contexts to strengthen the European integration. To that end, TEIN Members follow the aim of facilitating cross-border cooperation and providing practical solutions to European transfrontier issues.

TEIN's vision is one where know-how, training and best practices are exchanged freely and generously across European borders. Therefore, TEIN Partners want to:

- exchange best practices,
- analyse the specificity of training and research on cross border issues and in cross-border contexts,
- capitalize on and draw synergies from the different local initiatives,
- work on new products like transferable training modules, methods or tools,
- produce relevant research in this field whose results are disseminated to actors involved in cross-border cooperation,
- guarantee the quality of cross-border training throughout Europe by developing an accredited certification system for:

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7 Commission's communication "Boosting Growth and Cohesion in EU Border Regions". Retrieved from http://ec.europa.eu/regional_policy/en/information/publications/communications/2017/boosting-growth-and-cohesion-in-eu-border-regions.

  - cross-border structures built on the model of the Euro-Institut
  - cross-border training programmes
  - cross-border research programme,
- contribute to the development of Bachelors and Masters Modules in cross-border cooperation.

The TEIN also:

- enable bilateral projects in fields of common interest,
- increase knowledge and awareness of cross border issues (at local, regional, national and European level) by producing high quality work in this field.

One of the first steps the TEIN members achieved was to share and exchange their expertise and experiences of cross-border cooperation in their respective regions. To do this, they worked jointly to identify techniques and practical tools for cross-border cooperation as well as training opportunities for practitioners. Understanding how the different partners work, what their needs are, their objectives, their leeway helped developing a Charter to which all members have subscribed to ensure the organization of the network and the quality of its output.

In a second step (Leonardo Transfer of Innovation Project 2012-2014), the network decided to export and adapt two tools at four different borders. The "Toolkit for the Training of Managers of Cross Border Projects" created by the Euro-Institute in the framework of INTERFORM (Thevenet, 2007) on the one hand and the "Toolkit for the Moderation of Cross Border Meetings" also written by the Euro-Institut on the other hand (Euro-Institut, 2007, p. 106). Such tools can help and support cross-border cooperation to become both effective and efficient. They provide a number of key steps to ensure the success of a clear *conception and t*he successful *implementation* of cross-border projects also through the sensitive *moderation* of meetings that are key moments for projects.

Working on this project showed very quickly the necessity to take the diversity of situations into account. If some features where "directly acceptable" for all borders, some had to be adapted, some other had to be added or removed: This led the network to propose some "common

parts" and some "border specific parts" for the toolkits which you can find under the project website.[8]

2014 new members joined the TEIN and we decided to focus in a third step on research starting with different sessions of Castle Talks on Cross Border Cooperation (since 2016 within the Jean Monnet Programme) which consisted in a new "conference/platform" of exchange between researcher, practitioners and students from Europe and the United States. Three other ambitious research projects followed:

- a critical dictionary on cross-border cooperation (2015-ongoing),
- a special issue of the RECERC Journal (2017) (Camiade, Wassenberg, 2017),
- an interdisciplinary research project (2016-2018) – the book you have in the hand is the visible result of this project.

If I may, I just want here to make a short comment on this book: I really do want to express my profound gratitude to Joachim Beck who coordinated the work and to all researchers who contributed to the work and to this book. After my first "interdisciplinary workshop" experience, the fact that I know how difficult it can be to agree on a common research topic and to overcome the semantic and methodological challenges (Casteigts, 2014), I even more appreciated and admired the reflection efforts all participants made: We had fruitful and very interesting discussions and I'm really impatient to read this book.

In addition to those projects, the TEIN organised conferences and workshops (for example during the European Week of Region and Cities) and participated to the Cross Border Review launched by the European Commission and which led to the Communication "Boosting Growth and Cohesion in EU Border Regions".[9] The last gave evidence of the acknowledgement of the work of TEIN at European level.

In parallel, some partners worked on the "TEIN Platform Project" (2017-2018) which aimed at creating a positive change in the Polish-Czech relations. The historical and political context of Cieszyn Silesia

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8 www.pat-tein.eu.

9 Cross-border Review website: http://ec.europa.eu/regional_policy/de/policy/cooperation/european-territorial/cross-border/review/. See also Commission's communication "Boosting Growth and Cohesion in EU Border Regions". Retrieved from http://ec.europa.eu/regional_policy/en/information/publications/communications/2017/boosting-growth-and-cohesion-in-eu-border-regions.

is not easy to handle when it comes to cooperation. The partners of that border area wanted to improve their practice through the exchange of experiences regarding the development of solutions to cross-border problems with other TEIN borders having similar difficult historical and political backgrounds.

More generally, the work within TEIN invites us to identify all the questions and difficulties the actors might face in their cross-border cooperations. Therefore we based our analysis on the basic functions of cross-border governance which are the meeting, the information, the coordination, the stategy/planning, the decision and the implementation (Beck, Pradier, 2011). The questions can be very pragmatic (who has to be invited to a meeting? In which language do I write the invitation? What kind of information can I share? How to define a common objective? How to ensure a good internal/external communication? How to define indicators? etc.) but even so, it's not always easy to find the right answers.[10]

Through our different projects, the TEIN aim at helping the actors to find efficient solutions and thereby improve cross-border cooperation. It allows exchange between borders, between institution working on cross-border issues in cross-border contexts, between researchers and practitioners.

TEIN goes a step further in providing a profound reflection and analysis of cross-border work. I hope that after all the different previous initiatives TEIN is built on, our network will be able to ensure its sustainability despite a critical financial context. This would enable us to focus our energy on our work and not on reinventing a new framework as TEIN's work is very valuable to the improvement of cross-border cooperation in Europe.

The TEIN adventure represents for me a dream which came true. Of course my attempts in terms of "transdisciplinary work" are now others than 13 years ago as I started working. Now as Deputy Director of the Euro-Institut and TEIN-Coordinator, I'm more than happy with all the resources I have in order to assume and improve my daily work. My wish is now that it just goes on.

[10] To find the list of questions according each work phases: Thevenet (2018).

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# Part 3

## Conclusions and perspectives

# Conclusions and perspectives: A North American view

Emmanuel Brunet-Jailly

In this book, the editor Joachim Beck aims to develop a trans-disciplinary discussion, asking participating authors to comment from the perspective of their own discipline on (1) *What is a border*? *What is cross-border cooperation*? Then, chapter authors are asked (2) to consider *theoretical/conceptual assumptions* that in their discipline are prominent as transdisciplinary perspectives. Finally, the authors are (3) to reflect upon the *Genesis − History, Actors, Governance and Outcomes* of cross-border cooperation. And, they are to project (4) those views toward *possible future research questions* on cross-border cooperation.

For most authors, theoretical debates regarding cross-border regions and cross-border cooperation depend on theoretical underpinnings but they also discuss their objects of studies at length: borders and border regions.

Data and the general environment leads them to raise questions; new questions and hypotheses are brought into the study of relations across sub-regional and sub-national trans-boundary spaces. The book proposes a number of fascinating theoretical disciplinary assessments across the social sciences, and then gives voice to practitioners' perspectives: Political Science, Political Geography, Sociology, History, Law, Cultural Sciences, Economics and Administrative Sciences.

In order of presentation, the first social scientists engaging with those question are political scientists; there are three perspectives by Kristian Zumbusch and Roland Schere, by Hynek Bohm, and, by Bernard Reitel and Fabienne Leloup. All three chapters discuss political science views of cross-border cooperation and Reitel and Leloup bridge geography and political science. Collectively, they present local and regional territorial cooperation, as well as functional and multilevel cooperation, as challenges

to states' realist territorializing. The threads of theoretical discussions of cross-border cooperation underscores local-global tensions, political and spatial tensions, and different understandings of cooperation, and finally also various understandings of what borders are: Boundary lines, frontiers or borderlands?

In sociology, Philippe Hamman and Cedric-Duchene-Lacroix focus on cooperation as sociological acts; Social transactions or solutions to common problems, including fluid issues of identity are important factors of understanding of what is cross-border cooperation. Interestingly, cross-border territories are also confronted by local-global issues, but sociologists also discuss and document the roles of practices and narratives.

In history, Birte Wassemberg, Martine Camiade, and Katarzyna Stokłosa look at borders as objects of Historical Studies of States, and the impact of memory on local and regional relations in the borderlands of three regions of Europe: The Upper-Rhine, the Catalan regions of France and Spain, and the Central/Eastern regions Germany and Poland.

In law, Peter Ulrich and Marcin Krzymuski look at the diffusion of legal systems because of cooperation between public entities across borders. And, Frederique Berrod and Louis Nave discuss legal tools for cooperation across the European Union in gas and electricity industries in a chapter that makes almost no references to regional, local or cross-border spaces but looks at a European Union dimension.

In cultural sciences, Christian Wille and Ulla Connor, study cooperation as practice formations, and, Jordi Cicres Bosch, assesses sociolinguists' points of view regarding the disappearance of minority and borderland languages.

In economic sciences, Jean Alain Heraud and Hansjorg Drewello study economic cooperation as hindrance to free trade. And, last but not least, in administrative science, Joachim Beck suggests that theorization of cooperation is both multilevel and multifunctional.

Finally, the book offers the views of practitioners: Karl Lambertz provides the view from the EU Committee of Regions. Nathalie Verschelde discusses cross-border policies as policies contributing to economic growth and social and territorial cohesion policies. Pavel Pranda and Hynek Bohm reviews local people to people cooperation. Jean Peyrony discusses the planning of cross-border regional cooperation – space-time and narratives gaps. Patrice Harster examines the Eurodistric Pamina. Martin Unfried and Lavinia Kortese look at impact assessment as

regulation tools, and Anne Thevenet reviews transdisciplinary approaches in cross-border cooperation.

Two sections organize this concluding chapter on the North American view on borders and cross-border cooperation theories: the first section, discusses succinctly the possibility that there may be a North American specific point-of-view on the theorization of cross-border cooperation, and, the second section is also a brief review of the rich questions raised by Beck about cross-border cooperation theory.

The core question in this conclusion is (to assess) whether scientific observations in North America could lead, possibly, to different theorization of cross-border cooperation or regional cross-border relations? Should we assume that both theorization and observations are the same in North America and Europe? Or should we assume that theorizing, as suggested by Tony Payan (2014) is only a methodological issue (Payan, 2014).

Clearly, ultimately social scientists must be cautious to not fall into the trap of Plato's cave so-called *Allegory of the Cave*, whereby, one own knowledge is one's own demise, as knowledge limits ones' abilities for varied enquiries (Kuhn, 2009); indeed, if we were to discover that European and North American scholars have very different theories to explain cross-border cooperation in Europe or North America then we would have to assume that both community of scholars has underestimated the importance of comparative research to assert research findings and theorise.

## 1. Theories of cross-border cooperation: A North American view

For Brambilla (Brambilla *et al.*, 2015) and Schimanski (2018), "The 'borderscape' concept, as it has been developed in recent work on borders and bordering (Brambilla, 2015b; Brambilla *et al.*, 2105; dell'Agnese and Amilhat Szary, 2015; Rajaram and Grundy Warr, 2007; Schimanski; 2015), is that it brings into the discussion of border central aesthetic concerns: *seeing* and *shaping*. The 'scape' element of the term has been extracted out of the English word 'landscape' something which is seen, and at the same time it is etymologically connected to the English word 'shape' (Brambilla, 2015a) and also to the German *schaffen*, 'to create'."

In North America, the assumption is that functional cross-border cooperation exists, but only thanks to partnerships between public and private entities, and collaborations between private entities; cross-border relations result from functional needs and functional economies of scales.

Indeed, beside Michael Pastor (2005, 2011), or Thomas Courchene (2001), very few scholars have suggested that North America needs territorially grounded institutions of cooperation or collaboration. Pastor's rationale was strongly inspired by the European experience. Courchene assumed that with economic integration, monetary alignment would become a necessity (Kitchen, 2002). Other, more ambitious views include Palma, and Ingelhart – both authors suggest a convergence of values across Canada, Mexico and the United States (DePalma, 2001; Helliwell, 2003; Inglehart, Nevitte, Basanez, 1996).

Indeed, borders and cross-border cooperation are not assumed to be related to any notions of territoriality, as a foundation for cross-border relations. They are not born out of political and cultural forms of cross-border cooperation. For instance, in *Beyond Walls*, Konrad and Nicol, conclude suggesting that:

> The border is still a line between Canada and the United States, but it has always been and it remains a great deal more for Americans and Canadians. Canadians formed their country in the shadow of this line, and Americans have found the line convenient to cross yet useful to acknowledge. (Konrad, Nicol, 2008)

The view from the borderland and the borderline has been further studied by Jane Helleiner, in *Borderline Canadianness* (Helleiner, 2016). Helleiner's core enquiry is; what role do borders play in the changes that are affecting borderlanders' cultures, societies, polities and economies? She shows that border life, bordering and *Canadianness*, are continually adapting from top-down security policies and trade flows that impact border residents and border life. And, she also makes note of the democratic deficit that affects border residents. Clarke, Van Nijnatten and Brunet-Jailly, described the relationships and cross-border cooperation along the Canada-United States border as resulting from "policy parallelism" (Brunet-Jailly, Clarke, VanNijnatten, Jansen, Boucher, Downs, 2006). These are not collaborations between regions or between Canadian Provinces and States in the United States; they do not take the form of territorial cross-border cooperation. They are the result of agreements seeking to facilitate relations, primarily trade relations

or relationships dependent on trade relations between private bodies, such as transportation infrastructures. They result from specific project sometimes extremely narrowly defined cooperation, collaboration across the boundary line.

Interestingly, Mitrany (1975), Haas (1958; see also Schmitter, 2005) and Hoffmann (1970, 1995), have relied on functionalism to analyse the process of European integration, but their work has also inspired scholars in north America; where the evidence focuses on functional interdependencies that result from intense trading relations. Other functionalists such as Kenishi Ohmae or Xiangming Chen, underscore the importance of trade, and trade flows, to substantiate the their claims of increasing interdependence in specific regions of the world. Both Ohmae, who discuses specifically the *interlinked economy* and Chen who discusses trade flows and the development of transportation infrastructures "spanning the Bodai and Yellow seas", understand cross-border regionalism as a form of governance emerging uniquely from trade relations; not government relations (Ohmae, 1990, 1995a, 1995b; Chen, 2005). For Ohmae, the interlinked economy lead to the development of political communities. For Chen, cross-border trade lead to the development of cross-border regions, sometimes spanning hundreds of kilometres across seas. Their works are strongly rooted in their field works in Malaysia or Hong Kong and the South China Seas between China, Korea and Japan. What is particularly interesting for those authors is that the cross-border cooperation and governance forming out of those market driven linkages results from the formation of functional linkages; these authors reflect on theoretical suggestions that focus our attention on the role of market transactions as forces of functional cooperation; they are not driven by territories i.e. state like entities or territorially bounded public bodies.

In Canada there are similar views as well: for instance, Queen University scholar Kim Nossal (1985), suggests that the whole issue at the core of the debate about Canada-US relations is whether trade flows, and the economy in general is actually driven by "integrationists" or "economic nationalists"; Nossal defends that a national economic policy is necessary, and should defend a nationalist view of international trade agreements. Nossal's realist views drive a rational whereby policy decision makers underestimate the costs of political integration and that to prevent economic integration nations should hold to their core economic agent. Such views privilege economic independence; and suggest that

interdependence is a threat to political independence. Nossal argues that both economic and political dependences are threats to sovereignty.

When studying security cooperation between Canada and the United States many scholars also point to functionalism; Karl Deutsch, in *Nationalism and Social Communication* (1966; see also Deutsch, 1957, 1969, 1980) suggests that cooperation emerges out of relations of communication. Keohane and Nye (1977) and Adler and Barnet (1998) make similar arguments suggesting that "a trans-national region [is] comprised of sovereign states whose people maintain dependable expectations of peaceful changes" (Adler, Barnet, 1998, pp. 357-358). In the same vein, Canada scholar, Veronica Kitchen's focusing on day-to-day cooperation between Canada and the US administrations and private sector organisations, makes the case that, the two countries rely on "intimate low level functional knowledge of each other's".[1] Similarly, Michael Ignatieff (2003) notes in the aftermath of 9/11 that a closer relationship has emerged in the area of security cooperation.

These views have also been confirmed by more recent works by Peter Katzenstein (1976) in *Disjoined Partners*, by Henry Jacek (1993) in *Unequal Partners*, and by John McDougall (2006) in *Canada-U.S. Integration: History, Theory, Prospects*. For these Canadian specialists of Canada/U.S. relations, the two countries are reaching new levels of economic policy harmonization. In *Unequal Partners*, Henry Jacek bases his analysis on Deutsch's understanding that common goals lead to convergence toward a *common political community*.

What is particularly interesting is the emergence of a consensus among scholars and policy makers; they focus on forms of integration and convergence that have no real need for governance; but for loose inter-governmental commissions, whose primary goals are to provide central governments with recommendations in areas of policy and regulatory harmonization across areas such as free trade, labor relations, environmental standards and security hence the suggestion that these are forms of policy parallelisms. For all, it is free trade that has been driving the North American economic interdependency since the 1990s. Sectorial integration in the area of car production started very successfully in the 1900, and integrated both economies during the late 1940 and early 1950s, and since then, during the post NAFTA deal, the US and Canada's economies have integrated almost exponentially.

[1] See Veronica Kitchen's argument.

Each country is the other's number one trading partner. The two-way trade has increased by nearly 2000%, from $45.6 billion in 1977 to $880 billion in 2017 (StatsCan, 2017). The Canadian federal office, *the Policy Research Initiatives*' 2005, 2006, and 2007 research programs on North America underscores the emergence of trade and production clusters straddling the boundary line. Also, relying on Harvard economist Frankel test of economic integration suggest that the economies of the provinces of states of Ontario and Michigan, Ontario and New York, British Columbia and Washington are highly integrated.[2] The border lands of Ontario and Michigan form what Ohmae has called a "borderless economic regions," and the Vancouver-Seattle region is at the core of a vast area of strong economic interdependence. In both instances, the Frankel coefficients of economic integration suggest these 'economic-regions' are nearly completely integrated (1.2 for Ontario/Michigan and 3 for British Columbia/Washington – a coefficient of 1 suggesting complete economic integration).[3]

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[2] Jeffrey Frankel, attempting to assess regional economic integration developed a coefficient of economic integration that compares national and regional trade, with trade with the rest of the world.

[3] The Frankel test suggests that in a perfectly integrated economy, transport is costless, there are absolutely no barriers to trade, no one has any national bias over other goods or services, and there is no world beyond NAFTA. I used the following data: US GDP $10,197 billion; Canada GDP $1,039 billion; Mexico GDP $350 billion; Canadian exports as percen. Ontario GDP $429 billion, exports $313 billion, exports as percentage of GDP 74%. B.C. trade figures: exports to Rest of the World $33.2 billion, to U.S. and Mexico $22.5 billion, to Rest Of Canada $18 billion; B.C. GDP $126 billion, exports as percentage of GDP 30%. Jeffrey Frankel's model of economic integration suggested benchmarking economic integration by comparing a measure of ideal exports between two national economies against the real values of their real export of good and services with the rest of the world. A ratio close to "0" would characterize the economies of two economies that are completely integrated. In his study of European economies, Frankel found that certain member states were more integrated into the EU than, others (Frankel, 2000); Frankel calculates a score for the whole of the EU member states in 1999 at 4.7. This suggests that EU member states need to trade with each other 4.7 times more to be completely integrated. In the same vein, using current trading data between Canada and the United States, as well as between Ontario (Canada) and Michigan (U.S.), and British Columbia (Canada) and Washington (U.S.) we found that the integration of Canada into the NAFTA on 2000 economic realm was 2.06. Similarly, when applying this model to specific cross-border regions we find that Ontario and Michigan score 1.3, and that British Columbia and Washington score 2.2. These results imply that Ontario and Michigan's economies are almost completely integrated. British Columbia/Washington's trade, however, would need to double to reach economic integration.

In sum, in North America, the literature on cross-border cooperation focuses on economic integration, and approaches cooperation as a functional form with no territoriality. Also, there are very few studies that hypothesize or suggest that cross-border cooperation may result from, or lead to forms, of institutionalised governance of public sector organisations. The research works on the issue, underscore, functional cooperation, policy alignments and lose forms of partnerships. Clearly, though, contrary to the European experience detailed below, economic integration has not morphed into cross-border regions or cross-border intergovernmental regional or pan-regional agreements or government like structures. Brunet-Jailly has suggested that these North American cross-border regions are "networked organizations [that] respond to the needs of market flows across international boundaries and form clusters of policy parallelism; at the core of those are public and private sector managers that negotiate and implement mechanisms facilitating trade" (Brunet-Jailly, 2006; see also Brunet-Jailly, 2008, 2012).

To illustrate what these networks of cross-border cooperation do, and what policy partners are involved in, here are a few examples: the International Joint Commission for the Great Lakes (1907) was set up to arbitrate dispute and to monitor water quality; today, most of its agenda is funded by local beach-lake communities, municipalities and counties (Kusmierczyk, 2010). Other similarly functionally set up policy instruments include the Great Lakes Commission, the Great Lakes Fisheries Commission (1955), the Great Lakes Information Network (1993), the International Association of Great Lakes and St. Lawrence Mayors (set in 1987), the Great Lakes Cities Initiative (since 2002). All are partnerships focusing on environmental issues.

To illustrate what these networks of cross-border cooperation do, and what policy partners are involved in, here are a few examples: the International Joint Commission for the Great Lakes (1907) was set up to arbitrate dispute and to monitor water quality; today, most of its agenda is funded by local beach-lake communities, municipalities and counties (Kusmierczyk, 2010). Other similarly functionally set up policy instruments include the Great Lakes Commission, the Great Lakes Fisheries Commission (1955), the Great Lakes Information Network (1993), the International Association of Great Lakes and St. Lawrence Mayors (set in 1987), the Great Lakes Cities Initiative (since 2002). All are partnerships focusing on environmental issues.

Possibly the most active are the Council of Great Lakes Governors (1983) or the Canadian-United States Business Association (set in the 1992), and the recently organised security networks of security, police and intelligence organisations, the Integrated Border Enforcement Teams. These are cross-border networks of collaborating agencies in the security policy arena. They straddle the Canada-EU boundary line across 14 IBET regions.[4] The only government to government partnership in Eastern Canada-United States is the construction of a new (second) bridge across the St. Claire river, between Windsor (Ontario) and Detroit (Michigan) (Sutcliffe, 2008).

On the West coast of Canada and the US there are also many networked, functional organisations that span the boundary line (Clarke, 2000). The Vancouver-Seattle cross-border (Cascadia) region was re-discovered in the 1990s as a regional response to the inability of both federal governments to mediate the western economic issues. This vast region, made up of nearly 500 islands, Straits and Sounds, has been documented by Blatter (2000, 2004) and Abgrall (2004, 2005). At its core is the Salish Sea, named by the indigenous people that have lived across this Sea and Lands for thousands of years to this day; other networks include *the Cascadian Task Force, the Main Street Cascadia, the Cascadian Economic Council*. Today, all pre-existing organizations along with *the Cascadia Project, the Pacific Northwest Economic Region* (PNWER), *the British Columbia-Washington Council*, and *the Pacific Corridor Enterprise Council*. Each one manages a single partnership.

PNWER's committee structure is the exception. It allows for 17 negotiation tables to take to task a pan-regional problem, and to see it resolved within months; all in all, with the ultimate goal to ease trade and market relations; in 2019, PNWER's annual conference brought together nearly 700 regional policy makers, elected official and business leaders to discuss the future of the region.[5] In the 1990s, Brunet-Jailly had underscored the nature of those networks of cross-border cooperation, suggesting then that:

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4 IBET were very active before and after 9/11 but lost budget support in 2013-2014. Reports on results were generally positive though: https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/vltn-kwssn-prtnrshp-2012-13/index-en.aspx.

5 Pacific North West Economic Region (2018), http://www.pnwer.org/mission.html; see the last conference held in Spokane, Washington (2017), http://www.pnwer.org/2018summit.html.

> These are networks of public and private sector-managers,… they discuss, negotiate and implement agreements with views to secure trade, improve infrastructures or environmental standards such as water quality, and bio-energy – all assuming it would facilitate trade. For instance, the low level 'thickness and intensity'… in the Ontario-Michigan has been replaced by a cluster of networks, all straddling the cross-border region. And, in the Cascadia region, the effectiveness of the local networks is best illustrated by the outstanding success of PNWER, a cross-border partnership organization that engages in varied multi-scalar policy discussions.
>
> They are networks of cooperation that mobilize actors to identify common grounds for policy cooperation, collaboration, and policy parallelism − but parallels do not meet; they do not integrate. They allow functional linkages but they do not reflect structural integration. Therefore, on the Canada – US border, cross-border regions exhibit dense and thick clusters of functional and scalar linkages of policy parallelism, which helps managers solve problems arising from economic and trade integration. (Brunet-Jailly, 2012, p. 489)

## 2. In Europe, what did we learn? Summary of social scientific views on cross-border cooperation across the European Union

### *2.1 Definitions: What are borders, what is cross-border cooperation?*

Defining borders and borderlands varies across disciplines from being about contiguous territories underpinning international relations, but also simply the limits of State's rules. Also, whether views are from realists, liberals or postmodern scholars, there are varied views on whether there are more or less constraints on what borders are. Some emphasize the importance of the role of the state in the implementation of the boundary line while others focus on the borderlands and the culture, politics, the aesthetic construction of the borderland, of the border-scaping.

For political geographers, the construction of the border seems to be more spatial, geographical and sociological; borders are political acts of social significance and they are also frontiers because they are delineating socially constructed spaces that are differentiated. Clearly, being contiguous regional or States' scapes is part of the discussion and of the geographical understanding of what a border is.

In Sociology, the debates go on with references to the ideas that borders can also result from circulation, or social transactions. Territory

is an important concept for cultural sociologists that see in borders a role toward the development of solutions to common problems, issues of identities, yet also acknowledging the impermanence and the likely shifting positions of boundary lines and thus of borders.

Historians, more focused on state boundaries, suggest that there is a delay in their disciplinary appreciation of the difference between a state and a regional level boundary. Historians, however study borders and border regions today not just states borders. Historians document historical events lead to border region changes in allegiances, yet they also document the stability of legal and educational structures, and the comparatively different nature of border regions to other more central regions of states. Historians also study painful memories of wars in border regions are as many examples. Interestingly, historians point to Alfred Mozer on memorialization. He is the founder of the Association of European Border Regions (AEBR). They remind us of the memorial works of "heal[ing] the scars of history" and to "overcom[ing] national borders."

In law, however, there is no such thing as a codification of cross-border cooperation; or cross-border cooperation law; the boundary line separates two legal systems and the relationships are therefore mediated by conflict of law rule. In practice, however, legal scholars find that there are cases whereby public bodies manage to organize their relationships, even, across international boundaries. The law for such relations is found in international public law. For instance, in the EU, the Madrid Outline Convention of 1980 defines such relations as: "transfrontier cooperation shall mean any concerted actions designed to reinforce and foster neighborly relations." These are understood to be taking place between adjacent regions, whether land or maritime. Hence, such legislation determines whether transboundary relations are legal. Interestingly, the *European Grouping of Territorial Cooperation* are a European Union creation set in national law, which means that each member state defines each EGTC's realm as well.

For cultural sociologists, cooperation is rhizomatic. The act of cross-border cooperation is less about space than a praxis of change. For socio-linguists the challenge is that languages are social institutions, cultural, social and political; pluri-lingualism is a European way of life and a superimposed identity. Cross-border, minority languages, however, are not strengthened in borderlands despite known resulting intercultural competence gains. For economists, the study of borders is a minor area of study that may be associated with regional economics or geographic

economics. But the core theoretical assumption is that "an optimal economic situation can be restored if cooperation on a political and administrative level can diminish border effects by reduction of normative, legal, fiscal and other regulatory discrepancies." The No-Border Option is best because it does not interfere with trade. Hence, economists see a boundary line/border as a cost, or a space to be travelled, which needs to be crossed – takes time, thus adds a cost to any good or workers. For administrative scientists, the trans-disciplinary approach of their applied research drives our theoretical understanding of cross-border cooperation because multilevel administration balances pan-European needs for European administrative system. Thus, cross-border cooperation is both transnational and multilevel.

In sum, definitions vary greatly but the basic idea that a boundary-line is both a front and a border, a place of mixity and a place of differentiation, a space and a social and cultural praxis, holds true throughout European Social Sciences; what is much less clear is how this literature approaches ideas of bordering movement; what can a border be for mobile people and goods; how does one delineate mobility and flows of trade. Two minor ideas emerge: one discusses relationships as rhizomes, the other defines borders as regulatory systems that straddles states' territories; the true legal limits.

## *2.2 What are the key assumptions found in each discipline?*

In political science, key assumptions about border regions emerge from the various literatures, which in political science contribute to our understanding of international relations, the role of regions – below the states – and the functions of borders, which lead to many more questions about the governance of borders – specifically, who and what should be included in the study of the governance of borders and cross-border cooperation if those social science objects are primarily the results of states' territorial politics – hence suggestions that state actors are not all, that policy networks and other complex groups of actors would also help with regards to our understanding of what border theorization should help social scientists with. Are border theories instrumental? Are they natural? Are they organicist? Are they functional interface or simply, containers? However, the territorializing of spaces, sociologists suggest, lead us to more complex analyses of what kind of social science objects borders are? More complex than the Westphalian (realist) assumption would lead us to think

then: Can we assume that they are displaced, mobile or in movement for instance? For historians, the role of cross-border cooperation is generally successful in the Franco-German regions of the Upper Rhine or the Basiliensis region but the scars of history remain strong when cross-border partners face difficulties. In Catalonia, delays in having a EGTC approved is the core reasons relations are not progressing at pace with local and regional actors; and in the German-Polish region, the oldest the border region, the strongest people sense that they share a unifying history on both sides of the boundary line. Interestingly for legal scholars, transboundary cooperation is not possible but by exception, or by international systems of regulations. Hence, trans-boundary relations are not easily understood but through the ideas of multitudes of relationships mediated by specific agreements or exceptions to Westphalia. For cultural sociologists, the study of cross-border cooperation should be driven by the study of practice-formation. Contrary to legal scholars, they underscore that cooperation is not hierarchical or systematic/linear, but as 'from within and in the middle'. Thus, cross-border cooperation should be studies like a performance, studied empirically, while privileging practices/praxis formations to document, or not, rhizomatic praxis developments. Linguists view linguistic shrinkage, linguistic regression and loss of linguistic knowledge, and the formation of dominant languages, as fundamental issues driving other losses of, for instance, ideologies and identity. Many one minority language regions are also under such threats. EU member states policies are not addressing those issues because they privilege national and pluri-lingualism as part of the construction of the European identity. For economists, there are three possible categories of borders: the impenetrable, the filter, or the open border. The best option is considered the open border because it enables market access for goods and workers, while strengthening proximity and expanding innovative and cognitive combinations thanks to cross-border cross fertilization of ideas and innovations beyond the national level. Administrative science suggests that cross-border cooperation results from the juncture of horizontal and vertical multi-level governance based on new functional territorial justifications driven by pragmatic approaches thus leading legal, regulatory, administrative praxis driven solutions to borderlands' issues. This theoretical understanding emerges from the view that the functional drive for cooperation: (1) monothematic, (2) or within a policy arena, or (3) across policies, and also levels of intensity in cooperation from (1) discourses to (2) structured relations, to (3) integration cooperating

policy actions points to a theory of cross-border relations which articulates territories across multilevel policy governance.

### 2.3 Other assumptions

Ideas that cross-border relations are born in functional linkages, in particular across specific industries, for instance are perhaps clear for legal scholars but remain marginal in other social science analyses of cross-border relations and cooperation. Indeed, the dominant views look at territoriality and issues of governance. The literature reviewed by political scientists, political geographers and sociologists focuses on issues of territory, contiguity, homogeneity, culture and political culture and "borderscapes," rather than strictly speaking boundary lines. On the contrary, legal scholars suggest that territorially bound legal systems cannot really be bridged but by additional inter-national rule systems, or nationally bound exceptions to States' legal systems. Administrative sciences suggest forms of cooperation point to a theory of cross-border cooperation which is both cross-border regional, territorial and border-regional, and functional which potentially connects the local, regional, state and European partners.

### 2.4 Cross-border cooperation

Theorization of cross-border cooperation lead to interesting assumptions such as that governance and in particular multilevel governance are promising views of what cross-border relations look like: complex and multilevel. For political geographers – for sociologists, borders are filters, but also open spaces, and spaces of high levels of cooperation across the European Union and with the peripheries of the Union. Cross-border cooperation emerges out of complex sets of relations that may be analyzed thanks to similarly complex systems; a sociology of spatial approaches whereby interdisciplinary multiplies points of views both disciplinarily and methodologically. Four dimensions are important: Territory understood as the conceived space of polity, politics and policy; practices then should be understood as the practice of everyday life cooperation; narratives, then are the production of speeches, websites, events, media outputs, which are as many expressions of a particular semantic both disseminating and contributing to the institutionalization of cooperation in the minds of *borderlanders*, the people who live in the borderland. Finally, the ecosystem is the multiple relationships that are

resulting from social relations thanks to cross-border cooperation. What legal scholars underscore is the hierarchy that organizes any legal system: a common analogy is the Russian doll system, which illustrates that lower legal systems can be overridden by higher ones if they agree to submit to them. Or as noted by Beck (2014), a State can agree to exception and rule by exceptions. Hence a cooperation may be illegal, but for a specified unique instance when it is legal. For instance, in the case of the Energy Union, cross-border cooperation is generalized in a specific sector/industry, the gas sector. Similar types of functional/industrial cooperation. Although mutual recognition could be driving cooperation, the EU has developed regulations to harmonize and monitor energy operators, harmonize standards, and to regulate flows of gas or electricity. In such a case of functional cooperation, institutionalization is superimposed onto member states and private operators. Praxis driven studies establish the studies of rhizomatic (cross-border) cooperation between complex human systems; they confront the making and unmaking of cooperation across those system whereby praxis is knowledge and agency is problem driven. For socio-linguists it is clear that EU member states do not plan cross-border or neighborhood, or minority, language training. The European Institutions drive policies that affect minority languages. But at the EU level, linguistic cooperation leads pluri-lingualism to develop as a European way of life and identity. Pluri-lingualism overlays national languages. For economists, borders limit trade flows; theoretically they are hindrances to cross-border trade and cross-border cooperation but, cross-border cooperation has been shown to lead to innovation and it regarded a competitive advantage. Cross-border cooperation in administrative sciences is both multi-functional and multi-scalar, and, multi-level; it results from transnational agenda setting, processes, and decision-making which emerge from transnational negotiations.

## *2.5 Interdisciplinary outlooks*

For Political Scientists, there are tensions between global and local views, or levels of analysis, which would possibly lead us to theorize that cross-border relations/cooperation would not emerge from the local/global tension, but interestingly political geographers underscore that the European Union encourages cross-border cooperation.

Very interesting, also, is the idea that spaces of places *versus* spaces of flows remain valid. These ideas are however notably underexplored in

depth by social scientists – it is cited but not empirically tested. Another interesting idea is that social facts have geopolitical implications – should we be surprised?

Legal scholars do not see interdisciplinary resolutions to legal questions as a possible outcome; the fundamental logic of rule systems rests with hierarchy and exceptions.

The rhizomatic approach to the study of cross-border relations questions fundamentally views according to which cross-border relations are driven by spatial, hierarchical classifications whereby states are expressions of such containment, and systems of thinking. They privilege understanding borders as performance, and the empirical documentation of cooperation praxis as core to empirical research; they underscore the need to give context − perspectives of practices should be done against a space-time nexus. To this day, border-landers speak minority languages that do not coincide with state boundary lines, linguists tell us. This is because they are as many forms of regional, minority nationalisms that contradict the formation of a pan European identity, which is primarily multilinguistic.

Administrative science formulations of cross-border cooperation, interestingly, seem to be pointing to a theorization that is similar to a rhizomatic view of relationships with varied intensities. But Administrative science would theorize that it is emerging out of and across a specific space.

In sum, European views of what borders are, and what cross-border relations, and the various disciplinary perspectives on borders in Europe seem to be highly influenced by the empirical evidence that European States, in the European Union, are contiguous and benefit from policies of encouragement of cooperation across international boundaries; and, theorization of cross-border relations thus underscores the role of States' territoriality in our understanding of both, borders, and cross-border cooperation. European borders, and border theorization then are best explained by the literature on borderscaping. Borderscaping both underscores the role of the boundary line, but also the spatial and complex, praxis of bordering, and the malleability and fluidity of the boundaries of borderlands. As detailed below, in North America, the literature details much less the role of territoriality in our understanding of borderlands but discusses functional borders.

## 3. Final words

As summarized in the first two pages of this concluding chapter, it is apparent that the authors of this book are generally more interested in a realist critique of the territoriality of cross-border regions. Indeed, most authors and most theories focus on spatial dimensions of cooperation, and in particular on the centrality of territoriality; territorial constructions *versus* national construction, and the very nature of those territorial, political and cultural constructions. So, the very nature of the European construction is a very important part of their objects of study, the cross-border regions of the European Union.

Indeed, European Union cooperation in cross-border regions results from a scalar-tension within the territoriality of a state; social, political, cultural tensions between the local/regional areas and the centrality of the EU member states. The resulting definitions, for borders and border regions, and cross-border cooperation, are particularly interesting in this regard because they focus our attention on the territoriality; that is the territorial constructions and various multi-level and multidimensional nature of cross-border cooperation within the frame of European Union construction. In this regard, the sociolinguistic argument is striking because it illustrates and echoes the views of political scientists, political geographers, sociologists and lawyers, whom each in their areas of research document how the European construction affect border regions in their cooperation across what remains international boundaries as illustrated both by the legal and history scholars.

There are two exceptions to this observation:

The law chapters discussing territoriality: They are discussing functional mechanisms of cooperation, that seem to be bounded by the European Union but remain fundamentally pan-European. Because there is a *dissolution* of national rule of law into a pan European legal system allowing and fostering trans-disciplinarity. There is a clear demarcation, theoretically, because the law is concerned with functional relations, not cross-border regionalism or territoriality. Instead, dissolution of national rule and functionally driven legal pan European mechanisms that link public and private entities to cooperate in the energy sector. Second, cultural scientists' theorise cross-border relations as *rhizomes*, growing or shrinking, suggesting with Deleuze the idea of cultural praxis of cooperation can expand or shrink depending on the intensity of needs for relationships. The core assumption is that 'relationships' forming

across intercultural praxis of cooperation, across boundary lines link and develop thanks to praxis. In Deleuze and Guattari's "a thousand plateaus" the philosophers discuss the idea of rhizomes raising a question:

> "How could movements of deterritorialisation and processes of reterritorialisation not be relative, always connected, caught up in one another? The wasp is nevertheless deterritorialised, becoming a piece of the orchid's reproductive apparatus. But it reterritorializes the orchid by transporting the pollen. Wasp and orchid, as heterogeneous elements, form a rhizome" (Deleuze, Guattari, 1987, p. 10)

In brief, it is in opposition to hierarchy and tree like forms of knowledged that Deleuze and Guattari, develop the idea of the rhizome as an image of a 'thought' that apprehends multiplicity and hybridisation.

Although much less prominent than the sum of all other chapters together, these two disciplinary contributions address issues in cross-border theorization that are central to most of the work done in North America; where most of the research focuses on relations between different groups of private and public organisations. These are understood as functional relations and policy parallelisms in the literature. These relations across boundary lines result from cross-border relations leading to the formation of cross-border networks, these are *spaces of flows* as they have been named by Manuel Castells and subsequently studied in the 1990s by Joachim Blatter. Possible regions emerge from a multitude of functional relations across boundary lines that *form rather awkward and spatially malleable cross-border regions*.[6] These are not territorial but functional relations of cooperation.

Hence, the core findings of this conclusion are that in border studies, and in particular cross-border cooperation theory today, there is a debate between the *spatial-territorial*, and the *functional* nature of those *cooperation* across international boundary lines. Obviously both views are important because cross-border cooperation are both territorial and functional. Implicitly also, there is a critique of the European debates that nearly exclusively focus on the European Union territory, States and Regional Policies, and related issues of territoriality, and how cross-border cooperation affects territoriality. But, obviously, the European Union started implementing territorial policies in the 1970s along with the very first industrial and regional policies (Brunet-Jailly, 2017),

[6] My emphasis see: Brunet-Jailly (2012, pp. 483-491). Also Brunet-Jailly *et al.* (2006).

which quickly morphed into policies of pan European forms social and regional development, policies of economic and social development, and of modernization of Pan European infrastructures. These evolved into cross-border policies of cooperation in the 1990s with the emergence of the Inter-Regional policies (Interreg Programs) that encouraged local and regional/territorial cross-border partnerships.[7]

The core argument is that the European views on cross-border cooperation theorization stands as it is detailed by the contributors in this edited collection. However, the influence of data collection is greater in the research done in some disciplines than others: Geographers, Political Scientists, Sociologists, Historians, and Economists, discuss a theorization of cross-border cooperation that is primarily focused on issues of territoriality, States and Regions; as a result, they underscore various forms of realism that understand cross-border cooperation as challenges to State boundaries and taxation systems. Concurrently, market regulations and flows in their various configurations of local, regional, state and pan-European or global arrangements are a much less clearly defined objects of study and a much less well defined or even understood territorialist critique of realism. Yet, in other areas such as Law, or Cultural Sociology and Administrative Science, disciplinary data and methodologies seem to offer theorizations that include references, and questions that go beyond realist views.

Clearly, however, there is no such thing as a North American theoretical perspective to cross-border cooperation across cross-border regions. In North America, specific findings inform complementary research; particularly, there is a bit more emphasis on border functions and functional borders, which concurrently informs much more *fluid* spatial forms of policy cooperation, border regional cooperation in north America is much less about territoriality. Thus it is not institutionalized, and much more functional, and as a reference to the Administrative Science chapter: cooperation is much more mono-thematic, and much less integrated or cross-sectorial or even territorialized.

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7 European Union, Interreg, Find a program in your region, https://interreg.eu, accessed September 2018.

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# Prospects of cross-border cooperation in Europe – some building blocks for a transdisciplinary research agenda

Joachim Beck, Birte Wassenberg

Cross-border cooperation in Europe finds itself currently at an interesting crossroad: on the one hand, the achievements of free mobility in Europe, and thus the elimination of the separating function of borders through current debates on migration and its European management, is currently challenged. At least in current political discourses, cross-border cooperation is differentiated between an internal European perspective, in which free mobility and thus the elimination of borders is still a symbol of European integration, and an external perspective, in which tendencies of isolation and the closure or control of external borders represents an important starting point; in its internal perspective, cross-border cooperation is expected to be expanded or maintained while in the external relationship such cooperation might be rather reduced and restricted – two interrelated, however, not necessarily compatible approaches.

The second dimension of current debates on European cross-border cooperation relates to the question of what role cross-border areas can play in the future within the context of European integration. In particular, as part of the on-going programming work for Interreg VI, but also in the broader context pf European governance, the promotion of integrated European policies within border regions is generally credited with an important pilot function for testing innovative European integration approaches. Recent initiatives of the European Commission's Directorate General for Regional Development, such as the Border Obstacles Initiative described in this volume, and new approaches aiming at the active promotion of cross-border experimental spaces (see Luxembourg mechanism and related Regulation) try to stimulate intergovernmental

cooperation approaches of horizontal policy coordination. In particular, from the point of view of sectoral policies, cross-border areas represent interesting experimental spaces, especially as a horizontal component of European multi-level governance.

Finally, as a third dimension, the question can be asked, as to what extent the historically grown self-conception of borders, which is closely linked to classical concepts of statehood, and therefore is often still limited to political administrative functions, will change in the future or may have already changed: Referring to technical innovation and global economic phenomena, not only the aspect of the relativization of classical boundaries, but also the capture, typology and evaluation of the emergence of a completely new phenomenology and architecture of borders or border areas can currently be observed – be it in the field of international private law, via the conclusion of global regulatory regimes or a redefinition of the notion of space, currently being created within the framework of digital system building.

In all three lines of development, it can be seen that the phenomenon of cross-border cooperation − be it in its externally restrictive, in its internally promoting or in its global relativizing dimension − will gain in significance in the coming years. Accordingly, there is a great need to liberate this policy from the shadowy status of its current existence and to better ground it both conceptually and praxeologically through transdisciplinary research approaches. Following the scientific-theoretical approach of practical trans-disciplinarity, two promoting factors can be identified: on the one hand, local actors articulate clear needs for a scientific and practical foundation of the application of new concepts such as the experimental clauses or the principle of mutual recognition in a cross-border context. In this case, proscriptive knowledge that accompanies and guides the players is still often missing, creating major challenges, in identifying the right added value in pilot projects. Obviously, there is still a great need within the community of cross-border actors for the exchange of experience and formats that promote mutual learning between different border areas too.

On the other hand, and this is demonstrated by the contributions presented in the present anthology, some research focuses on cross-border cooperation have evidently already been developed within established disciplines which, in a cross-disciplinary view, seem to increasingly structure the subject area of cross-border cooperation within the European scientific system as a separate field of research. However, this research

field of cross-border cooperation is still highly fragmented both in terms of themes, disciplines and institutions. With regard to national but also European funding instruments of research, there is also still a significant lack of promotion lines that aim at specifically supporting research on cross-border cooperation which in turn could promote a better development of corresponding transdisciplinary research approaches.

Against this background and in order to stimulate related activities, some project approaches, initiated and coordinated by the authors of this conclusion, will be presented below. They have the aim of further developing the research topic of cross-border cooperation both epistemologically and practice-oriented in the coming years:

## 1. Critical Dictionary on Borders and European Integration

The project consists in the edition of an analytical dictionary on cross-border cooperation in Europe similar to the dictionaries which have recently been published on the EU. Indeed, such a reference book does not exist, except for a Manual of the Council of Europe dating from 2006, which is not structured according to an alphabetically classified logic.

The dictionary will be composed of scientific articles written by specialists on cross-border cooperation coming from the most varied scientific disciplinary backgrounds. It will consist of two distinctive parts: a first (conceptual) part dealing with the terminology, the theories and the tools of cross-border cooperation, which will answer some key questions such as: what is a region, a border, a cross-border worker, a (trans-)regional identity, cross-border governance, etc. and a second (geographical) part, which will represent a repertory of all EU border regions and their neighbours. Each region will be presented via its historical development, its governance structures and its geographical territory. The articles will also contain bibliographical elements, which will allow for the curious reader to acquire more knowledge on the subject. The critical dictionary will have a volume of approximately 500 pages and will be organized by means of key words classified in alphabetical order. For the conceptual part, a list of key words will be elaborated and the authors will have to analyse each term according to a prior fixed scheme (explication of the notion, connected terms, bibliographical

references, etc.). The geographical part will consist of an article on each EU Member State, assorted with a map, which should present an analysis of the borders as a whole, by distinguishing between the constructions of the national territory, the representations of the border and the general history of cross-border cooperation, including also a description of cross-border territories. In this part, the reader can also find examples of transnational cooperation, emblematic cooperation at regional level and local cooperation with original spatial configurations. The articles will be selected by a scientific committee, by means of a bilingual (English and French) call for papers. The dictionary will be elaborated simultaneously in English and in French, but first published in French, in the Collection Euroclio of Peter Lang, in Brussels. An online version will also be made available for the readers.

## 2. Territorial Diplomacy

The project aims at realizing an interdisciplinary study workshop exploring the theoretical and terminological foundations of the so-called "territorial diplomacy" practiced by local and regional actors. It builds on two prior exploratory research works of Birte Wassenberg: the first one was a special issue on "Secondary Foreign Policy in Local International Relations. Peace-building and reconciliation in border regions" (edited in 2018 at Routeledge, London, with Martin KLatt) which examined a number of empirical case-studies of international cross-border diplomacy; the second was the organization of a European seminar in 2017 in Strasbourg on "Local and Regional Authorities as new diplomatic actors since the 1980's", which retraced the historical development of foreign policy activities by towns and regions on the European/International level. Both projects led to the conclusion that, although scientific research in Political Sciences, Political Geography and in History of International Relations has shown an interest in the study of local and regional governance on the one hand, and in local International Relations the other, a fundamental scientific discussion on the concept and forms of "territorial diplomacy" is still missing in the field of Social Sciences.

The empirical evidence is however striking: the 2000s witnessed indeed a multiplication of international cooperation and networks of local and regional actors, whilst the deepening of decentralization policies increased the scope of action for local and regional authorities on the

international scene, including in countries of centralizing tradition. Such a development can be observed for example in France, where a pioneer and experimental role was given to the local and regional authorities in French territories overseas being authorized by a law of July 22nd 2015 to directly dialogue with their neighbouring states. The challenges resulting from these changes in terms of a redefinition of what territorial diplomacy actually means need to be analysed. Can it claim to be a transnational diplomacy "close" to the citizen -like the Eurocities network which presents itself as echoing the voice of 130 million metropolitan Europeans- despite the fact that it remains closely dependent on the state model in which it is enshrined? How do local and regional authorities manage to negotiate at the same time with their counterparts abroad and with the central state who determines in fine the limits of their action? Do the contemporary crises − migration crisis, international terrorism − lead to increase or, on the contrary, diminish their scope of action?

The interdisciplinary study workshop aims at first questioning the different approach angles which have been employed, by focusing mainly on an attempt to clarify terminology: Do the concepts of territorial or infra-national diplomacy, of para- or proto-diplomacy or of local and regional diplomacy in fact englobe stackable layers of reality? How do they help to apprehend the development which has been taken place during the last five decades?

## 3. Conflict and Cooperation in EU Border Regions (2016-2019)

The project "Conflict and Cooperation in EU Border Regions" (EU-Front) aims at an exchange of experience and debate on the role of the border in the process of European Integration. The idea is to examine the border in its dialectical function between separation and rapprochement and to discuss its consequences for the European Union. Concretely, the project consists of the organization of 4 round-tables and 4 seminar-debates the last one of which will be expanded into a final Conference. Each round-table will deal with a current border problem (immigration crisis, the reintroduction of border controls etc.) and each seminar will examine two cross-border regions for a comparative analysis of eight case studies in total: the Upper Rhine Region (France, Germany, Switzerland), the Mont Blanc Space (France, Switzerland, Italy), the

Calais-Dover Region and Eurometropolis Lille (France, Belgium, United Kingdom), the Ireland/Northern Ireland Region, the Cieszyn Region (Czech Republic, Poland), the Euroregion Viadrina (Germany, Poland), the Catalan Region (Spain, France, Andorra) and the Slovenia-Austria-Italy Border Region. The choice of these regions is justified by a representativeness both in geographical (internal and external borders, Schengen) and policy field terms (migration problems, cross-border crime, East-West cooperation, etc.). The debates and comparative analysis will be interdisciplinary and will associate researchers, PHD students, European and International students, but also cross-border actors and representatives of European Institutions (Council of Europe, European Parliament, Committee of the Regions). The project will lead to the elaboration of an Encyclopaedia on conflict and cooperation at EU borders for students of International Relations and European Studies and for actors in cross-border territories.

## 4. Franco-German Cross-border Center of excellence Jean Monnet (2018-2021)

The project aims at creating the first Cross-border Franco-German Jean Monnet excellence Center. Attached to the Political Science Institute (IEP) of Strasbourg, it federates researchers of different disciplines from the University of Strasbourg, the Hochschule Kehl and specialists on Franco-German further education from the Euro-Institut Kehl. The Center is meant to give a visibility to teaching on Europe by the partners of the cross-border region, to stimulate dynamic research on cross-border territories and European Integration and to contribute to the debate on Europe on the Strasbourg campus and in the Euro-district space.

Concretely, three types of activities are envisaged: in the field of education, the project foresees the creation of a Moodle platform that federates the teaching offers of the French and German partners in European Studies, the setting-up of a cross-border Franco-German-Swiss bachelor and the opening of a further education module on "managing cross-border cooperation and European projects". In the field of research, six seminars will be organized alternatively in Kehl and in Strasbourg on topics related to cross-border cooperation. Finally, two general public activities are annually foreseen: a festival on geopolitics and a cinema festival on a theme with relation to the border.

The cross-border Jean Monnet Center will lead to a cross-border Franco-German platform of knowledge and resources on a Europe of citizens and cross-border territories and will allow for the participating institutions to become new actors of reflection on European Studies. They will promote this reflection in the framework of a cross-border space, thus operating in favor of a cross-border campus on the topic of European Integration. The Center will also serve as a model project of bottom-up realized European Integration. It has been officially launched on 5 November 2018 in the prestigious premises of the historical town hall of Strasbourg.

## 5. European Crises and Border Regions (2018-2020)

The project "European Crises and Border Regions" (Crisis-EU) aims at an exchange of experience and debate on the consequences of European crises on border regions in Europe. In order to ensure a mutual enrichment in this field, the project proposes a thematic approach which focusses on 4 types of European crises: the European Identity crisis with the rise of Euroscepticism in border regions; the Schengen crisis with the questioning of the free circulation principle within the EU and the concept of integration itself; the crisis of "resentments" at EU borders which puts into question the function of the border as a scar of History and the process of reconciliation; and, finally, the migration crisis with the "fortification" of the EU's external borders. The objective is twofold: to analyse the consequences of these European crises for border regions and to evaluate their potential for management and/or resolution of them. The analysis will take place at first by starting from a general approach to the European crisis concerned (concepts, forms of appearance, etc.). During a second phase of analysis, cross-border case-studies will be examined to favour an applied science approach. The aim of the project "Crisis-EU" is also to go beyond the limited framework of the eight cross-border regions already dealt with by the project "Conflict and cooperation at EU borders" in order to examine other European cross-border territories.

The project will lead to the edition of a special issue on "European crises and border regions" (in a scientific Journal (research) and the elaboration of a pedagogical tool kit on crisis management and resolution at EU borders for students of International Relations and European Studies and for actors in cross-border territories (teaching).

In addition to the transdisciplinary research approaches that have been presented in more detail above, four complementary further components of a more systemic cross-border capacity-building approach seem to be of particular strategic interest for the future, especially with reference to the new INTERREG VI period. These four higher-level strategic fields for the future design of cross-border cooperation in Europe represent also fields of application for future transdisciplinary research:

*Strengthening the evidence base of cross-border policy-making*: One central weakness of most cross-border policy-making consists in the lack of tangible base-line information regarding both the real world strengths/weaknesses and the potentials of a cross-border territory in question. The national and regional statistics often suffer from a lack of comparability and specific analysis on the characteristics and the magnitude of the socio-economic cross-border phenomenon (be it mobility of citizens, economic exchanges and relations, transport and traffic movements, exchanges between universities, students, associations etc.) suffers both from the challenge of quantification and qualification. The results of the classical SWOT-analysis, carried out at the beginning of a new programming period, are often not really binding later on, when the selection of project applications actually takes place. In turn, both the programme and the project level have difficulties to describe and capture the specific cross-border added-value of the actions that were funded – mostly due to the absence of credible impact-indicators and a data generation that requires specific qualitative and quantitative methods.

Under the new generation of the cohesion policy, the idea of evidence based policy-making seems to have a more prominent place. Cross-border territories will have to strengthen their efforts to creating and proceeding tangible impact information in the near future. This is also a prerequisite for any cross-border policy-approach that wants to become more strategic in the sense of a more focused and concentrated pattern that concentrates on the integrated development of territorial potentials (360° perspective) instead of multiplying disconnected sectorial projects.

*Developing a multi-level-governance*: In the perspective of a systemic capacity-building approach, it seems desirable to strengthen and enlarge the scope of action of the sub-system of cross-border-cooperation in Europe. This would require multi-level governance that leads both to a much closer and more integrated cooperation and a much clearer functional division of labour between the different levels of cooperation. In such a perspective the EU-level would anticipate impacts of future

EU-initiatives on the cross-border territories in an early stage and would allow for a better inter-sectoral coordination between the different thematic policy-areas and institutional competences which have a logical border crossing dimension. Integrated policy-making would require, for instance, standing inter-service groups on cross-border cooperation, which are in turn interlinked with relevant groups of the Committee of the Regions, the European Council and Parliament.

The EU Member States (and their territorial subdivisions) would on the other hand support cross-border cooperation actively and would allow for flexible solutions to be developed on the borders. This would lead to a new operating principle, which follows the idea of "horizontal subsidiarity" (Beck, 2014): Whenever a policy-field that is relevant for horizontal exchange cannot be harmonized at the European level, Member States should then at least try to set the frame via direct coordination with their neighbouring states. The term "horizontal subsidiarity" means in this respect that, with regards to cross-border policy-issues, the "smaller" cross-border unit should have the possibility to solve a problem or handle a question prior to the intervention of the "bigger" national jurisdiction. This would then require that the smaller unit will become enabled by the provision of the necessary legal flexibility: experimental and opening clauses in thematic regulations and exemptions based on de minima rules, codified in bi-lateral conventions (whenever a cross-border phenomenon does not exceed a certain level of magnitude − e.g. 5% of the population being commuters, 3% of the students studying at the neighbouring university, 2% of patients asking for medical treatment with a doctor beyond the border – a deviation from the national rules will be allowed).

The local and regional actors on the other hand need to better develop shared cross-border services and transfer domestic local/regional competencies to joint (supra-local/regional) cross-border bodies with real administrative competencies for concrete implementation missions within relevant cross-border fields. Instead of building or maintaining relatively expensive public infrastructures separately on both sides of the border in service areas such as health, leisure time activities, schools, child care, fairs, libraries but also transport operators, hospitals, fire department or civil protection etc., local and regional actors would develop complementary fields of specialization and share their infrastructures with local and regional actors from the neighbouring state. This could give cross-border cooperation a completely new finality, allowing not

only to save scarce resources but also to symbolize both the permeability and the added-value of the "joint" cross-border territory from the point of view of the ordinary citizen.

*Subsidiarity within the cross-border-territory*: In a cross-border area, where there is freedom to undertake cross-border action strengthened by horizontal subsidiarity, two additional subsidiarity perspectives must be taken into account. On the one hand, a vertical subsidiarity should be established within the cross-border areas of responsibility across the total spatial level (e.g. the total territory of the Danube macro-region, the total territory of the Lake Constance Conference, the total territory of the tri-national metropolitan region of the Upper Rhine) which would only become operative when the smaller cross-border entities (inter-municipal cooperation, Eurodistricts, EUREGIOs, etc.) receive excessive demands on their pragmatic, territorial expertise. Thus, distributions of functional and specific assignments on the proficiency scale could be developed in the cross-border area which would be likely to reduce any duplication of work which has been observed, and which is still widespread today between the different actors, institutions and territorial levels of cross-border cooperation.

On the other hand, the prospects of inter-sectoral subsidiarity should also be greatly strengthened. While today, in most cross-border territories in Europe, cross-border issues are primarily the responsibility of political and administrative actors (the current configuration of European aid programmes sustains this trend), subsidiary cross-border cooperation should support more strongly sectoral ownership of cross-border systems in economy, science and research, and civil society. Public action contributions would therefore be in these sectors that, in the future, would need to better arrange cross-border action amongst themselves, either in a catalytic (e.g. to simulate project initiatives) or complementary way (e.g; in the form of financial assistance to initiatives coming from these very sectors), however they should not replace them either. In addition to the key public cross-border assignments (infrastructure, welfare, security against risks, etc.), public actors could ultimately, in such a perspective, divert the justifiable functional legitimacy to act from the long-term protection mission of posterity which should be visible in the integrated approaches of a cross-border sustainability strategy.

*Joint interest-representation*: From the perspective of cross-border territorial cohesion the frequently different implementations of EU law by the neighbouring countries regularly lead to technical and political

asymmetries, which often even reinforce structural differences rather than levelling them. It must be worrying that the comprehensive annual work output of the European Commission (on average, these are several thousand proposals for directives, policies, regulations, decisions, communications and reports, green papers, infringement procedures per year) does not explicitly consider possible impacts on the European cross-border territories so far – although it is evident how strongly they are affected by it. It therefore seems necessary that cross-border territories become more visible with regards to their specific implementation role and thus get more explicitly considered by the European policy-maker when developing key-initiatives of the future. In the European Commission's impact assessment system, a specific cross-border impact category is currently still lacking. However, cross-border territories could become ideal test-spaces for the ex-ante evaluation of future EU policies. On the other hand this would require a real awareness of cross-border territories to also actively engage in this in a coordinated manner, and – for instance – present joint opinions and impact analysis throughout official thematic consultations, launched by the European Commission. It is evident that also a joint and coordinated thematic lobbying and advocacy activity of cross-border territories should be strengthened in this regard. The European macro-regions have shown how the interests of specific types of cross-border areas may well find their way into European strategies. The European Week of Regions and Cities regularly demonstrates how rich and exciting a joint presentation and reflection of different cross-border experiences can be.

For the practical equipment of future transdisciplinary research approaches in the field of cross-border cooperation, it seems particularly important, especially following the findings of this anthology, to further sharpen the interdisciplinary exchange on the one hand and to stimulate the debate about a common understanding of the very object of research. Since it has been shown that not all scientific disciplines represented in this volume could coherently implement the conceptual/analytical grid within their own field of science, a future research project would first have to give even greater space to interdisciplinary and intercultural dialogue with regard to the joint construction of a transdisciplinary research topic. This work can be seen as an independent branch of research for cross-border cooperation on its own. Furthermore, it seems sensible to develop even more direct and, above all, more structured relationships between the research object thus contoured and the practical needs of the acting

actors. This anthology documents a number of very important empirical challenges at the level of practitioners. In the future, these should become the starting point for the development of restrictive scientific questions within the research topic of cross-border cooperation.

In addition to the project approaches cited above, close cooperation between relevant European institutes and networks (TEIN, ITEM, MOT, CECIN), the Association of European Border Regions (AEBR) the European institutions (Committee of the Regions, European Commission, European Parliament, European Council) and the Council of Europe to be particularly promising. The research site Strasbourg/ Kehl with its new Franco-German Jean Monnet Center is of outstanding importance in this regard.

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**Relevant publications**: *Netzwerke in der transnationalen Regionalpolitik. Rahmenbedingungen, Funktionsweise, Folgen*, Baden-Baden: Nomos, 1997; (ed. with F. Thedieck), *The European Dimension of Administrative Culture*, Baden-Baden: Nomos, Schriften der Deutschen Sektion des Internationalen Instituts für Verwaltungswissenschaften, Band 33, 2008; (ed. with B. Wassenberg), *Grenzüberschreitende Zusammenarbeit erforschen und leben.* Band 2. *Governance in den deutschen Grenzregionen*, Stuttgart: Steiner, 2011; (ed. with B. Wassenberg), *Living and researching cross-border cooperation.* Vol. 3. *The European Dimension of Cross-border Cooperation*, Stuttgart: Steiner, 2011; (ed. with B. Wassenberg), *Vivre et penser la coopération transfrontalière.* Vol. 4. *Les régions sensibles*, Stuttgart: Steiner, 2011; (ed. with B. Wassenberg), *Grenzüberschreitende Zusammenarbeit erforschen und leben.* Band 5. *Integration und (trans-)regionale Identitäten*,

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**Recent publications**: (ed. with B. Wassenberg), *Les relations entre le Conseil de l'Europe et l'Union européenne : complémentarité ou concurrence ?* Actes du 6e colloque de la Fédération de recherche L'Europe en mutation, Strasbourg, 2-3 octobre 2014, Paris: L'Harmattan, 2016, 247 p.; (with A. Ullestad), *La mutation des frontières dans l'espace européen de l'énergie*, Bruxelles: Larcier, coll. Paradigme, 2015, 388 p.; (ed. with J. Gerkrath, R. Kovar, C. Mestre, V. Michel, S. Pierré-Caps, D. Ritleng, D. Simon), *Europe(s), droit(s) européen(s) : une passion d'universitaire*, Bruxelles: Bruylant, 2015, 934 p.; (with J.-Y. Pabst), *Dictionnaire des principaux termes de droit pharmaceutique*, Paris: Éditions de Santé, coll. Hygiéa, 2012, 195 p.; *La systématique des voies de droit communautaires*, Paris: Dalloz, coll. Nouvelle bibliothèque de thèses, 2003, 1136 p.; *Affaire C. Baleze contre Tactidure : mémoire du requérant*, s.n, 1990, 29 p.; *La systématique*

*des voies de droit communautaires*, thèse de doctorat en droit public, 2 vol., 2002, 1023 p. / édition commerciale Paris: Dalloz, 2003, xvi-555 p.

**Hynek Böhm**

Hynek Böhm holds a MA in political sciences and Ph.D. in political geography. He has been professionally active in the field of cross-border co-operation (CBC) during most of his professional career in the public administration, NGOs and academia. After having worked for European Commission and Czech public administration he worked for the NGO Institut EuroSchola, which is a think-tank focused on cross-border co-operation on Czech-Polish-Slovak borders. As its vice-chairman and project manager, he was responsible for fundraising and project management of cross-border co-operation projects since 2005. He was as a facilitator and a developer of cross-border initiatives, with accent on new forms of cross-border governance – he led the works towards the creation of European Grouping of Territorial Co-operation (EGTC) TRITIA, the first EGTC with participation of Czech and Polish subjects established after three preparatory years in late 2012. He was also a founding member of the Transfrontier EuroInstitute Network (www.transfrontier.eu), which has been operating since 2010. After he defended his PhD thesis, which dealt with CBC and multi-level governance in border regions, he started researching and teaching border studies from the perspective of political geography at the Technical University of Liberec (CZ). In his research and courses he has accented the topics of the cross-border co-operation governance, cross-border co-operation in the field of education and the meaning of financial incentives (mainly INTERREG programmes) for CBC. Recently he started to analyse the field of paradiplomacy.

He has been strongly involved in co-operation with non-academic world, which makes his research more applied. Since January 2016 he has been involved into works of a European Commission stakeholders/expert group conducting a study on administrative and legal obstacles to CBC. He has co-founded EuroInstitute PL-CZ-SK, which should further deepen trilateral Polish-Czech-Slovak cross-border links by the means of training, applied research and consultancy. He has been acting as a chairman of the applied geography section of the Czech Geographical Society.

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**Recent publications**: (ed. with A. Choné, T. Freytag, E. Zemanek), *Questionner les Humanités environnementales : regards croisés France/Allemagne*, numéro spécial, *Revue d'Allemagne et des Pays de langue allemande*, 51, 2019; (ed. with M. Blanc, P. Hintermeyer), *Dépasser les frontières*, numéro spécial, *Revue des sciences sociales*, 60, 2018; (ed. with A. Choné, I. Hajek), *Rethinking Nature, Challenging Disciplinary Boundaries*, London-New York: Routledge, 2017; (ed.), *Ruralité, nature et environnement : entre savoirs et imaginaires*, Toulouse: Erès, 2017; (ed. with A. Choné, I. Hajek), *Guide des Humanités environnementales*, Villeneuve

d'Ascq: Presses universitaires du Septentrion, 2016; (with G. Christen), *Transition énergétique et inégalités environnementales*, Strasbourg: Presses universitaires de Strasbourg, 2015; (with C. Frank), *Quelle mise en œuvre de la directive européenne contre les discriminations raciales ? Une comparaison France, Espagne, Royaume-Uni*, Bruxelles: De Boeck, 2014; (ed. with G. Christen, M. Jehling, M. Wintz), *Systèmes énergétiques renouvelables en France et en Allemagne*, Paris, Orizons, 2014; (ed. with M. Blanc, C. Duchêne-Lacroix, T. Freytag, C. Kramer), *Questionner les mobilités résidentielles à l'aune de la multilocalité*, Strasbourg: Néothèque, 2014; *Sociologie des espaces-frontières*, Strasbourg: Presses universitaires de Strasbourg, 2013; *Sociologie urbaine et développement durable*, Bruxelles: De Boeck, 2012; (ed.), *Ville, frontière, participation : de la visibilité des processus démocratiques dans la Cité*, Paris: Orizons, 2012; *Les travailleurs frontaliers en Europe : mobilités et mobilisations transnationales*, Paris: L'Harmattan, 2006.

**Patrice Harster**

Dr. Patrice Harster is since July 2008 Director General of the EGTC Eurodistrict PAMINA. He holds a doctoral thesis on the flexibility of working hours in France and Germany at the Louis Pasteur University of Strasbourg (F) in cooperation with the University of Mannheim (D). Before he was member of staff for cross-border cooperation at the Conseil régional d'Alsace, French member of staff at INFOBEST in Lauterbourg, representative for French-German matters as part of Daniel Hoeffel's cabinet (President of the Conseil général du Bas-Rhin and former minister), responsible for development of the department for cross-border and decentralised cooperation, project coordinator for the transformation of the department for cross-border, European and international matters (implemented in 2003); Initiator of several cross-border structures and interregional/international partnerships of the Conseil général and director of the cross-border administration unit REGIO PAMINA. His main fields of specialization are local and regional cross-border cooperation (member of the Upper Rhine Conference and the Upper Rhine Council; counsellor at the CESER Grand Est and rapporteur of the Commission "External relations and cross-border cooperation", representative of the Région Grand Est at the Economic and Social Council of the Greater Region (CESGR), deputy chairman and rapporteur of the working group on economy and sustainable development at the CESGR, etc.); Binational Cooperation (counsellor

of the French government for the new Élysée treaty, member of the steering council of the Mission Opérationnelle Transfrontalière, studies and speeches for several public structures, member of the Working group "Border Futures" of the Akademie für Raumforschung und Landesplanung, etc.); European (territorial) cooperation (counsellor of the CoR for the first EGTC regulation, member of the expert group on border obstacles of the European Commission, member of the working group on the regulation for a cross-border mechanism, etc.); Lectures on cross-border cooperation (ENA, INET, European Council, Hochschule Kehl and different universities).

**Recent publications**: *Travail à temps flexible et marche du travail* : *aspects analytiques et empiriques. Étude comparée France-R.F.A.*, Strasbourg, thèse de 3e cycle Économie européenne, 1987; Aktionsfeld grenzüberschreitender Arbeitsmarkt: eine Priorität im Eurodistrikt PAMINA, in K. Pallagst, A. Hartz, B. Caesar (eds.), *Border Futures. Zukunft Grenze. Avenir Frontière: Zukunftsfähigkeit grenzüberschreitender Zusammenarbeit*, Hannover: ARL, 2018; Die Gebietsreform in Frankreich, *ibid*.

**Jean-Alain Héraud**

Dr. Pr Héraud is emer. Professor in Economics at the University of Strasbourg (Unistra), France. He is member and has been Director of the CNRS-University joint lab BETA. He was Head of the Faculty of Economics (Unistra). Presently, he is President of the Association de Prospective Rhénane, a non-for-profit association interested in the study of the upper-rhine cross-border area and foresight methods applied to territories. He has written and edited several articles and books in economics of innovation and creativity, territorial development, economics of energy and natural resources, and participated to European projects, particularly in innovation policy, evaluation methods, technology foresight and assessment. He has been recently appointed as member of the Conseil de développement économique de l'Eurométropole de Strasbourg.

**Recent publications**: Vers une approche créative des politiques territorialisées d'innovation: enseignements tirés de la lecture néo-autrichienne de la "découverte entrepreneuriale", *Innovations*, 53(2), 2017, 195-215; (with E. Muller), Creativity management: Causation, effectuation and will, in M. Wagner, J. Valls-Pasola, T. Burger-Helmchen

(eds.), *The global management of creativity*, London-New York: Routledge, 2017; Science and innovation, chap. 4 in H. Bathelt, P. Cohendet, S. Henn, L. Simon (eds.), *The Edward Elgar Companion to innovation and knowledge creation*, Cheltenham, UK, Northampton, Mass.: Edward Elgar Publishing, 2017; A New Approach of Innovation: from the Knowledge Economy to the Theory of Creativity Applied to Territorial Development, *Journal of the Knowledge Economy*, 2016; (with M. Benaim, V. Mérindol), Scientific connectivity of European regions: towards a typology of cooperative schemes, *Journal of Innovation Economics & Management*, 21(3), 2016, 155-176; (with R. Kahn), La pertinence du modèle de l'entreprise rhénane de nos jours : y a-t-il une spécificité alsacienne ?, in P. Lamard, N. Stoskopf (eds.) *L'entreprise rhénane : mythe ou réalité*, Paris: Picard, 2015; (avec E. Muller, A. Zenker), Knowledge Angels: Creative Individuals fostering Innovation in KIBS. Observations from Canada, China, France, Germany and Spain, *Management international*, 19, 2015, 201-218; Les politiques de recherche et d'innovation, chap. 8 in M. Dévoluy, G. Koenig (ed.), *Les politiques économiques européennes*, Paris: Seuil, 2015; De l'économie de la connaissance à la théorie de la créativité, in É. Campagnac-Ascher (eds.), *Économie de la connaissance : une dynamique métropolitaine ?*, Paris: Le Moniteur, 2015.

**Lavinia Kortese**

Lavinia Kortese, LL.M. is a PhD candidate and researcher at ITEM and Maastricht University's Faculty of Law. She holds a Bachelor of Arts (University of Amsterdam) and a Master of Laws (Maastricht University). The central focus of her PhD research is on examining the most important international legal instruments and cooperation initiatives and their respective competences on the recognition of professional and academic qualifications both at the international level and upon implementation into selected Member State's legal orders and to assess their coherence.

**Recent publications**: *De Grensoverschrijdende Mobiliteit van Gespecialiseerde Verpleegkundigen IC. Nederland/België*, Maastricht: ITEM, 2018; Vele wegen leiden naar Rome: Trajecten tot erkenning van kwalificaties in Nederland op verschillende momenten, *Journaal Vreemdelingenrecht*, 4(16), 2017, 27-41; (with H. Schneider, A. Hoogenboom), *Professionele erkenning inzichtelijk gemaakt: Richtlijn 2005/36/EG, zoals gewijzigd door Richtlijn 2013/55/EU*, Maastricht: ITEM, 2017; A Refugee's Access to the Dutch Labour Market: Recognising the Professional Qualifications

of Refugees, in ITEM Bundle, *Beyond the Refugee Crisis: A Reflection from Different Perspectives on the Dutch Case*, Maastricht: ITEM, 2017; Exploring Professional Recognition in the EU: A Legal Perspective, *Journal of International Mobility*, 4(1), 2016, 43-58; (with H. Schneider, A. Hoogenboom), *ITEM Cross-border Impact Assessment 2016. Dossier 2: Recognition of Professional Qualifications*, Maastricht: ITEM, 2016; *Assessing the Coherence of Mechanisms for the Recognition of Qualifications: Discerning Dimensions to a Multilevel Challenge*, MCEL Master Working Paper 2016/1.

**Marcin Krzymuski**

Marcin Krzymuski is an alumnus of the European University Viadrina Frankfurt (Oder) as well as the Adam Mickiewicz University in Poznań (Poland). Following his graduation, he successfully completed judge's apprenticeship in Poland. From 2004 to 2014 he taught Polish private law at the European University Viadrina (law of obligations and property law). In 2011, he obtained his doctorate having written a dissertation on the subject of *Private environmental law in Poland and Germany under the influence of European law*. 2014-2017 he was the head of the "EGTC Centre of Excellence" within the Viadrina Center B/Orders in Motion. His academic interests relate to the legal questions of cross-border cooperation of public entities in the area of public services. Mr Krzymuski is also admitted to the bar of legal advisors (radca prawny) in Poland. Currently he is a partner in his own law firm in Frankfurt (Oder).

**Recent publications**: (ed. with P. Kubicki, P. Ulrich), *Der Europäische Verbund für territoriale Zusammenarbeit. Instrument der grenzübergreifenden Zusammenarbeit nationaler öffentlicher Einrichtungen in der Europäischen Union*, Baden-Baden: Nomos, 2017; (with P. Ulrich), *Zarządzanie terytorialne na obszarze polsko-niemieckiego pogranicza na przykładzie planowanego EUWT TransOderana – podmioty, strategie, instytucje*, in E. Opiłowska, Z. Kurcz, J. Roose (eds.), *Polnische Grenzräume im Wandlungsprozess*, Baden-Baden: Nomos 2017; (with A. Tölle), Deutsch-polnische grenzübergreifende Zusammenarbeit in der räumlichen Planung. Grundlagen, Formen und Intensivierungsmöglichkeiten, in A. Chylewska, A. Tölle (eds.), *Po obu stronach Odry. Europejskie, narodowe i regionalne aspekty sąsiedztwa polsko-niemieckiego. Księga Jubileuszowa Profesora zw. dr. hab. dr. h.c. Andrzeja Jana Szwarca / Auf beiden Seiten der Oder. Europäische, nationale und regionale Aspekte der deutsch-polnischen Nachbarschaft*.

Festschrift für Professor Dr. habil. Dr. h.c. A. J. Szwarc, Berlin: Logos, 2016, 233-260; (with P. Kubicki), EUWT 2.0? Reforma rozporządzenia o europejskich ugrupowaniach współpracy terytorialnej szansą na ożywienie współpracy transgranicznej podmiotów publicznych, *Samorząd Terytorialny*, 6, 2015, 23-37; (with P. Kubicki), EVTZ-2.0. Neue Chance für die grenzübergreifende Zusammenarbeit öffentlicher Einrichtungen?, *Neue Zeitschrift für Verwaltungsrecht*, 20, 2014, 1338-1344.

**Karl-Heinz Lambertz**

Karl-Heinz Lambertz was elected as President of the European Committee of the Regions (CoR) in July 2017 after serving a two and a half year term as First Vice-President. He is also a member of the Belgian Senate representing the German-Speaking Community. Born on 4 June 1952 in Schoppen, Karl-Heinz Lambertz' interest in politics came early in his career, having served as President of the German-speaking Youth Council (1975-1980). After a number of functions linked to his academic background in law, he became Member of Parliament of the German-speaking Community in 1981. Between 1990 and 1999 he held numerous Ministerial posts in the German-speaking Community Government before being elected its Minister-President (1999-2014). He was then President of Parliament until 2016 before taking post as Senator. Karl-Heinz has been a CoR member since 2001 and was President of the CoR's PES Group (2011- 2015). Since 2000, he has been a Member of the Congress of Local and Regional Authorities of the Council of Europe in which he is currently Vice-President.

**Recent publications**: Belgien. Die Geburt eines Bundesstaates, *Ethnos-Nation. Eine Europäische Zeitschrift*, 2, 1993, 49-56; Die Verfassung Belgiens und ihre Institutionen, *Nordrhein-Westfälische Verwaltungsblätter. Zeitschrift für öffentliches Recht und öffentliche Verwaltung*, 9, 2003, 329-333; Thesen zur Zukunft des belgischen Staates, in Johannes Koll, *Nationale Bewegungen in Belgien. Ein historischer Überblick*, Münster: Waxmann, 2005, 179-188; Drei Alleinstellungsmerkmale der Deutschsprachigen Gemeinschaft, in K. Stangherlin (ed.), *La Communauté germanophone de Belgique. Die Deutschsprachige Gemeinschaft Belgiens*, Bruxelles: La Charte, 2005, 8-13; Transnationale gesellschaftliche Interaktion in der Europäischen Union und der Mehrwert interregionaler Zusammenarbeit in Europa am Beispiel der Deutschsprachigen Gemeinschaft Belgiens, in U. Hufelt, P.-C. Müller-Graff, S. Okruch, *Schriftenreihe des Arbeitskreises Europäische Integration*

*e.V. – Nachbarschaften innerhalb der Europäischen Union*, Baden-Baden: Nomos, 2007, 247-250; (with S. Förster), Asymmetrischer Föderalismus in Belgien, in F. Palermo, R. Hrbek, C. Zwilling, E. Alber, *Auf dem Weg zum asymmetrischen Föderalismus?*, Baden-Baden: Nomos, 2007, 65-72; (ed.), *Die Grenzregionen als Labor und Motor kontinentaler Entwicklungen in Europa – Berichte und Dokumente des Europarates sowie Reden zur grenzüberschreitenden Zusammenarbeit in Europa*, St.Gallen-Zürich: Dike Verlag, 2010; Lehren aus der grenzüberschreitenden Kooperation in Westeuropa für die Zusammenarbeit in den Grenzregionen an den neuen EU-Binnengrenzen nach der Osterweiterung, in H. Zschiedrich (ed.), *Wirtschaftliche Zusammenarbeit in Grenzregionen: Erwartungen, Bedingungen, Erfahrungen*. Berlin: BWV Berliner Wissenschafts-Verlag, 2010, 41-46; L'état de la coopération transfrontalière en Europe, in B. Wassenberg, J. Beck (eds.), *Living and Researching Cross-Border Cooperation*. Vol. 3. *The European Dimension. Contributions from the research programme on cross-border cooperation of the University Strasbourg and the Euro-Institute*, Stuttgart: Steiner, 2011, 59-66.

**Fabienne Leloup**

Fabienne Leloup is a full professor at the University of Louvain (Belgium) in the Faculty of Economic, Social and Political Sciences. Her PhD from the University of Cranfield (United Kingdom), *Migration Dynamics. A policy exploration tool for Senegal*, was supervised by prof. P.M. Allen and concerned the complex systems analysis. Member of the Institute of Political Sciences Louvain – Europe (ISPOLE), she is attached to the Center for Political Sciences and Comparative Politics (CESPOL) and Member of the Centre for Development Studies (CED). She is the current president of the French speaking section of the European Regional Science Association (ERSA). She is the co-founder of the Franco-Belgian Institute "Borders and Discontinuities" (IFD) including scientists from six Universities located at the Franco-Belgian border. She takes part of various research projects, i.e. Transuniv, a project relating six Flemish, Walloon and French Universities funded by Interreg V or, as the co-president of the coordinating committee, "A new cultural governance", a participative process organized by the Belgian Ministry of Culture. She has been visiting professor at the University of Victoria (Canada), the New University of Bulgaria, the University of Ouagadougou (Burkina Faso), the University of Oujda (Morocco) and the University Cheikh Anta Diop (Senegal). She has supervised and supervises several PhD

theses in political and social sciences. Her major fields of research are the territorial governance and development, especially in the context of cross-border cooperation or local policy. She analyses the regional and local dynamics created by endogenous resources, including material or immaterial heritage, the impact of environmental context, the role of public authorities and the effect of social and cultural coordination. Her main case studies are concerned with Western Europe and Western Africa (especially Guinea, Senegal and Burkina Faso). She is a member of various editorial boards and the academic coordinator of the International Inter-University Master of specialization in Development, Environment and Societies; she teaches several courses in Bachelor and Master Degrees in political sciences and public administration.

**Recent publications**: For details, see: https://uclouvain.be/en/directories/fabienne.leloup.

**Louis Navé**

Louis Navé is PhD candidate at the University of Strasbourg, Centre d'Études Internationales et Européennes. Academic background: Institut d'Études Politiques de Strasbourg (2011-2015); Master's degree in European Law from the Université de Strasbourg (2015); MA in European Political and Administrative Studies from the College of Europe, Bruges (Chopin promotion, 2015-2016). Experiences: Internship at the European Court of Justice (2015), European Centre for Government Transformation (2016). Teaching assistant at the Institut d'Études Politiques de Strasbourg since 2016, research interests and publications in EU energy law.

**Jean Peyrony**

Born in 1961, at present Director General of Mission Opérationnelle Transfrontalière (MOT), a non-profit organization helping local authorities to develop cross border cooperation projects. Before, has been working in the European Commission, DG REGIO, in the Unit "Urban development, Territorial cohesion"; in DATAR (French national agency for spatial planning and regional development, now CGET) where he was in charge of European territorial development and cooperation (ESPON, North West Europe and Alpine Space Interreg programmes), and of policy design of the EU cohesion policy; in the regional agency for spatial planning in Paris region, where he was head of the Observation

Unit, and he took part in the writing of the regional plan; in public/private partnerships for urban development in Paris agglomeration and in La Reunion island (French outermost region), where he was project manager. He holds a diploma of the École polytechnique and a diploma of the Ecole nationale des Ponts et Chaussées.

**Recent publications**: New spaces for action: cross border territories for EU spatial development, in J. Farinos Dasi (ed.), Valencia, 2018 (forthcoming); Integration of Cross-Border Regions: Obstacles and Solutions. Castle talks on cross border cooperation, Fear or integration? The pertinence of the border, in B. Wassenberg (ed.), Stuttgart: Steiner, 2018; La catastrophe de 1914-1918 : un "sacrifice inutile". L'État-nation et ses frontières, In M. Camiade, B. Wassenberg (eds.). *La coopération transfrontalière en Europe : au-delà des cicatrices de l'histoire*. RICERC, n° 1 spécial; (with B. Wassenberg, B. Reitel, J. Rubio), *Territorial cooperation in Europe, a historical perspective*, Luxembourg: Publications Office of the European Union, 2015; Frontières et cohésion territoriale, in J. Beck, B. Wassenberg (eds.), *Vivre et penser la coopération transfrontalière*. Vol. 6. *Vers une cohésion territoriale ?*, Stuttgart: Steiner, 2014; (with O. Denert), Planning for Cross-Border Territories: The Role Played by Spatial Information, *Raumforschung und Raumordnung*, 70(3), 2012, 229-240; (with A. Faludi), Cohesion Policy Contributing to Territorial Cohesion: Future Scenarios, http://www.nordregio.se/global/EJSD/refereed%20articles/refereed43.PDF; French Perspectives, in A. Faludi, *Territorial cohesion and the European model of society*, Cambridge, Mass.: Lincoln Institute of Land Policy, 2007.

**Pavel Pranda**

Dr. Pavel Branda is a deputy mayor of the Rádlo municipality in the Czech Republic. He is the chairman of the Commission for international cooperation of the Union of towns and municipalities of the Czech Republic (SMO ČR). He is also a member of the Czech delegation to the Committee of the Regions (CoR). He has been involved in cross-border cooperation most of his professional and academic career and he follows this topic also within the CoR where he initiated and is currently chairing an interregional group on cross-border cooperation. He is a vice-president of the Association of European Border Regions (AEBR) and also member of Advisory committee of the AEBR. Pavel has been a CoR rapporteur on people-to-people and small-scale projects in cross-border

cooperation programmes. He graduated from the University of Economic in Prague majoring in European Integration and later received his Ph.D. in European studies focusing on cross-border cooperation structures.

**Bernard Reitel**

Bernard Reitel is since 2012 Professor of political geography at the University of Artois. He has published several articles on urban planning and spatial integration in "border cities" (Berlin, Basel, Geneva, Lille, Luxembourg, Strasbourg) and on cross-border governance at local and regional level in Western Europe. Member of the laboratory "Discontinuités" from the Université d'Artois and of the French-Belgian consortim IFD (Institut des Frontières et des Discontinuités), he holds since 2017 a Jean Monnet chair on "borders and European integration". He directs a Master's program on "Territorial Development, Spatial Planning and Environment".

**Recent publications**: (with B. Wassenberg), *Territorial cooperation in Europe. A historical perspective*, Luxembourg: Publication Office of the European Union, 2015, http://ec.europa.eu/regional_policy/en/information/publications/brochures/2015/territorial-cooperation-in-europe-a-historical-perspective; La frontière : une approche polysémique et multi-scalaire, in F. Moullé, *Frontières*, Bordeaux, Presses universitaires de Bordeaux, 2017, 53-71.

**Roland Scherer**

Dr. Roland Scherer is director of the Institute for Systemic Management and Public Governance (IMP-HSG) at the University of St.Gallen (Switzerland) and responsible for the Research Centre for Regional Science. He has been working at the IMP-HSG since 1997 in different positions. Before joining the IMP-HSG he worked as research assistant at the EURES Institute for Regional Studies in Europe in Freiburg, Germany (1992-1997). Roland Scherer has realized numerous publications and extensive research in the fields of regional governance, regional economic development, regional innovation policy, European regional policy and cross-border co-operations. At the IMP-HSG he is responsible for teaching and training activities as well as for (applied) research including amongst others evaluations, impact assessments or conceptual studies. Roland Scherer holds a PhD from the University of St.Gallen, Switzerland (2006). He graduated in Administrative

Sciences at the University of Constance in Germany (1992). For further information with regard to Roland Scherer and his work, see also: https://www.alexandria.unisg.ch/persons/971.

**Recent publications and projects**: (with K. Zumbusch *et al.*), *Evaluation der Zusammenarbeit in der Exportförderung*. On behalf of State Secretariat for Economic Affairs SECO, Switzerland, 2018; Eine Grenzregion als Wachstumsregion: was man von den Governance-Strukturen der Bodenseeregion lernen kann, in M. Heintel, R. Musil *et al.* (eds.), *Grenzen. Theoretische, konzeptionelle und praxisbezogene Fragestellungen zu Grenzen und deren Überschreitungen*. Wiesbaden: Springer, 2017, 237-255; (with K. Zumbusch), Bodenseeleitbild 2020. Begleitung und Aufbereitung des Diskursprozesses, on behalf of the International Conference of the Lake Constance, 2016; (with K. Zumbusch), Cross-Border Governance: Balancing Formalized and Less Formalized Co-operations, *Social Sciences*, 4(3), 2015, 499-519; (with M. Silfverberg, A. Riser), *Die (wirtschaftlichen) Verflechtungen des deutsch-schweizerischen Grenzraums*, St.Gallen: Institut für Systemisches Management und Public Governance, 2014; (with K. Zumbusch), Multiple Rationalities in Regional Development, in K. Schedler, J. Rüegg-Sturm (eds.), *Multirational Management*, Basingstoke: Palgrave Macmillan, 2014; (with P. Beritelli), Die Bildung stabiler grenzüberschreitender Institutionen: Ein steiniger Weg kooperativen Verhaltens am Beispiel der Internationalen Tourismusregion Bodensee, in H. Pechlaner, J. Jochmann (eds.), *Grenzüberschreitende Kooperationen im Tourismus*, Berlin: Erich Schmidt, 151-161.

**Katarzyna Stokłosa**

Dr. habil. Katarzyna Stokłosa is Associate Professor in the Department of Political Science and Public Management, Centre for Border Region Studies, at the University of Southern Denmark. She finished her PhD at the European University Viadrina in Frankfurt (Oder) and her habilitation thesis at the University of Potsdam. She has published various books and articles on European border regions in comparison and on European history. Katarzyna Stokłosa is member of Board of Directors of the Association for Borderlands Studies (ABS).

**Recent publications**: (with D. Jajeśniak-Quast), *Geteilte Städte an Oder und Neiße. Frankfurt (Oder)-Słubice, Guben-Gubin und Görlitz-Zgorzelec, 1945-1995*, Berlin: Arno Spitz 2000; *Grenzstädte in Ostmitteleuropa.*

*Guben-Gubin 1945-1995*, Berlin: Berliner Wissenschaftsverlag 2003; Regional identity and cultural co-operation in Uzhgorod as a bridge between different groups, in A. Mats (ed.), *Whither Europe? Migration, Citizenship and Identity*, Göteborg: Göteborg University, 2003, 179-192; Laboratorien der Einigung. Grenzregionen am EU-East-End, *Osteuropa*, 54(5-6), 2004, 496-506; Identitäten in Bewegung: die deutsch-polnische und die ukrainisch-slowakische Grenzregion im Vergleich, in C. Pletzing, P. O. Loew, T. Serrier (eds.), *Wiedergewonnene Geschichte. Zur Aneignung von Vergangenheit in den Zwischenräumen Mitteleuropas*, Wiesbaden: Harrassowitz, 2006, 205-224; Two sides of the border and one regional identity: the identity problem in the German-Polish and Ukrainian-Slovak border regions, in T. Lundén (ed.), *Crossing the Border. Boundary relations in a changing Europe*, Gdansk: Förlags ab Gondolin, 2006, 117-133; Opportunities and Problems of Euroregions along the Polish-German Border, in J. Langer (ed.), *Euroregions. The Alps-Adriatic Context*, Frankfurt am Main: Peter Lang, 2007, 233-242; La vie à la frontière soviéto-polonaise après la création du bloc communiste, in S. Cœuré, S. Dullin (eds.), *Frontières du communisme. Mythologies et réalitiés de la division de l'Europe de la révolution d'Octobre au mur de Berlin*, Paris: La Découverte, 2007, 443-455; *Überlegungen zur Grenzregionenforschung*, KZG/CCH, 23(1), 2010, 53-62; *Polen und die deutsche Ostpolitik 1945-1990*, Göttingen: Vandenhoeck & Ruprecht, 2011; Neighborhood Relations on the Polish Borders: The Example of the Polish-German, Polish-Ukrainian and Polish-Russian Border Regions, *Journal of Borderlands Studies*, 27(3), 2012, 245-255; Conflict and co-operation: Poland's border regions in the Cold War and after, *Österreichische Zeitschrift für Politikwissenschaft*, 42(1), 2013, 65-82; (with G. Besier), *European Border Regions in Comparison: Overcoming Nationalistic Aspects or Re-Nationalization?* London-New York: Routledge, 2014; The Border in the Narratives of the Inhabitants of the German-Polish Border Region, in K. Stokłosa, G. Besier (eds.), *European Border Regions in Comparison: Overcoming Nationalistic Aspects or Re-Nationalization?* Abingdon, Oxon: Routledge, 2014, 257-274; Border Regions as Laboratories of European Integration, in E. Opiłowska, J. Roose (eds.), *Microcosm of European Integration. The German-Polish Border Regions in Transformation*, Baden-Baden: Nomos, 2015, 16-31; (with G. Besier), *Neighbourhood Perceptions of the Ukraine Crisis. From the Soviet Union into Eurasia?* London-New York: Routledge, 2017; Twin towns in Eastern Europe: On the way from bordering to the cross-border identity?, in E. Opiłowska, Z. Kurcz,

J. Roose (eds.), *Advances in European Borderlands Studies*, Baden-Baden: Nomos, 2017, 307-315; (with G. Besier), *How to deal with Refugees? Europe as a Continent of Dreams*, Berlin: LIT, 2018.

**Anne Thevenet**

Anne Thevenet is working at the Euro-Institut (Institute for training and counselling on cross-border issues located in Kehl, Germany) since 2005. She holds a Diploma in political sciences, and a Master in European studies and in management. She has worked in the German Parliament and in cross-border cooperation at the Austrian-Czech-Slovak-Hungarian border. As Deputy Director of the Euro-Institut, she is in charge of human resources, contacts with funders and the development of new strategies, as well as the development and delivery of training courses in different areas of cross-border interest (health and security at work, regional planning, social affairs, etc.). She also lectures at universities in the Upper Rhine region. An important part of her job consists of developing relations with other border regions. Since 2010 she has coordinated the Transfrontier Euro-Institut Network (TEIN), which now brings together 14 centres and institutes of cross-border cooperation in 9 different European border regions.

**Peter Ulrich**

Peter Ulrich is a political scientist with special emphasis on European, Regional and Governance Studies, Political Geography and Border Studies. He is currently working at the Viadrina Center B/ORDERS IN MOTION at the Europa-Universität Viadrina in Frankfurt (Oder) in the research group "Border & Boundary Studies". He is a PhD candidate at the Chair for European and International Politics at the same university. His PhD thesis "Participatory governance in the Europe of the cross-border regions" focuses on cross-border governance processes at Inner-European border regions and civil society participation, regionalism and regionalization. The PhD thesis will be concluded in the beginning of 2019.

**Recent publications**: (avec M. Krzymuski), Actor's participation in cross-border governance structures at the German-Polish border. Case Studies from the Viadrina region, in B. Wassenberg (ed.), *Castle Talks on Cross-Border Cooperation. Fear of Integration? The Pertinence of the Border*, Stuttgart: Steiner, 2018, 153-183; Can EU cross-border cooperation be

democratic? Concepts, theories and thoughts on citizen's participation, in M. Camiade, B. Wassenberg (eds.). *Cross-border Cooperation in Europe: Beyond the Scars of History*. RECERC, Special Issue No. 1, 2017; (with R. Bossong, D. Gerst, I. Kerber, M. Klessmann, H. Krämer), Complex Borders: Analytical Problems and Heuristics, in E. Opiłowska, Z. Kurcz, J. Roose (eds.), *Advances in European Borderlands Studies*, Baden-Baden: Nomos, 2017, 65-84; Grenzüberschreitende funktionale Kooperation im deutsch-polnischen Grenzraum am Beispiel des TransOderana EVTZ. Akteure, Strategien und Institutionen, in M. Krzymuski, P. Kubicki, P. Ulrich (eds.), *Der EVTZ als Instrument der grenzüberschreitenden Zusammenarbeit nationaler öffentlicher Einrichtungen in der Europäischen Union*, Baden-Baden: Nomos, 2017, 369-416; Participatory governance in the Europe of the (cross-border) Regions. The example of the European Grouping of Territorial Cooperation (EGTC), *CIFE Quarterly Journal, L'Europe en formation. A Europe of the Regions: Obsolete or Obstinate?*, 2017, 156-179; Institutionalizing (cross-border) citizenship on subnational level. The European Grouping of Territorial Cooperation (EGTC) as a new administrative space for participatory and functional governance in Europe, in *Federal Governance*, Special Issue *Regions as actors*, 2016, 11-39.

**Martin Unfried**

Martin Unfried (1966) obtained a Master in Political Science at the University of Erlangen/Germany. He has been working in the Netherlands since 1997 with the European Institute for Public Administration (EIPA) as an expert on EU environment and regional polies. The last couple of years he also started working in the field of cross-border affaires for the Dutch province of Limburg and the Ministry of Internal Affairs. In 2013 he wrote a report about the practical obstacles with respect to cross-border mobility. Some recommendations from the report were taken up by governmental institutions and others. In particular, the idea of bottom-up cross-border impact assessment was established at the new Institute ITEM at Maastricht University. Since 2016, Martin Unfried is working at ITEM as project leader for the annual impact assessment exercise and is as well advising DG Regio of the European Commission on this question.

**Recent publications**: *Grenzüberschreitende Praktika in der Euregio Maas-Rhein: Qualität und Finanzierung*. Maastricht: ITEM (forthcoming);

(with others), *ITEM report on the annual cross-border impact assessment, Cross-Border Impact Assessment 2016/2017*, 2017; (with B. Hamacher), *Die Potentiellen Auswirkungen der deutschen PKW-Maut auf Grenzregionen*, Maastricht: ITEM, 2017; *Grenzüberschreitende Arbeitsmobilität. Finanzierungsquellen und Netzwerke für künftige Kooperationsprojekte zur Stärkung des euregionalen Arbeitsmarktes*, Research Report for EURES Meuse-Rhine, 2015; Die Anerkennung von Berufsqualifikationen: Aktuelle Herausforderungen für den grenzüberschreitenden deutsch-niederländischen Arbeitsmarkt in den Bereichen Pflege und Erzieher/innen, Arbeitspapier für die Landesregierung NRW, 2015; (with H. Scholten), *Van stilstand naar Verandering, Praktische Oplossingen voor verbeteringen van de arbeidsmobiliteit in de grensregio*, EIPA Maastricht in opdracht van het Nederlandse Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 2015; Going Green. Concrete Solutions from the Public Sector, in A. Heichlinger (ed.), *EPSA Trends in Practice*, Publication of the European Public Sector Award, European Institute of Public Administration, 2011; *Der Europäische Verbund für territoriale Zusammenarbeit in der Euregio Maas-Rhein: Rechtliche und politische Chancen und Risiken*, Study fort the Dutch Province of Limburg, January 2009; (with A. Jordan, A. Schout, A. Zito), Environmental Policy: Struggling to Address a Multilevel Coordination Deficit?, in H. Kassim, A. Menon, B. G. Peters (eds.), *Coordinating the European Union*, Lanham: Rowman and Littlefield, 2009.

**Nathalie Verschelde**

Nathalie Verschelde is Deputy Head of the Unit for Cross-Border Cooperation at DG DG Regional and Urban Policy. She holds a MA degree in English & Dutch Language & Literature from the Université Catholique de Louvain (Belgium) & Facultés Universitaires Notre-Dame de la Paix (Namur, Belgium) and a Postgraduate Diploma (Distance Learning) in Effective Management (The Effective Manager) from the Open University (UK). She as a very strong knowledge of and passion for territorial cooperation, is a former desk officer for several CBC programmes inside the EU and on the external borders. She was involved in the development of policy initiatives related to border life (obstacles, opportunities), and responsible for the drafting of the European Commission's Communication "Boosting Growth and Cohesion in EU Border Regions" and was/is coordinating the implementation of the action plan set out in this communication. She is also coordinator

of the Border Focal Point established in January 2018 in DG REGIO, contribution to the drafting of legislative proposals for Interreg 2021-2027 and for a draft regulation establishing a mechanism for the resolution of border obstacles. Amongst other functions within DG Regio she was speechwriter for Commissioner Hahn from 1 May 2011 to 31 December 2012.

**Birte Wassenberg**

Birte Wassenberg is Professor in Contemporary History at the Institute for Political Studies (IEP) of the University of Strasbourg and member of the Research Institute for History Raymond Poidevin at the UMR DynamE-Dynamiques européennes. She holds a Jean Monnet Chair, is deputy director of the Franco-German Jean-Monnet Center of Excellence and director of the Master in Border Studies, International Relations. From 1993 to 2006 she was responsible for cross-border cooperation at the Région Alsace. Her research fields are: border regions, Euro-scepticism and the history of European organizations, especially the Council of Europe. She is also a former student from the College of Europe, promotion Charles IV (1992-1993).

**Recent publications**: (with B. Reitel), *La coopération territoriale en Europe : une perspective historique*, Luxembourg: Office des Publications de l'UE, 2015; (with M. Klatt), Secondary Foreign Policy. Local International Relations: Can Cross-Border Cooperation function as a Tool to Peace-Building and Reconciliation in Border Regions, Special Issue *Regional and Federal Studies*, 27(3), 2017; *Castle-talks on Cross-Border Cooperation. Fear of Integration? The Pertinence of the Border*, Stuttgart: Steiner, 2018.

**Christian Wille**

Christian Wille (PhD) is a senior researcher at the University of Luxembourg and head of the cross-border network UniGR-Center for Border Studies. He teaches cultural border studies and works on cross-border practice formations and border theories. He is a founding member of the research groups "Cultural Border Studies" and "Bordertextures" and co-editor of the book series "Border Studies: Cultures, Spaces, Orders". He has been coordinating the faculty key area "Migration and Intercultural Studies" in Luxembourg, teaching at the Saarland University and the University of Lorraine and working for the Interregional Labor

Market Observatory of the Greater Region. His books and papers deal with spatial, identity, praxeological theories and cross-border everyday life worlds with a focus on the Greater Region SaarLorLux. Christian Wille holds a PhD from the German Saarland University and the University of Luxembourg.

**Recent publications**: (with S. Weier, A. M. Fellner, J. Frenk, D. Kazmaier, E. Michely, C. Vatter, R. Weiershausen). Bordertexturen als transdisziplinärer Ansatz zur Untersuchung von Grenzen, *Berliner Debatte Initial*, 29(1), 2018, 73-83; Étudier les identités spatiales pour étudier la frontière. Une analyse pluridimensionnelle, in S. Considère, T. Perrin (eds.), *Frontières et représentations sociales. Questions et perspectives méthodologiques*. Louvain-la-Neuve: Academia-L'Harmattan, 2017, 117-140; (ed. with R. Reckinger, S. Kmec, M. Hesse), *Spaces and Identities in Border Regions. Policies, Media, Subjects*, Bielefeld: Transcript, 2016; Grenzüberschreitender Arbeitsmarkt in der Großregion SaarLorLux: Politische Visionen und empirische Wirklichkeiten, in W. H. Lorig, S. Regolot, S. Henn (eds.), *Die Großregion SaarLorLux. Politischer Anspruch, Wirklichkeiten, Perspektiven*. Wiesbaden: VS Verlag, 2016, 115-143; *Lebenswirklichkeiten und politische Konstruktionen in Grenzregionen. Das Beispiel der Großregion SaarLorLux: Wirtschaft, Politik, Alltag, Kultur*. Bielefeld: Transcript, 2015; (with E. Boesen, B. Nienaber, U. Roos, G. Schnuer), Phantomgrenzen im Kontext grenzüberschreitender Wohnmigration. Das Beispiel des deutsch-luxemburgischen Grenzraums, *Europa Regional*, 22 (3-4), 2015, 114-128; Spaces of the Border: a Practice-theoretical Cultural Studies Perspective in Border Studies, *Europa Regional*, 21(1-2), 2015, 60-71; *Grenzgänger und Räume der Grenze. Raumkonstruktionen in der Großregion SaarLorLux*, Frankfurt am Main: Peter Lang, 2012.

**Kristina Zumbusch**

Dr. Kristina Zumbusch is vice-director of the Institute of Systemic Management and Public Governance at University of St.Gallen (IMP-HSG) in Switzerland. At the IMP-HSG, she works in the Research Centre for Regional Sciences. She has been at the IMP-HSG since 2009. Before coming to the IMP-HSG, she was senior researcher at convelop. gmbh (2006-2009) as well as at the Institute for Technology and Regional Policy, Joanneum Research ForschungsgesmbH (2003-2006) in Graz and Vienna (AT). From 1999 to 2003, she was research assistant at the

Department of Spatial Planning in Europe, University of Dortmund, interrupted by research stays for several months in the US and in Brussels. During her different appointments, Kristina Zumbusch has realized numerous publications and extensive research in the fields of regional governance, regional economic development, regional innovation policy, European regional policy and cross-border co-operations. At the IMP-HSG, she is responsible for teaching and training activities as well as for (applied) research including amongst others evaluations, impact assessments or conceptual studies. Kristina Zumbusch holds a PhD from the University of Dortmund in Germany (2003). She graduated from the Technical University of Vienna, Austria (1999). For further information with regard to Kristina Zumbusch and her work, see also: https://www.alexandria.unisg.ch/persons/2386.

**Recent publications and projects**: (with R. Scherer *et al.*), *Evaluation der Zusammenarbeit in der Exportförderung*. On behalf of State Secretariat for Economic Affairs SECO, Switzerland; (with E. Fohim, R. Scherer), *Evaluation der Tätigkeiten der Euregios im INTERREG Programm V-A Österreich-Bayern 2014-2020.* On behalf of the respective managing authority, St.Gallen, 2018; (with R. Scherer), *Bodenseeleitbild 2020. Begleitung und Aufbereitung des Diskursprozesses, on behalf of the International Conference of the Lake Constance*, 2016; (with M. Haenni, R. Scherer), *Wirkungsmonitoring der Koordinationsstelle für Aussenbeziehungen des Kantons St.Gallen*, 2016; (with R. Scherer), Cross-Border Governance: Balancing Formalized and Less Formalized Co-operations. *Social Sciences*, 4(3), 2015, 499-519; (with R. Scherer), Multiple Rationalities in Regional Development, in K. Schedler, J. Rüegg-Sturm (eds.), *Multirational Management*. Basingstoke: Palgrave Macmillan, 2014; (with F. Quiquerez, R. Scherer), *Evaluation der Schweizer Beteiligung an den ETZ-Programmen im Rahmen der NRP. On behalf of State Secretariat for Economic Affairs SECO, Switzerland*, 2013.

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N° 70 – *The EU, Security and Transatlantic Relations.* Finn Laursen (ed.), 2012.

N° 69 – *Européanisation au XXe siecle. Un regard historique / Europeanisation in the 20th Century. The Historical Lens*. Matthieu Osmont, Emilia Robin-Hivert, Katja Seidel, Mark Spoerer & Christian Wenkel (dir./eds.), 2012.