

Cross-Border Cooperation: Challenges and Perspectives for the Horizontal Dimension of European Integration*

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ABSTRACT

Starting from a perception of cross-border territories being sub-systems, created by the respective national politico-administrative partners involved, the paper assesses how cross-border cooperation in Europe can be improved by a new approach of integrated capacity-building. Based on both the achievement but also central challenges that all cross-border territories in Europe are facing in practice, two central fields are interpreted in this regard: training/facilitating and cross-border institution building. The paper concludes that a more effective cross-border policy-making of the future depends on approaches of systemic capacity-building and suggests "horizontal subsidiarity" as a new operating principle, to be developed as part of a multi-level governance approach.

KEYWORDS

border, future of cross-border policy-making, capacity-building, training

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Трансграничное сотрудничество: вызовы и перспективы для горизонтального измерения европейской интеграции

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РЕФЕРАТ

Исходя из восприятия трансграничных территорий, являющихся подсистемами, созданных соответствующими национальными политико-административными партнерами, документ оспаривает то, как трансграничное сотрудничество в Европе может быть улучшено за счет нового подхода к комплексному наращиванию потенциала. На основе как достижений, так и центральных проблем, с которыми сталкиваются все трансграничные территории в Европе, в этой связи рассматриваются две основные области: подготовка/содействие и создание трансграничных институтов. В документе делается вывод о том, что более эффективная трансграничная разработка политики в будущем зависит от подходов к созданию системного потенциала и предлагает «горизонтальную субсидиарность» в качестве нового операционного принципа, который будет разработан в рамках многоуровневого подхода к управлению.

КЛЮЧЕВЫЕ СЛОВА

граница, будущее трансграничной политики, создание потенциала, подготовка кадров

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1. INTRODUCTION: Cross-border cooperation as transnational subsystem

Border regions play an important role within the context of European integration: 40% of the EU territory is covered by border regions and approximately 30% of the EU population lives here. Out of the 362 regions registered by the Council of Europe and its 47 member states more than 140 are cross-border regions (Ricq 2006). The effects of the progress of European integration can be studied here: horizontal mobility of goods, capital and people are very obvious in border regions, but also the remaining obstacles to this horizontal mobility. This is why the border regions have often been described as laboratories (Lambertz 2010) and why cross-border cooperation as such can be interpreted as a specific horizontal dimension of European Integration (Wassenberg 2008; Beck/Thevenet/Wetzel 2009).

Beyond this EU-wide dimension, border regions are characterized by a very specific structural situation: natural and/or socio-economic phenomenon like transport, labour market, service-delivery, individual consumption, migration, criminality, pollution, commuters, leisure-time behaviour etc. have typically a border-crossing dimension, directly both affecting and linking two or more neighbouring states in a given trans-border territory. These negative or positive spill-over effects of either structural or everyday policy problems require a close cross-border co-operation between those actors, which are competent and responsible for problem solution within the institutional context of the respective neighbouring state. The wide range of possible inter-institutional and problem-specific constellations in Europe's border regions, however, does not allow a uniform classification of what the characteristics of this type of regions look like: not all border-regions, for instance, are isolated rural territories facing important structural problems which are ignored by the respective national government. During the last years many border regions have become rather important junctions of the socio-economic exchanges between the neighbouring states and their historical role as «crossing points» has even been positively reinforced (MOT 2007).

One common element of cross-border regions in Europe, however, can be seen in the fact, that cross-border co-operation has a long tradition in the old member states of Europe, and that it was gaining fast significance for the new border regions in Eastern Europe. This history, constant changing institutional challenges and the specific preconditions have in each case lead to the development of specific solutions of the respective cross-border governance (Benz 1999; Benz/Lütz/Schimank/Simonis 2007). In contrast to the national context, where regional co-operation is taking place within a uniform legal, institutional and financial context, cross-border governance is characterized by the challenge to manage working together politico-administrative systems which have a distinctive legal basis and share a different degree of vertical differentiation both in terms of structure, resources equipment and autonomy of action (Eisenberg 2007).

Today, borders are a complex multidimensional phenomenon in Europe (Speer 2010; Blatter 2000; Rausch 1999; Beck 1997). Looking at the realities of living and working environments, as well as the leisure activities of the population (Beck/Thevenet/Wetzel 2009), the horizontal linkages between industry and research (Jakob et al 2010) or the cooperation between politics and administrations (Wassenberg 2007; Kohlisch 2008; BVBS 2011; Frey 2005) etc. it becomes evident, that the border phenomenon and hence the subject of cross-border-cooperation can no longer be restricted to a perception of overcoming functions of territorial separation only (Casteigts 2010; Amilhat Szary 2015). Cross-border areas and the cooperation approaches developed there are specific subsystems (Frey 2003) that are composed of horizontal networking (and selective integration) of functional components provided by the respective participating national (politico-administrative) reference systems. In addition to the spatial dimension, border and cross-border cooperation covers both political, economic, legal, administrative, linguistic and cultural dimensions, which extend the focus of analysis

of the specific structural and functional patterns of the subsystem of 'Cross-border cooperation' too (Beck 2010).

Border regions and the cooperation processes taking place within them can be defined today as a separate transnational policy field, whose constitutive characteristics and functionalities in addition to its property as a sub-system of national and regional governance are more and more also determined by the European level. From the point of European integration and the related multi-level perspective it can be observed how cross-border governance has — over time — become a increasingly significant object of European policy (Beck 2011). It is obvious that the cross-border areas of Europe have strongly benefited from the advances of the European integration process. The major European projects such as the Schengen Agreement, the Single European Act (SEA), the Maastricht Treaty or the introduction of the euro in the framework of the Monetary Union implemented important integration steps which have influenced the life of the population in the border regions significantly in a positive way. However, these main European projects border-regions ultimately have not been explicitly defined as object areas, but still must rather be regarded as symbolic fields of application or rather 'background slides' of respective high-level European policy strategies. What has impacted, however, and strongly influenced both the emergence and the practical functioning of cross-border cooperation during the last 25 years, is the action-model of European cohesion policy (Beck 2011).

Within the European cohesion policy, only relatively low funding for the promotion of cross-border cooperation was made available until the late 1980s. Yet, the introduction of the Community initiative INTERREG resulted in a veritable thrust. 100 cross-border programme regions have been formed since then and until 2020 29.5 billion € in EU funds, as well as a nearly great amount of national and regional co-financing will have been invested in border regions. In addition — and alone for the period 2014–2020 — an additional 876 million € will be invested within the framework of the cross-border component of the neighbourhood policy (IPA-CBC and ENPI-CBC). In these territorial fields of cooperation not only a variety of specific development projects are conceived and implemented jointly between partners coming from different territorial jurisdictions. The general governance model of European regional policy — beyond the narrower project reference — often also leads to optimized structuring of the overall organisation of cross-border cooperation itself.

Between 2000 and 2006 alone, INTERREG III contributed to the creation or maintenance of 115 200 jobs, the establishing of almost 5800 new companies and the program also supported another 3900 already existing companies. More than 544 000 people participated in events, dealing with issues of territorial cooperation. In addition, cooperation within the framework of almost 12 000 networks was promoted, which resulted in the creation of nearly 63 000 cooperation agreements. More than 18 000 km of roads and railways in border areas have been built or repaired, investments in telecommunications and environmental improvements were forced and more than 25 000 specific local and regional initiatives have been promoted. With the 4th programming period (2007–2013), INTERREG became a so-called «mainstream program» of European structural policy, by which cross-border cooperation in addition to the interregional and transnational cooperation has been upgraded as part of the new objective 3 «European territorial cooperation». Cross-border cooperation processes are thus considered explicit fields of experimentation for European territorial governance and are given an immediate cohesion-related action, which was further strengthened in connection with the objective of territorial cohesion, newly introduced in the Lisbon Treaty. The current program period (2014–2020) is characterised by a stronger thematic focus in programming as well as a more intensive impact-orientation when choosing and implementing new cross-border projects (Beck 2011; Ahner/Füchtner 2010).

An interesting pattern is finally the personnel capacity that has been developed within the context of European territorial cooperation over time. In the absence of reliable data only an estimation can be done here. One established method to calculate the personnel-needs for an administrative unit – in the absence of quantitative figures — is 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, came to the result, that – for the case of cross-border cooperation — an average total administrative overhead relation of 55 FTE/one million inhabitants of a cross-border territory can be realistically assumed. 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, one can extrapolate a total direct horizontal administrative capacity of 8.250 FTE. Adding a 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 (Beck 2017). 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. Yet, the permanent personal capacity of European territorial cooperation at cross-border level alone represents nearly half of the personnel-capacity of the European institutions in Brussels.

Beyond these achievements, cross-border co-operation is still confronted and finds itself sometimes even in conflict with the principle of territorial sovereignty of the respective national states involved (Beck 1999). Even legal instruments aiming at a better structuring of the cross-border co-operation by creating co-operation groupings with a proper legal personality (Janssen 2007), like for instance the newly created European Grouping of Territorial Co-operation (EGTC)¹, do not allow an independent trans-national scope of action: regarding budgetary rules, social law, taxation, legal supervision etc. the details of the practical functioning of an EGTC depend fully on the domestic law of the state, in which the transnational grouping has finally chosen to take its legal seat.

Even in those regions where the degree of co-operation is well developed, cross-border co-operation is also still a transnational politico-administrative *subsystem*, created by and composed of the respective “domestic” national partners involved. 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. In most transnational constellations — also where federalist states are participating - cross-border policy-making can not be based on a transparent delegation of proper competences 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 subsystem 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 1990): 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

¹ Regulation (EC) No1082/2006 on a European Grouping of Territorial Cooperation.

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 zu classical principal-agent assumptions, however, the principals are playing a much more important role, clearly defining the scope and limits of action for the agents within a transnational context of such a «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).

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 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. The central criterion for the evaluation of a successful cross-border governance, 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 sub-system of co-operation is producing (Casteigts/Drewello/Eisenberg 1999).

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