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## Book Part

# Development paths for cross-border cooperation and the status quo

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Beate Caesar, Karina Pallagst

## Development paths for cross-border cooperation and the status quo

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## DEVELOPMENT PATHS FOR CROSS-BORDER COOPERATION AND THE STATUS QUO

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### Abstract

This paper is concerned with the development of cross-border cooperation and its current status. It examines the funding instruments and describes the challenges and opportunities of cross-border cooperation. The paper concludes by discussing some distinctive aspects of cross-border cooperation in spatial planning.

### Keywords

Border – cross-border cooperation – spatial planning – challenges – opportunities

## 1 Introduction: The border as a starting point and subject of research

Border regions are areas crucial in terms of spatial structures for a country such as Germany, which shares borders with nine neighbouring countries. Based on new spatially relevant challenges, such as demographic change and the energy transition, and also due to challenges on the part of the EU, such as territorial cohesion, the general conditions as well as the resulting planning requirements and demands for action for border areas are changing constantly. Although EU member states continue to have national borders and emphasise their sovereignty, EU-wide agreements have led to a dismantling of barriers at the border, e.g. the elimination of border checks based on the Schengen Agreement. Another example for the dismantling of borders are the four fundamental freedoms – the free movement of goods, people, services and of capital and payments, which are enshrined in the Treaty on the Functioning of the European Union (TFEU). Researchers have described this development as a change of borders from being strict barriers to rather indirect filters, as the member states remain as independent as before but have simplified the crossing of borders. It is presumed that the growing interchanges between the member states and the increasing spectrum of cross-border cooperation, the development of which will be described in more detail in the following section, will lead to a harmonisation of the national systems. Borders can moreover be seen as opportunities for contact between neighbouring countries (O’Dowd 2001; Deppisch 2007; Ratti 1993).

Currently (in mid-2016), however, internal European borders have in many instances become politically explosive again due to the refugee crisis in Europe. In part, new spatial barriers have been erected again (after having been arduously dismantled over a period of many years) and border checks have been introduced, which have also led to a sort of mental border. This development results in considerable uncertainty about cross-border cooperation, as it is feared that this will lead overall to setbacks in cooperation overall.<sup>1</sup>

From a political and administrative perspective, a border is merely a place where administrative units meet. As far as the origins of borders are concerned, they are fundamentally embedded in historical contexts, and often have symbolic significance. It should be noted in this context that this significance can change over time, as was the case, e.g. with the fall of the Iron Curtain. Becker-Marx commented in 1992 that ‘Borders are never welcome - they are often destructive, sometimes painful. Whenever they occur, they separate neighbours, and in most cases the differences between these neighbours are smaller than between the systems that separate them’ (Becker-Marx 1992).

By way of introduction, this section will first outline the various demands that are nowadays made on borders as fields of action.<sup>2</sup> In this connection, the development of cross-border cooperation in Europe and the status quo are described. Finally, the challenges, barriers and opportunities of cross-border cooperation are pointed out with a particular outlook in regard to the subject-matter of spatial planning.

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1 This was discussed at the ARL Planners’ Forum on 15 September 2015 in Mannheim.

2 Border area research currently comprises a broad field of study and covers political, administrative, social and spatial aspects.

## 2 Development paths and the status quo

After the end of the Second World War, initial forms of cross-border cooperation in the current sense developed. The purpose of those forms of cooperation was to reduce the risk of another war (Görmar 2002: 51 et seq.).

One of the first cross-border regions was EUROREGION, which has been located along the German-Dutch border since 1958 (Perkmann 2003: 154). It was an important model for many later cross-border cooperation structures. The shared cultural and geographic characteristics of the nations on both sides of the border area and close cross-border relations were conducive to the early establishment of cooperation (Hoffschulte 1992: 479).

In the 1970s, the first umbrella associations for connecting and representing the interests of border regions or for cross-border cooperation were established, e.g. the Association of European Border Regions (AEBR) (Görmar 2002: 52). The aim of this association was in particular to find solutions for the deprivations of border regions and to offer border regions the opportunity to interact. An additional aim was to advise the national and European level on the expansion of cross-border cooperation (Malchus 1978: 8 et seq.).

The Council of Europe has also been supporting cross-border cooperation between regional and local stakeholders in Europe since the 1970s. The intention was to develop instruments for cross-border cooperation that would resolve problems of cooperation caused by conflicting national legislation through more flexible and simplified cooperation processes. The Madrid Outline Convention was elaborated in 1980 in collaboration with the AEBR. All countries that have acceded thus far to this Convention undertake to support cross-border cooperation. The aim was to establish a cross-border organisation founded in law. In addition, bilateral agreements were still required between the neighbouring countries to create this type of cross-border organisation; hence, the first legally-based forms of cooperation were only established in the early 1990s (Halmes 2002: 19).

The increased awareness of the cross-border impacts of worldwide trends such as climate change, which was advanced through the Europe 2000 study by the European Commission, led to an expansion of the spectrum of cross-border cooperation, especially in the field of spatial planning (European Commission 1991: 3 et seq.).

The INTERREG initiative of the European Commission ran parallel to this development. Initially it was intended to specifically support the creation of the aforementioned cross-border organisations, which were to exercise administrative tasks as legal persons as part of the civil service. This approach was, however, not directly continued (Engl/Woelk 2011: 6). This type of European legal form was created only with the introduction of the instrument of the European Grouping of Territorial Cooperation (EGTC) in 2007 (see Jörg Saalbach's paper in this volume) (Deppisch 2007: 53).

The INTERREG initiative, which was launched in 1990 after a preceding pilot phase, focused on the financial support for cross-border cooperation (Schäfer 2003: 116) to promote and advance European cohesion and economic development in the regions. In addition, other European policies were to be implemented by specifying cooperation themes, on the basis of which cooperation projects then received financial support (Millan 1994: 21). Financial support for cross-border cooperation remains an important backbone of cooperation today (Chilla 2015).

Thanks to the financial support provided by the European Union, the number of cross-border cooperation projects has increased significantly. Previously, many centrally organised states were very slow and cautious about transferring powers to local and regional border areas. For regions and municipalities in federally organised countries, such as Germany, it was generally easier at the time to pursue cross-border cooperation projects (Perkmann 2003: 166 et seq.).

The European promotion of cross-border cooperation has continued to develop over the years and since 1997 has also supported cooperation in larger areas, such as the Baltic Sea area as part of transnational cooperation and since 2000 as part of interregional cooperation between spatially non-neighbouring cities and regions. The biggest share of the funds (€ 5.6 billion) is, however, still earmarked for the cooperation of border areas (European Commission 2014).

In 2007, the INTERREG initiative titled European Territorial Cooperation became a political objective of the European cohesion policy, in addition to the objectives of 'convergence' and 'regional competitiveness and employment' (Ritter/Fürst 2009: 146 et seq.). In the current 2014–2020 funding period, the objective of European Territorial Cooperation continues to apply in addition to the new objective of 'investment for growth and jobs' (European Commission 2015c: 15).

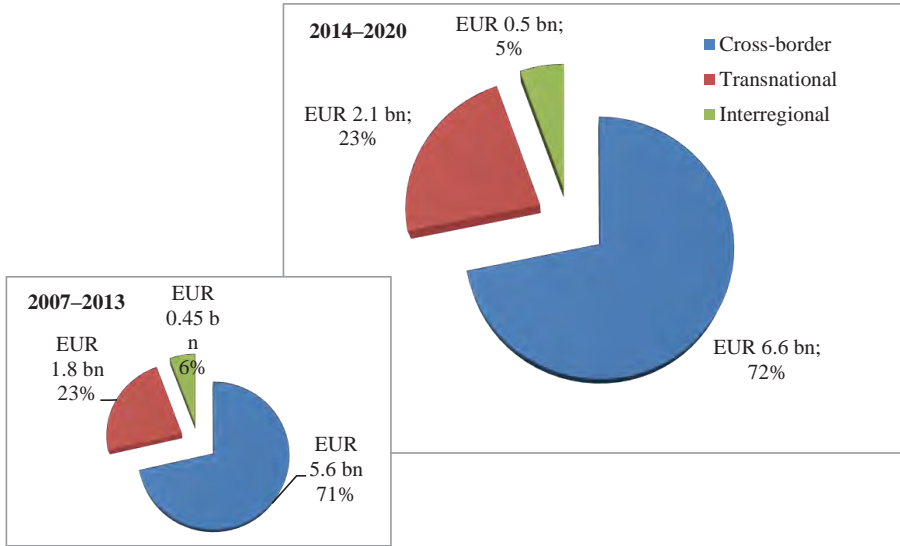


Fig. 1: Breakdown of ETC programme funding in per cent and absolute figures /Source: European Commission (2015a)

Numerous cross-border cooperation projects are supported by EU subsidies under the INTERREG programme. This is true in particular for temporally limited cooperation projects. In the current funding period (2014–2020), the EU has made about € 9.2 billion available as part of European Territorial Cooperation. The largest share is earmarked for cross-border cooperation, i.e. for projects in the INTERREG A cooperation areas, which comprise neighbouring border areas. Significantly less funds are earmarked for transnational cooperation, where cooperation areas are defined on a larger scale (see Fig. 1) (European Commission 2015a).

As is apparent in Figure 1, the shares of the three ETC programmes have remained largely the same in comparison to the previous funding period, with a parallel increase in the available financial resources. The funding is used to finance projects in 60 border regions (European Commission 2015a). Germany is currently involved in 13 cross-border programme regions (see Fig. 2).

The EU Regulation on European Territorial Cooperation requires a thematic concentration. In the current funding period, the programme areas must be limited to a maximum of four focal points, which can be compiled from 11 different objectives (European Commission 2015b):

- 1 Strengthening research, technological development and innovation
- 2 Enhancing access to, and use and quality of, information and communication technologies (ICT)
- 3 Enhancing the competitiveness of SMEs
- 4 Supporting the shift towards a low-carbon economy
- 5 Promoting climate change adaptation, risk prevention and management
- 6 Preserving and protecting the environment and promoting resource efficiency
- 7 Promoting sustainable transport and improving network infrastructures
- 8 Promoting sustainable and quality employment and supporting labour mobility
- 9 Promoting social inclusion, combating poverty and any discrimination
- 10 Investing in education, training and lifelong learning
- 11 Improving the efficiency of public administration

In the Greater Region cross-border cooperation area (see the paper by Hartz/Caesar in this volume), there is a focus on innovative competitiveness (Priority 1), environmental protection (Priority 6), the labour market (Priority 8), and social issues (Priority 9) (INTERREG Greater Region 2015).





Fig. 2: INTERREG V A (cross-border cooperation) – German participation<sup>3</sup> /Source: Federal Institute for Research on Building, Urban Affairs and Spatial Development (Bundesinstitut für Bau, Stadt- und Raumforschung, BBSR) (2014)

<sup>3</sup> The spatially correlated INTERREG A programmes are depicted in different colours. Hatched areas are simultaneously part of several programme areas.

The Upper Rhine region (see the paper by Hartz/Caesar in this volume) also specifies innovative competitiveness as a priority. In addition, it combines the priorities of transport and environmental protection (Priorities 6 and 7) into a single objective, as well as the priorities on the labour market and SMEs<sup>4</sup> (3 and 8). In addition, support is to be provided for administrative cooperation as a fourth focus (Priority 11) (INTERREG Upper Rhine 2014).

The different focal points of the two cooperation areas illustrate the diversity of cooperation options despite the intended thematic concentration.

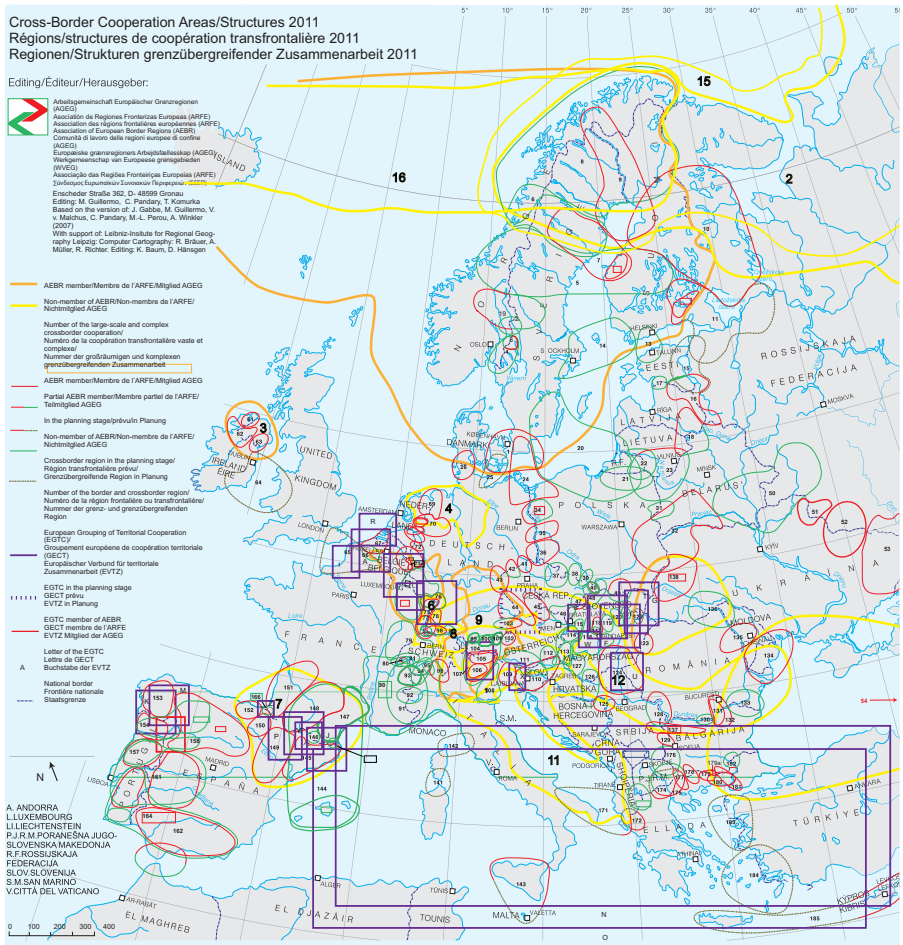


Fig. 3: Status quo in cross-border cooperation in Europe in 2011 /Source: AEBR (2011)

4 SME = Small and medium-sized enterprises.

There are currently 185 cooperating border regions (see Fig. 3) and more than 55 EGTCs (Committee of the Regions 2017). As Jens Kurnol of the *BBSR* explained on the occasion of the ARL Planners' Forum, the characteristics of border regions vary greatly within the EU. The sole distinctive feature, in his view, is the transection of a region by a national border. The reason for the differences in border regions is, among other things, a highly varying tradition of cooperation. In some border regions, the EU funding was a crucial incentive for establishing the region. Other regions, such as the EUROREGION, share many years of experience. Stable cooperation structures, often supported at the municipal level, and a relationship of trust were able to develop between the parties involved during this period (Perkmann 2007a: 259, 2007b; O'Dowd 2002: 111 et seq.).

Cross-border cooperation is organised in various cooperation structures. These include EGTCs as a new legal form (see Jörg Saalbach's paper in this volume), but also cross-border local special-purpose associations (Karlsruhe Accord), Working Groups, Eurodistricts, Euroregions, European Economic Interest Groupings (EEIG), Euro-regional Cooperation Associations (Madrid Outline Convention) and European Research Infrastructure Consortia (ERIC) (Caesar 2015: 177 et seq.). However, the EGTC has thus far remained the only European legal instrument to support and secure cross-border cooperation (Chilla 2015).

Despite the development over many years of cross-border cooperation and the experience thus acquired, as well as diverse financial support and a wide selection of cooperation forms, there still remain challenges and barriers, which will be described in the next section. In addition, the opportunities provided by cross-border interchanges are examined.

### **3 Challenges and opportunities of cross-border cooperation**

For people who live in border regions and cross borders, borders represent to some extent a space of opportunities. Thus the 'border society' benefits from the differences and spatial disparities that exist in border areas and can exploit the resulting opportunities (Martinez 1994). The Cohesion Policy promotes the convergence of member states and aims to reduce the disparities between countries. Yet, at the same time, it is precisely these disparities which provide an incentive to cross national borders and benefit from the opportunities available on the other side. The special nature of border areas should therefore be strengthened as well. Yet, the differences between border regions should not be too great, as this might otherwise be seen as a deterrent (Spierings/van der Velde 2013: 1 et seq.).

On the other hand, the opening of borders may also trigger anxieties: substantial economic disparities between two neighbouring countries might fan fears of surges in migration and increased economic competition on the labour market once the borders are open (Medve-Bálint 2013: 154) and thus adversely affect the general attitude towards cooperation.

To eliminate the divisive impact of borders, more is needed than simply opening the physical borders. Spatial relationships which were interrupted by the drawing of the borders must be rebuilt. This requires a coordination of interests and perceptions. A border creates not merely a physical division of space but also, and in particular in the case of long-term separations, a different cultural, mental and social development of the population in the border region. This difference cannot simply be eliminated after reopening the border; a long and cumbersome process may be required, which can make cross-border cooperation harder (Haselsberger 2014: 522).

The opportunities, possibilities and challenges of overcoming borders require a set of rules to steer, control and discuss the movement of people and goods. In the EU context, borders have become more and more penetrable since the creation of the European single market in 1993 and permit not only an increased flow of people and goods, but also the restoration of neighbourly structures (Pallagst 1995).

Cross-border cooperation aims to incentivise regional interaction and thus to strengthen multinational border regions (Schönweitz 2013: 127).

A further opportunity for cooperation is the bundling of resources to address cross-border problems, e.g. securing local services. In addition, stakeholders can benefit from the experience and solutions offered by their partners (Medve-Bálint 2013: 150 et seq.). Spatial challenges generally do not adhere to national borders, such as environmental pollution of a cross-border body of water or inadequate infrastructure. Through cross-border cooperation, the problems can be addressed jointly and resolved in the long term through co-financed action (Pallagst 1995: 37 et seq.). Especially investments that affect the border area, such as in transport infrastructure, should be coordinated to prevent conflicting projects being pursued on the other side of the border. To secure the functionality of the local services infrastructure, it should be also linked to the system on the other side of the border (Dick 1991: 452). Through coordinating such services, residents of a border region may benefit from a mutually complementary range of services. This may help prevent depopulation due to a lack of services in peripheral rural areas in particular (Dick 1991: 457).

Strategies as well as a shared image can be developed for border areas as part of cross-border cooperation. When different stakeholders join forces, they can increase their visibility in the competitive European environment and contribute to a stronger 'we' feeling of border area residents when they are actively involved (Pallagst 1995: 39).

Hence, the reasons for the development of cross-border cooperation may also be based on socio-cultural considerations. After the end of the Soviet Union, the opening of the Eastern European borders made it possible to cross national borders that had been strictly closed for many years and to revive social and economic contacts with former neighbours. Shared historical and ethnic roots can be a decisive reason for cooperation (Medve-Bálint 2013: 152).

In addition, European and transnational institutions, such as the European Commission, the Committee of the Regions, the Council of Europe and the Association of

European Border Regions (AEBR), have an impact on the European debate on cross-border cooperation and advocate for its expansion. Cooperation also greatly depends on the support for the regions and municipalities provided from within the states concerned (Medve-Bálint 2013: 152).

Cooperation initiatives across national borders as a rule do not (only) involve actors at the national level, they are also open to a large number of regional and local actors and are a symbol of governance processes. Peripheral regions, in particular, can benefit from cross-border cooperation and the associated interactions (Medve-Bálint 2013: 145).

The institutionalisation of cross-border cooperation is beneficial in the sense that shared interests can be better represented at the European or national level and that the cooperation is more visible. This can lead to an easier implementation of the objectives and interests due to a higher level of tolerance (Pallagst 1995: 39).

At the outset of any cooperation, however, the joint objectives that are to be achieved must be defined. This is not easy when a large number of parties with different backgrounds are involved. In addition, some priorities may be fundamentally mutually exclusive. The cooperation of some participants may be primarily motivated by purely economic interests in obtaining funding for their own municipality or by a desire to enhance their personal political profile, and less by the desire to jointly develop the border region. A lack of external financial support for cooperation measures makes it more difficult to implement and achieve the defined objectives. Especially in the case of peripheral, sparsely populated border regions, this may make cooperation substantially more cumbersome. Medve-Bálint (2013) also mentions a lack of experience and decision-making powers as a particular problem of these regions. Such conflicts and disagreements have an impact on any intended, potentially long-term institutionalisation of the cooperation (Medve-Bálint 2013: 145 et seq.).

Difficulties may also occur in connection with the disparate powers of the actors at the national level due to differences in public administrative and legal structures. For example, the stakeholders in a particular border region may not be able to take decisions directly; they may have to be confirmed by an authority at a higher national level, which is not directly involved (Medve-Bálint 2013: 152). As a result, cross-border cooperation projects, even though they are conceived mostly at the local level, are often dependent on favourable support from higher national levels. If those higher levels do not consent, the cooperation may be significantly obstructed (Pallagst 1995: 40). In addition, language barriers and the resulting communication problems are frequently discussed obstacles to cooperation (Medve-Bálint 2013: 152).

As already indicated at the outset, the refugee crisis and terrorist attacks<sup>5</sup> have given rise to temporary closures of internal European borders and to a reintroduction of border checks between some member states. In addition, the erection of fences (which had been purposely removed in the past) visually reinforced the border demarcations, making people more aware of them again. The erection of the first inner-

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5 November 2015 in Paris; March 2016 in Brussels; July 2016 in Nice.

European fences between Hungary and Croatia was completed in October 2015. Further border fences and closures followed. It remains to be seen what the actual impact of these current trends will be on cross-border cooperation.

The simple, self-evident fact of crossing a border was called into question in these cases and became more complicated. This means interrupted flows of traffic and expected economic losses due to delayed deliveries of goods caused by border checks. Commuters also face longer waiting periods or checks on public transport services at the borders. Particular mention in this regard must be made of the border checks imposed in 2016 between Denmark and Sweden – every cross-border worker was checked. Border closures also adversely affect cross-border tourism. There are numerous cross-border hiking trails, for example between Slovenia and Austria, which are now interrupted by border fencing. Unrestricted mobility across internal European borders as guaranteed by Schengen<sup>6</sup> has been temporarily suspended due to these developments.

#### 4 Distinctive aspects of cross-border spatial planning

In spatial planning, challenges and obstacles occur time and again, generally irrespective of any cross-border context, such as:

- > Constant change in the challenges for spatial development and the complexity of planning situations<sup>7</sup>: the provision of public services may serve as an example, where due to increasingly evident demographic change new standards must be defined and implemented. This change may lead to uncertainties in planning practice, as familiar standards no longer apply, and future, long-term planning is uncertain.
- > A plethora of different formal and informal instruments at the various planning levels: this gives rise to increasing complexity in the field of spatial planning. In many cases, the instruments are not aligned with each other, which causes fragmentation (Healey 1997; Mandelbaum 1996).<sup>8</sup>
- > An increase in the diversity of methods in spatial planning: as with the diversity of instruments, this may lead to a drawn-out decision-making process about the method that is best used in different situations, e.g. a quantitative/technical reference versus the interests of the stakeholders.<sup>9</sup>

6 This mobility applies only between the member states of the Schengen Agreement, which does not include all EU member states.

7 Innes and Booher (1997, 2000a, 2000b) have pointed to the need to examine planning situations as complex constructs that must be adapted to the changed needs in society.

8 Healey (1997) and Mandelbaum (1996) observe a growing number of planning instruments from which planners must choose in line with the specific local situation.

9 The different approaches in the field of planning have been examined, for example by Pallagst (2007) in the context of steering land use in the US. In so doing, she observed a broad range of approaches, i.e. incentive-oriented, design-oriented, regulation, etc. which are employed in planning practice.



- > Theoretical planning discourses often take place in ‘elite’ circles (*epistemic communities*), which leads in many cases to a loss of a direct connection with and benefit for practical planning (see i.a. Alexander 2001; Yiftachel 1989; Fainstein 1999).
- > The changed perception of the role of spatial planners: the responsibilities of planners change with the challenges of spatial development and with current demands. Thus, there is currently a shift and specialisation in the field of spatial planning towards sectoral planning; this means that planners increasingly take on the role of mediators in various planning processes.

The specific spatial constellation of border areas results in challenges and barriers in spatial planning, which result from the particular border situation and which can be generally outlined as follows:

- > In border areas, different planning cultures and planning traditions frequently collide. As a rule, it is presumed that planning cultures correspond to the territory of the nation states in question, but different planning cultures may exist even within a nation state. Accordingly, border areas are the site of several planning cultures, which have brought forth different planning styles and instruments.
- > The adjacent border area is often not reflected at all or taken into account in plans and strategies. Instead, national strategies dominate spatial development.
- > There is frequently an acute lack of knowledge about planning processes and instruments in a cross-border context, as planning practitioners act predominantly within their specific administrative framework, either within a given territorial unit at the municipal level (planning office of a local authority or a district) or in a regional unit. Due to the fact that planning is established in a cross-border context or according to different conditions on both sides of the border, and that statutory or organisational changes take place at irregular intervals, the informational basis for planning developments presents a special type of challenge, which is not necessarily part of the everyday practice of planning.
- > At the European and national level, border areas are in part catered for through so-called ‘persuasive’ instruments of spatial planning. These may comprise spatial monitoring – which is part of ESPON projects – and the setting of political agendas through pilot programmes, such as the model projects for spatial planning (*Modellvorhaben der Raumordnung, MORO*), etc. Thus, the instruments reflect the public discourse but have no legally binding effects and do not offer any financial incentives (Chilla 2015).
- > In addition, a comprehensive statistical database for border areas is lacking. While border regions are taken into account at the European level through monitoring (e.g. in the context of ESPON projects), the representations are often very superficial due to the unsatisfactory data situation (e.g. in the EUROSTAT atlas) (Chilla 2015).

- > Cross-border spatial planning is further complicated by different types of governance, as planning is executed and implemented as part of national steering and organisational styles. At the formal level, planning is strongly interlinked with the legal framework in question, which allocates planning powers to various administrative units. As a result, there is often no corresponding structure for certain planning tasks on the other side of the border.
- > In the case of border regions that are not organised through municipal associations but instead at the regional or federal state level (e.g. the Greater Region), cross-regional strategies are often characterised by the fact that the municipal level is underrepresented and not involved.
- > Insufficient language skills, in particular concerning specialist terminology, create an additional obstacle to cooperation.
- > Differences in legal powers and extensive participation procedures create a highly diverse group of stakeholders, which may complicate and prolong the planning and implementation process (Haselsberger 2014: 515).
- > German national spatial development policy is well aware of the significance of border regions. It supports the development of these areas through further expansion of spatial observation in the border areas and through promoting a mutual exchange of experience. The current draft of the guiding principles for spatial planning also includes cross-border interactional areas. However, spatial planning lacks the legal power to act in many relevant thematic areas of cross-border cooperation (Kurnol 2015).

Even if there is a large spectrum of challenges, there is typically a corresponding measure of opportunities for cross-border cooperation in spatial planning:

- > The development of planning can help to overcome cultural differences by promoting an understanding of the various planning cultures.
- > It offers the opportunity to create shared spatial visions for subregions or even for the entire border region and thus to embark on the conceptualisation of planning.
- > Cross-border cooperation makes it possible to build strong partnerships and governance networks, which in turn contribute to promoting the exchange of knowledge beyond the boundaries of the respective planning culture.
- > New instruments that are specifically designed for the situation of border regions can be created, tested and applied in dialogue with the neighbouring region in the other country. This helps to make a contribution to the implementation of planning.
- > There are also potentials at the supranational (EU) level. Border regions can enhance their profile as testing grounds for the grand European objective of territorial cohesion.



## 5 Conclusions

The development of cross-border cooperation demonstrates that the diversity of cooperation issues and structures has further grown over time. However, current developments, such as the ‘refugee crisis’, also show that the divisive impact of internal European borders can temporarily become stronger and may pose new challenges for cross-border cooperation – at least in some areas. In general, it is to be presumed, however, that cross-border cooperation will continue to develop in future in line with current trends and become further institutionalised. Despite the difficult situation at the outset caused by continued discrepancies in national systems and regulations as well as socio-cultural differences, cross-border cooperation offers powerful incentives and many opportunities which border regions can exploit. The field of planning, in particular, offers many starting points for strengthening border areas.

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