

Daniele Del Bianco, Marina Andeva:
Cross-border Cooperation in Europe: Experience, Tools and Practice

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Abstract

This chapter provides an overview of the current analytical approaches and tools used in decoding and fostering cross-border co-operation (CBC) processes in Europe. Cross-border cooperation is understood either as a process for overcoming socio-political fractures between states, or as tool in which integrated regional continuity is generated. Within this perspective, CBC is also perceived as a process hindering the Westphalian principle of state sovereignty. Ultimately, CBC establishes a dynamic system of social, economic, legal and political actions that reduce the negative effects of administrative borders in the wake of the enlargement of the so-called Schengen area (ISIG, 2011). Cooperating across borders generates positive spillovers on the territories in which CBC operates, implying that promoting cross-border continuity develops the social and economic opportunities of people inhabiting border areas, thereby contributing to the European integration process. Yet, CBC remains a highly complex subject whose context and time-specific nature limits its comprehensive understanding. Taking stock of the research-led experience on CBC issues developed by ISIG – the Institute of International Sociology of Gorizia, this chapter considers the multifaceted nature and goals of CBC and the tools aiming at its promotion with a specific focus on those developed under the auspices of the Council of Europe.

Keywords: cross-border cooperation; European Integration; Council of Europe.

Introduction

Cross-border cooperation (CBC) is one of the key phenomena that both characterizes and influences the current process of European integration. CBC is a cooperative process carried out, across borders, by actors who belong to different states but work together, developing joint solutions to common problems. In a global context in which economic, cultural and social factors impact on geographic areas without distinction to national borders, the traditional role, function and legitimacy of nation-states is increasingly being questioned.

CBC represents an opportunity for local actors to address and overcome cooperatively the obstacles set by a border on the development of an integrated cross-border system (Del Bianco & Jackson, 2011). Cooperating across borders, communities actively engage in the resolution of problems designing and deploying solutions, which are shared by local actors and relying on the democratic participation of all stakeholders. Within this perspective, CBC represents the operational tool and the reference framework for local actors to collaborate together to control the negative effects of a border and capitalise on shared cross-border resources. This process involves a variety of legal, economic and socio-cultural factors, which contribute to the success or failure of a cooperative activity (ISIG, 2014a). Impacting on the nature and scope of such cooperative process, these factors determine the high level of diversity of CBC processes across Europe. Stemming from initiatives taken by both Local Authorities and civil society actors, CBC is applied to different sectors and different contexts: each border area is, in this sense, unique, mobilising different actors and the interpolation of several administrative and cultural variables. The chapter offers a snapshot overview of some of the available tools and resources useful to decode and improve the phenomenon.

Cross-Border Cooperation: Aims and Governance Arrangements

Cross-border cooperation (CBC) is a concerted process of building neighbourly relationships between local stakeholders and authorities on both sides of national land and sea borders; its aim is to foster the harmonious development of border communities. This paragraph draws on the contents elaborate in the following CoE Toolkits: Cross-Border Cooperation Toolkit (2012); and Manual on removing obstacles to cross-border cooperation (2013).

CBC is not about conveying additional powers to border communities or authorities. Rather, it is a more efficient way of exercising their powers to:

1. Promote the socio-economic development of the border area.
2. Develop economies of scale to provide better services, and
3. Widen cultural perspectives.

Despite the wide variety of CBC activities, arrangements and participating authorities, the rationale of CBC is to overcome the peripheral positioning of border areas, by overcoming the sense of isolation and applying joint solutions to issues of common concern with adjacent local communities and authorities.

CBC starts as an exchange of information and develops into consultation and policy co-ordination. As CBC activities progress, extending to a growing number of issues and demonstrating CBC potential in the development of the cross-border area, local authorities often seek to formalise further existing CBC arrangements. This implies establishing joint CBC governance bodies. In this sense, involvement of not only local authorities, but also of civil society organisations and stakeholder representatives guarantees the incorporation of a wider set of instances into the cross-border decision making and thus a more sustainable policies' implementation process.

The choice of the legal form of CBC, including different degrees of participation, is a strategic decision. It expresses not only the political compromise that allowed the development of the CBC process, but also the lines of development of CBC itself.

A CBC governance structure should be set so as to operate directly for the achievement of its objectives whilst its members supervise its work and (partially) fund its activities. The more complex the tasks - compared to those carried out directly by its members - the more complex the legal basis of the CBC body and the level of clearance from competent regional and central authorities.

The different types of CBC governance arrangements mostly fall into one of the following four clusters:

1. Informal CBC relations
 - They do not entail any binding legal decision and therefore they do not need a precise legal basis. They rely on political commitment and partnership working.

2. CBC agreement
 - They represent the simplest and less formalized instrument for CBC. They may be drawn up under national law or international inter-State agreements.
3. CBC bodies governed by private law
 - They are often not-for-profit structures governed by the (private) law of the country where their headquarters are located:
 - Associations (or foundations) acting as “operators” or “project managers”;
 - Co-operation bodies for political consultation.
 - They maintain a legal independence from their members but cannot act as deputies for member institutions.
4. CBC bodies governed by public law
 - They are established when bi- or multi-lateral agreements between the States they belong to allow for it. Such bodies may perform all tasks of interest to their members including cross-border governance, the cross-border provision of public services, or the cross-border management of public facilities.

The development of such governance arrangements strongly depends on the available legal (national and international) frameworks. Local communities and authorities engage in CBC activities within the powers available to them internally and within the limitations that this poses to their action. Both domestic law (constitutional and secondary) and international law, as currently in force are incorporated into these principles.

The main institutional actors contributing to the definition of the international legal framework for CBC are the following:

1. The Council of Europe
 - The European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (1980).
 - The Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (1995).
 - Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation (1998).
 - Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) (2009).

2. The European Union

- 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) (2006).
- Revised EGTC Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) with regard to the clarification, simplification and improvement of the establishment and functioning of such groupings. The Revised EGTC Regulation applies from 22 June 2014.

The sustainability of the CBC process strongly relies on the participation of citizens and their involvement (Del Bianco, Bianchizza, 2015) so as to see their instances mirrored in local CBC strategies and actions. To this end, whatever their legal form might be, CBC governance mechanisms must ensure:

- The care of citizens' interests;
- Efficiency and effectiveness;
- The minimization of public costs;
- Respect for the ethics of public administration; and,
- Local accountability.

Focusing on the most institutionalised types of CBC governance structures, three main types of arrangements can be identified with reference to the participation of citizens:

1. The Euroregions

- The participation of citizens in projects and decision-making is listed among the working methods in the Practical Guide to CBC drafted by The Association of European Border Regions (AEBR) and adopted by the European Commission.

2. EGTC

- Even though the EGTC Regulation does not explicitly provide participative instruments or tools within the decision-making process, it states that the statute of the EGTC shall specify "decision-making procedures" (Article 9.2) and "may provide for additional organs with clearly defined powers" (Article 10.2), besides the assembly and the director (Article 10.1). Thus, it allows for civic engagement bodies to be established and ingrained in the decision-making procedures.

3. ECGs

- The Third Protocol of the Madrid Outline Convention (9/11/2009) introduces an instrument for cross-border cooperation open to any establishment with a legal personality to be set up specifically to meet needs of general interests, including civil society participants in the decision-making.

CBC arrangements lack the direct political accountability of public institutions. They group together whilst being subject to a wider spread of accountability as in the cases of:

- Citizens and beneficiaries who want to know how the CBC entity is performing; but they must first understand CBC and its operations.
- They are expected to be efficient and effective. Poor performance will undermine the value of the CBC; people will begin to see it as a waste of time and money.
- Partner municipalities and their citizens want to be sure that one partner is not benefitting at the expense of the others; this requires good communications and a culture of trust and cooperation.
- Decision-making processes have to be transparent so that people have confidence in the integrity of the CBC entity.
- The delegated CBC members represent the interests of their own municipality at the same time as they represent the interests of the citizens of all the partner municipalities.

Assessing Cross-Border Cooperation across Europe

Between 2003 and 2011, under the auspices of the Council of Europe, the analysis of the Strengths, Weaknesses, Opportunities and Threats (SWOT) of cross-border cooperation in 55 border regions in the Balkan-Danube area, Central Europe, Western Russia and the Baltic Sea region was carried out (ISIG, 2010). The main function of SWOT analysis is to assess the cross-border development prospects of regions in cross-border terms. Setting it between its operational present, or current scenario and a future predominantly marked by local development fostered by cross-border cooperation and known as the latent scenario (ISIG, 2010), the SWOT method involved an analysis of what occurs, and above all, how development could occur, between time t_0 and time t_1 .

The SWOT method develops an assessment framework for local practitioners and policy makers, identifying (internal and external) variables (53) grouped in the following ten dimensions:

1. A propensity towards cross-border cooperation
2. The level of training and coordination
3. Cross-border relations in each activity sector
4. Institutional obstacles for cross-border cooperation
5. Economic obstacles for cross-border cooperation
6. Socio-cultural obstacles for cross-border cooperation
7. Institutional factors for effective cross-border cooperation
8. Administrative factors for effective cross-border cooperation
9. Economic factors for effective cross-border cooperation; and,
10. Linguistic, cultural and historical factors for effective cross-border cooperation.

Assessing CBC in specific border regions by means of SWOT analysis proved, among other things, that whereas (i) building regional continuity in border areas emphasizes the opportunities for socio-economic development based on pluralism at the local level, (ii) states play a key role in allowing or hindering international cooperation at the local (border) level. The following two paragraphs address these issues in turn.

Addressing CBC Complexity to Enhance the Re-centralization of Border Areas

The need to implement collaborative processes across borders comes from the joint recognition of the border areas of a common and interdependent state of overall remoteness as compared to the respective national centers (Galtung, 1969; Johansson 1982; Martinez, 1994; Ferrara, 2000; Gasparini, 2003; Del Bianco, 2008; Gasparini & Del Bianco 2008). Coupling the fundamental variables of general systems theory and those of social interaction in space (Gasparini, 2000b), CBC is interpreted as the process aiming to *re-center* a cross-border area (Del Bianco, 2009).

The re-centralization of a border area is understood as the process that enhances the re-positioning of a border area from a peripheral to a central role in any given system, whether from an economic, cultural, or social perspective. Cross-border cooperation is held to be the engine of such a process since the cooperative actions undertaken jointly by two contiguous border areas are supposed to overcome their respective peripheral position by creating a truly cross-border area playing a new central role in any given system. Cross-border cooperation – understood here as both the strategy and the actions jointly pursued by actors operating in peripheral areas – offers the opportunity to re-

center an area, when ensuring an equilibrium of economic and cultural activities pursued through balanced direct and indirect relationships (Del Bianco, 2009).

A border area is thus analysed with reference to both (i) the relations between cooperative activities undertaken in the cultural and economic sectors on the one hand, and (ii) between the direct or indirect interactions that characterise them on the other. CBC in the cultural sector traditionally pertains to cooperative activities promoting fairs and cultural events, bi-/multilingualism, as well as local cultural promotion and facilitation on tourism, student exchanges, the elaboration of textbooks, and university cooperation. Moreover, it covers issues such as environmental and historical heritage protection/promotion.

Cooperating across borders in the economic sector often refers to activities of in the following areas: agriculture and farming, manufacturing, services, technology and R & D, transport infrastructure, tourism, spatial planning, labour markets, health and social security.

Concerning the relations between actors engaged in of cross-border cooperation, it is possible to distinguish two basic types: (i) relations involving direct interaction and those involving indirect interaction, or networks. The former involves socio-cultural, institutional and economic relations undertaken directly through face-to-face contacts among border counterparts. This type of relations unfolds in the exchange of information and consultation at a cross-border level, with a direct involvement in joint cross-border activities, and through the participation in working groups, consultation groups, and coordinating committees or local cross-border governance structures.

Indirect relations refer to those functional contacts, which CBC actors activate within larger multipurpose networks in order to achieve specific goals for which technical or the financial support of national networks, central governments or European institutions is needed.

As depicted in *Figure 1: Sectors of cross-border cooperation re-centralization*, assessing the prevalence of activities carried out in the cultural or economic sectors and of relations (direct/indirect) cross-border actors activate, it is possible to place a given cross-border area within four specific re-centering situations (Del Bianco, 2009):

1. An autochthonous culture,
2. Institutional organization,
3. Economic organization; and,
4. Economic autochthony.

The area of centrality, finally, indicates the effective, or potential, refocusing of the cross-border area through the process of balanced cooperation in operational, structural and relational terms.

The scope of CBC is to originate a new centrality for a border area. It is key, therefore, to supporting local practitioners and local authorities in elaborating original solutions to overcome the obstacles to CBC, which ultimately determine the peripheral positioning of a border area.

Eden: A Database for Practitioners to Overcome Obstacles to Cross-Border Cooperation

At the CoE level, legal instruments have been supplemented by a number of recommendations adopted by the Committee of Ministers, in particular Recommendation Rec(2005)2 on good practices in and reducing obstacles to transfrontier and interterritorial cooperation between territorial communities or authorities (Council of Europe (COE), 2005). Rec(2005)2 highlights that *the generalisation of good practices and the removal of obstacles could facilitate ratification of the Madrid Convention and its protocols by states that have not yet done so and enable existing parties to give full effect to their provisions* (Council of Europe (COE), 2005, p. 1).

The benefits to be mutually gained by cooperating across borders and the common added values of CBC are increasingly recognized by relevant actors throughout Europe. However, notwithstanding the progress made so far, obstacles to CBC continue to hinder the potential of cooperation in border areas across Europe.

The EDEN (E-Database Empowering Networks) – supplemented by the Manual on Removing Obstacles to CBC – is based on the data collected through the questionnaires prepared and distributed by the COE *Committee of experts on local and regional government institutions and cooperation* in preparation of the *Conference on removing obstacles and promoting good practices on cross-border cooperation* (Council of Europe (COE), 2011). It aims to systematize the data collected and to provide a thorough account of CBC instances across Europe. In this respect, it should be used as a gateway to the information provided by respondents. All recorded CBC instances are thoroughly referenced and can be traced back to the original source. Moreover, the database is continuously updated with new instances collected online.

EDEN collects the experiences of cooperation made by European actors belonging to member countries of the Council of Europe, and organizes them into a tripartite system based on:

- Issues and initiatives that cross-border cooperation implements;
- Obstacles that were encountered during the process of implementing these activities; and,
- Solutions that have been found to any of the obstacles encountered in the process.

- The online platform that hosts the database is based on maximum user-friendliness, presenting search engines that offer the ability to search within the three groups of elements, with the option of restricting one's search to specific areas of cross-border cooperation or specific states. The areas in which the database is organized are:

- Mobility and Transport (117 entries in the database);
- Health systems (87 entries in the database);
- Education and training (122 entries in the database);
- Labour markets (109 entries in the database);
- Crisis and Disaster / Emergency Management (55 entries in the database);
- Crime Prevention (50 entries in the database);
- Environment (105 entries in the database); and
- Other issues (144 entries in the database).

As of 12 May 2015, EDEN contains: 541 Issues, 162 Obstacles, and 50 Solutions. The online platform also offers an opportunity for providing experience of cross-border cooperation activities, contributing to the database, and of restricting a search to contributions coming from a specific actor. The database has two main functions:

To facilitate the implementation of cooperation activities by providing a collection of best practices from which policy makers can draw ideas and inspiration; and

Encouraging the creation of networks between actors involved in cooperation processes, and providing contacts to those who provided the information of each example of best practice in the database.

EDEN and the Manual are intended to be a companion for CBC actors interested in promoting further cooperation activities across national borders. The approach originates in the consideration that neither the problems suffered by a cross-border area nor their solutions respect national borders but that cross-border areas across Europe share similar functional characteristics and challenges.

Conclusion

Cross-border areas expand beyond national borders and find their rationale for cohesion in the functional characteristics and challenges local communities share. The problems faced are directly related to the presence of a border. Overcoming them is about developing joint cross-border strategies. Although, cooperation often stalls over a lack of reciprocal confidence and ideological competition, CBC actions can lead to the real improvement of living conditions on both sides of the border. This is what CBC does. Its success is built on clear concrete objectives and the willingness to cooperate.

Although there is a widespread and (still) growing awareness of the benefit of cross-border cooperation, unsuccessful experiences, unexpected impacts or enduring obstacles may endanger the development of CBC, causing setbacks, citizens' scepticism and resentment.

Analytical tools (such as the SWOT analysis) and capacity building instruments (such as the EDEN platform and the presented Toolkits and Manuals) are essential in shaping robust and sustainable cooperative processes across borders, which will ultimately improve the daily life of border area inhabitants.

References

- Ancarani F., Caldani E. (2001). *Strategie di marketing del territorio. Generare valore per le imprese e i territori nell'economia della conoscenza*. Milano: Egea.
- Ardigò, A. (1977). Introduzione all'analisi sociologica del "Welfare State" e delle sue trasformazioni, in La Rosa, M., Minardi, E., Montanari A., (ed.) *I servizi sociali tra programmazione e partecipazione*. Milano: Angeli
- Atkinson, A. B. (1989). *Poverty and social security*. London: Harvest Wheatsheaf.
- Bagnasco, A. (1999). *Tracce di comunità*. Bologna: Bologna.
- Becattini G. (2000). *Dal distretto industriale allo sviluppo locale*. Torino: Bollati e Boringhieri.
- Bramanti, A., Maggioni, M.A. (1997). Struttura e dinamica dei sistemi produttivi territoriali: un'agenda di ricerca per l'economia regionale, in Bramanti, A., Maggioni, M.A. (ed.), *La dinamica dei sistemi produttivi territoriali: teorie, tecniche, politiche*. Milano: Angeli.
- Bravo, G. (2001). Dai pascoli a internet. La teoria delle risorse comuni, in *Stato e Mercato*. n.63. (pp. 487-512). Milano: Angeli.

Cersosimo, D. (2002). *Le agenzie locali di sviluppo: modelli organizzativi, progetti, esperienze*. Roma: Donzelli.

Council of Europe (COE). (2005, January). *Recommendation Rec(2005)2 of the Committee of Council of Europe (COE). (2005, January 19). Recommendation Rec(2005)2 of the Committee of Ministers to member states on good practices in and reducing obstacles to transfrontier and interterritorial cooperation between territorial communities or authorities*. Retrieved from <https://wcd.coe.int/ViewDoc.jsp?id=812155&Site=COE>

Council of Europe (COE). (2011, November). *Preparation of the conference on removing obstacles and promoting good practices on crossborder cooperation - Replies to the questionnaire*. Retrieved from [https://wcd.coe.int/ViewDoc.jsp?Ref=LR-IC\(2011\)6%20Addendum&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=LR-IC(2011)6%20Addendum&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

Del Bianco, D. (2008). Euroregioni in Europa. Conference Proceedings “*La Sfida dell’Euroregione*”. Gorizia: Accademia Europeista del Friuli Venezia Giulia.

Del Bianco, D. (2009). Prospettive euroregionali per il futuro delle governance dei territori italiani transfrontalieri. *Vita e Pensiero*, n3/2009.

Del Bianco, D. & Jackson, John. (2011). *Cross-border Cooperation Toolkit*. Strasbourg: Council of Europe.

Del Bianco, D. & Bianchizza, C. (2015). *European Experience of Citizens’ Participation in Cross-border Cooperation*. Strasbourg: Council of Europe.

Ferrara, W. (2000). *Come funzionano le Euroregioni. Esplorazione in sette casi*. Gorizia: ISIG.

Galtung J. (1969). Violence, peace and peace research, *Journal of Peace research* 6, 3, pp. 167-191.

Gasparini, A. (2003). Processi di istituzionalizzazione: Vademecum per una buona Euroregione in *ISIG – Trimestrale di Sociologia Internazionale* n.3/4. Gorizia: ISIG.

Gasparini, A. (2008a). Governance della cooperazione transfrontaliera, in Pizio Ammassari, G., *Élites e processi decisionali tra politica ed economia. Analisi di casi* (pp. 167 – 214). Catanzaro: Rubbettino.

Gasparini, A. (2008b). *Cross-border co-operation in Central Europe. An analysis of Strengths, Weaknesses, Opportunities and Threats*. Gorizia: Council of Europe/ISIG.

Gasparini A, & Del Bianco, D. (2008). L'Europa centrale dei confini. Governance della cooperazione transfrontaliera, *Quaderni di Futuribili* 14. Gorizia: ISIG.

Gasparini, A., Del Bianco, D. (2005), *Eurego. Progetto di una euroregione transfrontaliera*. Gorizia: ISIG.

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- Granovetter, M. (1985). Economic Action and Social Structure: The problem of Embeddedness. *American Journal of Sociology*, 91, pp. 481-93.
- ISIG. (2010). *Analysis and Planning for Cross-border Co-operation in Central European Countries*. Strasbourg: Council of Europe.
- ISIG & Council of Europe. (2014a). *Manual on Removing Obstacles to Cross-border Cooperation*. Strasbourg: Council of Europe.
- ISIG & Council of Europe. (2014b). *EDEN: e-database empowering networks*. Retrieved from <http://cbc.isig.it/>.
- Johansson, R. (1982). Boundary conflict in a comparative perspective a theoretical framework. In Strassoldo, R. & Delli Zotti, R. (ed.). *Cooperation and conflict in border areas*. Milano: Angeli.
- Luhman, N. (1990). *Sistemi sociali: Fondamenti di una teoria generale*. Bologna: Il Mulino.
- Martinez, O.J. (1994). The dynamics of border interaction. New approaches to border analysis. in Schofield, C.H. (ed.). *Global Boundaries, World Boundaries*. Vol. 1. London: Routledge.
- Mayhew, L. (1971). *Society: Institutions and Activity*. Glenview: Scotts-Foresman.
- Ostrom, E. (1990). *Governing the Commons. The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
- Ostrom, E. (1999). Institutional rational choice: An assessment of the institutional analysis and development framework, in Sabatier P. A (ed.). *Theories of the Policy Process* (pp. 35 - 71). Boulder: Westview Press.
- Paasi, A. (1986). The institutionalisation of regions: a theoretical framework for understanding the emergence of regions and the constitution of regional identity in Fennia. *International Journal of Geography*, 164.
- Ricq, C. (2006). *Handbook of Transfrontier Cooperation*. Strasbourg: Council of Europe.
- Robiglio, C. (2005). *Verona Est. Le attività economiche e il territorio*. Università degli Studi di Verona, Università degli Studi di Trieste. Verona: CCIAA di Verona.
- Sassen, S. (2000). Territory and territoriality in the global economy. *International Sociology*, 15, 2/June, pp.372-393.
- Strassoldo, R. (1979). Temi di sociologia delle relazioni internazionali. La teoria dei confini in *Quaderni dell'ISIG* n. 5, ISIG Gorizia.
- Strassoldo, R. e Gubert, R. (1973). The Boundary. An overview of its current theoretical status. In AA.VV., *Confini e regioni*. Trieste: LINT.
- Struever, A. (2002). Significant Insignificance. *Journal of Borderlands Studies*, 17-1.

Figure 1: Sectors of cross-border cooperation re-centralization

Source: (Del Bianco, 2009)

