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11th Central and Eastern European Communication
and Media Conference, 2018



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Communicative Space – Political Space

11th Central and Eastern European Communication
and Media Conference, 2018

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SPATIAL GOVERNANCE ACROSS BORDERS

Edit Soós

Abstract: The study analyses the spatial logics of EU border externalisation practices. What is meant by cross-border space? The purpose of the study is to apply the concept of space to cross-border relations and to acquire novel interpretations.

Since cross-border cooperation has been growing, it has been mainly developed at an institutional level. Little has been said about the possible influence of informal relations and communication technologies which has brought forward new spatial experiences. In this context the study examines the nature of border networks and how they are interconnected with the institutional cross-border cooperation.

Keywords: spatial integration, cross-border space, public authority, info-communication technology, EGTC network

Introduction

European territorial development objectives date back to the European Spatial Development Perspective and were further detailed in the Territorial Agenda 2020 (TA, 2020). TA 2020 highlights that integrating territories is crucial for fostering competitiveness. Barriers can inhibit the full use of resources in border regions, which increases their peripheral position. The European Grouping of Territorial Cooperation (EGTC) was introduced in 2006 to overcome barriers and assist public authorities in different Member States looking to implement actions across national boundaries. The EGTC instrument is a European cooperation structure with a legal personality, defined by European law and designed to facilitate and promote territorial cooperation in the European Union. EGTCs fulfil many different purposes, all of which aim to add value through long-term territorial cooperation, contribute to implementing European territorial cooperation programmes and Cohesion policy projects as well as other European, national and regional projects, enhancing economic, social and territorial cohesion.

The cross-border cooperation itself presupposes that there exists a certain 'obstacle' that is the border, that has to be overcome. Borders are specific elements of space, which cut historically, geographically, socially, politically homogenous space, preventing interactions between the two sides of the border.

The borders are in a process of functional differentiation, which implies that there is less overlap between economic, social, legal, political and identity spaces. (Schobben & Boschma, 2000, p. 126) Internal borders no longer function as functional obstacles in the EU. The European integration has been an economic integration for a long period, but since

the 1990s it has moved along functional lines, where the market has played an important role. EU regional policy became an important functional area of EU governance. Through European policies the internal political process and administrative structure of the nation states are changing. The EU accommodates more and more functional policy areas, each with its own characteristics and institutional regulations.

EGTCs as a networking platform support policy and activity coordination, can also contribute to the reduction of the separating role of borders, the elimination of the periphery character, the re-establishment of the previous economic-spatial structural and settlement relations, and the strengthening of the cohesion of border regions.

The study analyses the spatial logics of EU border externalisation practices. What is meant by cross-border space? The purpose of the study is to apply the concept of space to cross-border relations and to acquire novel interpretations.

The 1st section examines how EGTCs can promote spatial integration and cross-sectoral policy integration. The 2nd section evaluates the role of the EGTC as a public authority in the development of cross-border space. May EGTCs facilitate shaping the border areas? The 3rd section addresses the possible influence of informal relations and communication technologies which have brought forward new spatial experiences.

The study is based on the examples of the Committee of the Regions' EGTC monitoring reports and additional close communication with the EGTCs, extracting and linking key findings from existing research and practice.

Spatial Integration of the Cross-Border Areas

'Spatial development across national borders is one of the central aims of European political integration.' (Chilla, Sielker & Othengrafen, 2017, p. 7) An EGTC as an acknowledged legal entity can promote the cross-border institutionalisation, thus re-bordering the cross-border space. (Klatt, 2018, p. 3)

The transposition and the implementation of EGTC legislation requires harmonisation of legislation with a view to overcoming cross-border obstacles and facilitating the EGTCs in creating a new, shared space across the borders. (Svensson & Ocskay, 2016, p. 120)

The basic problem with different forms of collaboration in the past was that the cooperating organizations had to establish their proper contacts in a particularly heterogeneous administrative environment. As a result of the differing status of local and regional bodies in Member States, competences that are regional on one side of a border can be national on the other. The different legal and administrative systems of the connected countries comprised the root causes of many difficulties. It was essential for the development of institutions' operative relations that all participants had the same jurisdiction and legitimacy.

The EGTC is a new alternative to increase the efficiency, legitimacy and transparency of the activities on the cross-border area. In accordance with Article 5(1) of the Regulation 1082/2006, 'the EGTC shall acquire legal personality on the day of registration or publication' at national level.

An EGTC is a formalised structure of cooperation partnership along the border. Each EGTC has a specific structure with an assembly, which is made up of the representatives of its members, headed by a director, who represents the EGTC and acts on its behalf. The Convention may provide for additional organs with clearly defined powers, e.g. senate,

permanent secretariat and administrative staff, commissions and thematic working groups or experts. The success of an operative structure is measured through the availability of funding: the operation of these institutions can be financed by membership fees, common tender incomes and direct subventions of the state. The major funding source is the ERFA of the EGTC-projects. The 2014-20 legislative framework has consolidated the role of EGTCs, with €10 billion available for European territorial cooperation.

In the past all policies with cross-border dimension have traditionally been directed by the central authorities on bilateral and multilateral basis. In accordance with Article 3(1) of Regulation 1082/2006 members of the EGTC must be Member States, regional or local authorities or other bodies, governed by public law. The EGTC regulation is the first example among EU regulations in the course of which a legal instrument grants special rights to local, regional and national public law institutions of different Member States in order to develop unified structures with legal personality in the border areas.

Which actions on the ground can make an EGTC an appropriate legal and institutional tool in the cross-border space?

In accordance with Article 3(2) of Regulation 1082/2006 an EGTC shall be made of members located on the territory of at least two Member States. An EGTC as an acknowledged legal identity can obtain better visibility and improved acceptance by other public authorities. It is a major tool to achieve territorial cohesion not only in the form of coordinating planning, but also by coordinating development in various public policy sectors. EGTCs play an important planning role in functional areas such as public health, research and technology, transport, people-to-people actions, culture, education, and investments in territorial and social cohesion (human resource development, business-related infrastructure).

Development of the Cross-border Space

Drawing up and implementing EU public policies presuppose the building-up of a European Political Space. The major development towards a European Political Space was the 'horizontal' opening of the Member States' legal and political systems. Spatial integration means the complete removal of the obstacles, (Bufon, 2011, p. 41) since internal borders no longer function as functional obstacles in the EU.

The European Political Space is emerging along the dimensions of the European Public Space and the European Administrative Space.

European Public Space

The development of the European Public Space is a mere top-down process. The impacts that EU level institutions, policies and policy-making have on institutions, policies, policy-making and politics at the national level of governance is an overly narrow usage of the term. The bottom-up approach to Europeanization describes how member states 'upload' or 'shape' policies, politics and institutions of the European Union. (Nguyen, 2011, p. 141)

The development of European public policies is not a question of translating European or national objectives into local or regional actions, but it must also be understood as a 'bottom-up' process for integrating the objectives of local and regional authorities in the strategies of the European Union. Local and regional authorities throughout the European

Union have the responsibility for providing a wide range of services to the public. Currently, nearly 95,000 local and regional authorities have significant powers in key sectors. (CoR White Paper, 2009, p. 3)

The integrated place-based form of cross-border cooperation is based on territorial governance. Territorial governance is rather formalised and quite stable with respect to time and space. The most important feature is the territorial nature of its functioning both in the international dimension and the intersectoral dimension. In an ideal type of territorial governance, the lines of interaction are predominantly vertical, the information flows primarily through central authorities to the national borders.

In contrast, the functional governance is characterized by the opposite features. In an ideal-type of functional governance both boundaries, the territorial and the sectoral, are blurred. Emerging policy-networks are major structural characteristics of the EGTCs. (EGTC EUCOR – The European Campus; Cerdanya Cross-Border Hospital EGTC)

With respect to tensions between 'territorial space' and 'functional space', there is no single optimal space. Interdependent, interorganisational networks along functional lines reflect the changing relations within government and between governmental bodies and non-governmental actors.

Table 1. *Different types of cross-border governance*

Source: based on Blatter, 2004, p. 534.

Type of governance	Territorial governance	Functional governance
Structural pattern of interaction	hierarchy	network
Centricity	monocentricity	polycentricity
Functional scope	separation of public sector	integration of public and private sectors
Institutional stability	stable with respect to space and time	flexible with respect to space and time

Those authors who use network analysis as a research tool focus on the structural pattern of interactions between actors in order to distinguish hierarchies and networks. (Blatter, 2004, p. 533; Svensson, 2014, p. 85) Other authors (Kenis & Schneider, 1991, p. 25) define networks in contrast to the definition of hierarchies provided by H. Simon. (Simon, 1962, p. 477)

European Administrative Space

Public administration is a key institution of the EGTC' government. The management of public programmes is an integral part of public administration. Public administration is responsible for the management of information, money and personnel to achieve goals developed in the democratic process through which public policies are made and enforced. The public administration structures and regulations vary among the EU Member States.

The Member States are marked by a high degree of close administrative cooperation between all levels of Member States' administrations with the European institutions and bodies in various policy phases. National administrations developed as state-specific structures reflecting different identities, historic traditions of organisation, and certain underlying values such as regionalisation or centralised unification within a state. The

Member States are autonomous in administrative issues, since their administrative systems have developed indigenously and autonomously, and are based on national traditions, administrative culture and the development of democratic systems within individual states.

Despite Member States with different legal traditions and various systems of administration, the implementation of EU law and the Europeanization of national administrative law, the exchange of information have brought forward certain approximation in the organisation of administrative structures. (Treaty of Lisbon, 2007, Art. 176D)

The term 'European Administrative Space' (EAS) has been used to describe an increasing convergence of administrations and Europeanisation of the Member States' administrative structures.

The development of the European Administrative Space, as an informal entity, based on different national legal and administrative frameworks, refers to a set of common principles that guide the activity within national public administration in all Member States. Rule of law, as legal certainty and predictability of administrative actions and decisions, which refers to the principle of legality as opposed to arbitrariness in public decision-making and to the need for the respect to the legitimate expectations of individuals. Openness and transparency aim at ensuring the sound scrutiny of administrative processes and outcomes and its consistency with pre-established rules. Accountability of public administration to other administrative, legislative, or judicial authorities is aimed at ensuring compliance with the rule of law. Efficiency in the use of public resources and effectiveness is accomplishing the policy goals established in legislation. (Kovač, 2017, p. 10)

The above principles represent the foundation for the European Administrative Space and the convergence and coherence of public administration are reflected through the implementation of these standards in legislation and especially in practice. In most Member States, these principles are enforced by their national constitution and included in administrative legislation (civil servant act, local administration act, administrative procedures) and also in financial control systems, internal and external audit and public procurement. (Cioclea, 2012, p. 290)

The extent to which EU Member States share the public administration principles and values serve as preconditions for a closer integration among them and determine the degree of compatibility amongst their administrative systems.

Cross-border Space

The development of the European Administrative Space refers to the distinct, but interconnected dimension of cross-border space. Through the creation of legal frameworks, partners from different countries and at different administrative levels can collaborate at local, regional and national levels and make joint decisions and take actions.

The evolving EGTC network constitutes the complementing added value. EGTCs are new actors exercising public authority in the administrative space. The added value of EGTCs is that they facilitate structuring the European Administrative Space in the border areas, by building the pillars of the EAS.

This process in itself posed no threat to the operating system of central state administration since the aim was not to create a new, independent level of administration, but to connect already existing levels of administration for cooperation (AEBR, 2000, B1, 9)

The EGTC regulation is completed by national provisions adopted by each Member State. EGTCs shall be made up of members within the limits of their competences under national law, although the European integration and domestic decentralisation/regionalisation in the borderlands are challenging the dominance of national administrations in cross-border areas. For example, the development of EGTC membership is not only affected by new EGTCs, as well as joining and leaving members, but also by administrative reforms. Mergers between administrative territories and administrations have reduced the number of EGTC members in some cases. That is why the number of EGTC members is lower in 2017 although no public authority has left the EGTCs. This refers in particular to regional and local authorities. Without these administrative reforms, the number of EGTC members would be slightly higher in 2017.

EGTCs have legal basis and few internal regulations (Convention, Statute) and procedures. Therefore, they can be created and adjusted in flexible ways and are fluid institutions with respect to time and space. But there is no 'one size fits all' model. Complementing the national administrative levels the evolving EGTC network have a significant mobilizing capacity, possibility to network with other EGTCs and a tremendous transformational power.

Communication, proximity, close to the ground

What does civil society and local governments expect on the ground where the EGTC is close to where cross-border problems occur?

In accordance with the Register of European Groupings of Territorial Cooperation, from the entry into force of the EGTC Regulation 1082/2006 in July 2006 until the end of 2017 in the Member States 68 EGTCs were established, involving more than 561 local and 81 regional authorities, and 6 national authorities. (EGTC monitoring report, 2017, p. 136) As regards the citizens these EGTCs have a direct impact on the lives of more than 40 million European citizens.

Many EGTCs are still little known both among policy actors and the citizens, the first decade of the regulation and its usage in the borderlands made these bodies known and with the support of policy actors have a better claim to their legitimacy.

Respondents living in the border regions were asked whether they were aware of any EU-funded cross-border cooperation activities in their area. Although almost one-third (31%) have heard about these activities most respondents have not heard of these activities in their region (68%). Awareness is the highest in the Czech Republic (50%), Hungary (48%), and Ireland and Bulgaria (both 43%), and the lowest in Cyprus (13%) and the UK (14%). (European Commission, 2015, p. 6)

EGTCs, which were founded in the interest of the citizens and to serve the people in the border areas, are still facing real challenges, and there remains a lot to be done to disseminate information to citizens about their activity.

Efforts made on European, national and subnational levels:

1. The Committee of the Regions (CoR) runs a European Register of EGTCs and puts in place measures to ensure greater visibility for newly created EGTCs. The activities of EGTCs in Europe called up the creation of the EGTC Platform in the CoR. Since its launch on 28 January 2011 it has integrated the political and technical representatives of all the existing EGTCs, as well as associations and other

experts and stakeholders. It aims to allow all the stakeholders to exchange their experiences and good practices, to improve communication on EGTC opportunities and challenges.

2. Member States use various means to promote the EGTC instrument as a tool for territorial cooperation and to foster communication and coordination among authorities. Many approval authorities provide information online: it ranges from basic information about what an EGTC is and contact details, to guidance documents.
3. An EGTC being an institution with legal personality provides better access to EU information that can be communicated to members who are often local or regional authorities. The top-down information flow helps members with their daily work. The cross-border or transnational character of EGTCs also helps communicate the European added-value.

EGTCs often act as a reliable and sustainable communication channel.

- EGTC Eurocity of Chaves-Verin (2007) implemented a cross-border IP telecommunications network. Efficient, well designed and balanced intellectual property (IP) systems are a key lever to promote investment in innovation and growth in the cross-border region.
- Groupement Européen de Coopération Territoriale West Vlaanderen/Flandre-Dunkerque-Côte d'Opale (2009) facilitates new networks between its stakeholders. Topics dealt with in 2018 were economic development, water and flood management, spatial planning, public services and citizen participation.
- The development of the info-communication network is a special activity of the Banat Triplex Confinium EGTC (2011). The InfoBanat project aims to apply innovative info-communication technologies, to develop and implement a Web application that will serve as a virtual card with additional services, a Web portal and physical infrastructure. Promoting cross-border cooperation between institutions and citizens the portal will provide information about the system and offer general content management functions, tailored to the preferences of each user.

Aware of the challenges that the European Union faces and of the need to develop solutions that meet the needs of citizens (Athens Charter, 2018, p. 1) EGTCs still seem to be far away from their citizens, despite the various attempts to remap common and cross-border space in the EU. (Houtum & Strüver, 2002, p. 144)

In addition, more can be done to modernise public administration, achieve cross-border interoperability and facilitate easy interaction with citizens. Ensuring communication with the public in a consistent and coordinated manner, using the most effective and efficient media channels, communicating with politicians and civil servants has already been solved partly since 2006, but more needs to be done. And this is the responsibility of those local- and regional-level practitioners and authorities who will ultimately bear the task of adjusting to the future shape of the border area, the accuracy of information depicting the situation on the ground.

Conclusions

1. EGTCs are often bringing together public authorities, administrative levels and policy sectors from different countries. The overarching objective of an EGTC is to facilitate cooperation between partners along the borders and to strengthen integrated spatial development. Stimulating endogenous development potentials and catering policy to local circumstances by fostering bottom-up processes could represent opportunities and may become building pillars of the cross-border space.
2. Spaces of place like territorial states are no longer the only imaginable basis for creating and defining primary political communities and institutions. Paradigm shift in the cross-border space is determined by functional considerations. We can observe a transition from territorial integration to functional differentiation on the scale of cross-border regions.

The process of functional differentiation is now becoming even more prominent since national societies are being superseded by a functional logic of integration and differentiation. The emergence of an EGTC as new functional cooperation is aimed at better structuring the cross-border territories.

3. The European integration is becoming differentiated not only by multilevel decision-making and implementation of public policies but also by various groups of Member States. The European administrative convergence of the Member States is a key factor in achieving 'good governance'. The administrative cooperation and improved administrative capacity through business-friendly administration could lead to the reform of the provision of public services and fulfil the expectations of citizens in the field of management of public policies.
4. Communication is key and multilingual communication often creates new opportunities for cross-border integration. EGTCs are increasingly acknowledged as strategic players and suitable actors for promoting the interests of local and regional authorities at EU level, mostly through their networks. Partners that are geographically closely located and that have cooperation experience with each other often develop a common cooperation culture. This holds at times of increasing use of digital communication technologies for bridging large distances, especially if a lot of partners are involved and regular meetings are necessary.

Finally, EGTCs can combine multiple tasks and functions mirroring the versatility of the instrument. Public stakeholders can develop their EGTC in line with their joint needs, at local or national level, focusing on small projects or networking, managing infrastructure or facilitating policy processes.

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