

Participatory governance in the Europe of the (cross-border) Regions.

The example of the European Grouping of Territorial Cooperation (EGTC)

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I. Introduction and research interest

The European integration process led gradually to de-bordering processes of inner-European border regions. The legal erosion of physical nation-state borders was object of sectoral examination of a variety of policy fields (mobility, economic spaces, legal administration, transport, regional policy) by several disciplines (political science, sociology, geography, economic sciences). In European integration studies these processes have been described as guiding towards a post-national construct of a ‘Europe of the Regions’ composed by a paradiplomatic-regionalist foundation under a European roof in a multilevel polity. Subnational actors and territorial entities are ascribed to generate a high mobilization potential in this governance arrangements. Nevertheless, in the discussion about a Europe ‘bottom-up’—from micro to macro—the narratives mostly have focused on inner-state regionalism that is encouraged by European incentives and effects of *glocalization*. The trans-border territorial dimension of regionalism has been largely omitted by scholars in the debate. This sounds odd giving the fact that

EU border regions may serve as test-beds or micro-laboratories for the European integration process.¹

Reasons for this timid scholarly approximation to cross-border regionalism may be divergent administrative and legal groundwork in the EU member states that may hamper a cross-border region-building and, therefore, may inhibit a Europe of the (cross-border) regions.

To overcome these bureaucratic obstacles the EU and the Council of Europe have tried to deliver financial and legal instruments to bring border regions in touch and to create contact and cooperation zones for European citizens. Since the introduction of the joint initiative INTERREG in 1990 there has been a boom of cross-border and transnational cooperation within the EU. Besides the financial incentives, the 2006 created EU legal instrument “European Grouping of Territorial Cooperation” (EGTC) that enables subnational/territorial authorities to cooperate across territorial and administrative borders and to hold a legal personality with a high degree of autonomy towards the respective nation-states.

Regionalist endeavour within the EU have been encouraged by the European jurisdiction but to what extent is that regionalist empowerment linked to the local citizenship in the cross-border contact zones? The EU multilevel governance model describes the regional dimension as enhanced under a European supranational roof and the nation-state that delegates “*competences which previously belonged to central governments [...] upwards, downwards, and sideways.*”² The question is whether the network-like structure of governance is open towards forms of civil society inclusion and democratic forms of governance, especially on the subnational level as some authors argue that democratization may result in greater innovation³ and legitimation⁴ of EU governance and politics. For the analysis of the democratic character of EU governance the concept of participatory governance will be introduced and examined under which conditions participatory governance is favoured in cross-border regional-building. The groundwork for

1. Jarosław Jańczak, “Borders and border dimensions in Europe. Between Frontierisation and Boundarisation,” *Public Policy and Economic Development* 5/1 (2014), 14; Peter Ulrich, “Entgrenzung und regionale Integration – Formen differenzierter transnationaler Kooperation am Beispiel des Europäischen Verbundes für territoriale Zusammenarbeit (EVTZ),” in *Der Anfang vom Ende? Formen differenzierter Integration und ihre Konsequenzen*, ed. Eckart Stratenschulte (Baden-Baden: Nomos, 2015), 188.

2. Liesbet Hooghe & Gary Marks, “Unravelling the Central State, but how? Types of Multi-Level Governance,” *American Political Science Review* 97/2 (2003).

3. Peter Bußjäger & Anna Gamper, *Demokratische Innovation und Partizipation in der Europaregion* (Wien: new academic press, 2015); Philippe C. Schmitter, “Participation in Governance Arrangements: Is there any Reason to Expect it will Achieve Sustainable and Innovative Policies in a Multilevel Context?,” in *Participatory governance. Political and societal implications*, ed. Jürgen R. Grote/ Bernard Gbikpi, (Opladen: Leske + Budrich, 2002), 51.

4. Beate Kohler-Koch & Christine Quitkat, *De-mystification of participatory democracy. EU-governance and civil society* (Oxford: Oxford University Press, 2013), 3; Hubert Heinelt, “Participatory Governance and European Democracy,” in *Debating the democratic legitimacy of the European Union*, ed. Beate Kohler-Koch (Lanham: Rowman & Littlefield, 2010), 220; Schmitter, “Participation in Governance Arrangements,” 68.

the arguments in this article is based on the assumptions that participatory governance in a 'Europe of the Regions' may only be effective if the decisions have a binding character and are applied by institutions. Therefore, the research article examines the institutional set-up of cross-border institutions that are capable to include "voice and vote"⁵ of local citizenship. As the EGTC represents an instrument that may enhance cross-border regionalism in Europe, these participatory features and democratic patterns will be scrutinized within the practical set-up of this legal cross-border instrument.

Is the EGTC an appropriate instrument to foster transnational institutionalization of cross-border and subnational administrative spaces of participatory governance? Which actors in the European multilevel polity are involved in the implementation of the cross-border institutionalization and to what extent do these cooperation structures include the local citizenship? In general, the main research question of the project may be phrased the following way: Which conditions favor participation of civil society actors in sectoral consultation and decision-making processes ("Governance") in transnational spaces within the EU?

To contribute to an epistemic approach to the research question the theoretical conceptualization will be briefly empirically reviewed within a case study of German-French cooperation: The EGTC Eurodistrict Saarmoselle. As the empirical analysis shall serve as a test-bed, it should be understood as a first approximation of the research interest.

II. Theoretical Framework – Normative claims of multilevel governance and its conditions and effects on a 'Europe of the Regions'

The notion of the 'Europe of the Regions' that is discussed in this journal is a political concept that mostly has been brought along whenever the European integration process promoted the regional layer with further steps in regional integration and empowerment (especially in the 1980s and the 1990s).⁶ A 'Europe of the Regions' was therefore 'en vogue' when regionalization procedures happened as direct effects of the European integration process.⁷

In 2012, the Austrian writer Robert Menasse articulated his desire for a rearticulation of a European polity with less intergovernmentalism and more suprarregionalism: He outlines "*Europe as the first post-national continent in world*

5. Jürgen R. Grote & Bernard Gbikpi, *Participatory governance. Political and societal implications* (Opladen: Leske + Budrich, 2002), 21.

6. For example the Single European Act (1986), the Structural Funds Reform (1988), the introduction of the principle of subsidiarity (1992) and the Committee of the Regions (1995).

7. Ulrich, "Entgrenzung und regionale Integration," 189; Michael Keating, "Territorial Politics and the New Regionalism," in *Development in West European Politics*, ed. Jones Heywood et al. (Basingstoke: Palgrave, 2002), 215.

history that is organized peacefully in free association of self-determined regions, within common-based on human rights—framework conditions that have been developed and guarded by the supranational institutions in Brussels.”⁸ Recently, Ulrike Guerot proclaimed the re-construction of a network-like European Republic following the historical concept of historic Republicanism and based on a common good of the citizens and organized in regions and cities. The “Network Europe 21” is a network out of European regions and cities under a protective roof of the European Republic where all European citizens are equal regarding their civil and political rights.⁹ Although the European Republic treatise differs to the concept of the ‘Europe of the Regions’ by Menasse, it gets obvious that both argumentations are based on the approach to de-construct national actions, interests and discourses and to reconstruct a multilevel polity with a supranational guardian and subnational arenas of self-constitution. Their visions, therefore, represent Europe as a multilayered system with empowered regions under a supranational roof. The concept of a ‘Europe of the Regions’ can mainly be described starting with the multilevel governance approach by Hooghe and Marks.

1. (Multilevel) Governance

The Inevitability of governance¹⁰—as Heinelt proclaims—emerged resulting from general pluralization and differentiation processes of modern western societies.¹¹ Regarding the nation-state, within the EU context, Jessop argues that the declining of the nation-state is caused by inefficiency and nation-state failures.¹² By contrast, Hooghe and Marks highlight in their Multilevel Governance (MLG) model that the so called “*nation-state failure*” is naturally given due to the European integration process.

MLG that is theoretically induced from empirical observations of decision-making and implementation politics within the EU Cohesion Policy is derived from neofunctional premises and therefore characterized by integrational processes through (transnational) cooperation of political actors within a functional-sectoral environment that in a next step leads ideally to a spill-over to other policy fields of self-regulation and to the creation of joint supranational institutions and

8. Robert Menasse, *Der Europäische Landbote. Die Wut der Bürger und der Friede Europas*, (Wien: Zsolnay 2012), 125.

9. Ulrike Guerot, *Warum Europa eine Republik werden muss! Eine Politische Utopie*, (Bonn: Dietz, 2016), 82.

10. Heinelt, “Participatory Governance,” 218.

11. Ernst B. Haas, *The uniting of Europe. Political, social, and economic forces 1950 – 1957* (Stanford: Stanford University Press, 1968).

12. Bob Jessop, “The rise of governance and the risks of failure: the case of economic development,” *International Social Science Journal* 50/155 (1998), 29-45.

a shift of competencies towards a new centre.¹³ Neofunctional premises derive from a postnational understanding of the EU as a construct with empowered subnational functional units that are organized and secured under a supranational institutional roof and the nation-state that is losing its weight of political power within the multilevel system. MLG, in conclusion, describes the EU as a multi-faceted body including various kinds of actors on different layers with an empowered subnational layer and supranational agenda-setter that are mutually interacting for decision-making and problem-solving: “*Policy-making in the EU is characterized by mutual dependence, complementary functions and overlapping competencies.*”¹⁴

Especially in the EU regional policy, as well as the European Territorial Cooperation (ETC) that includes EU financial support for cross-border activities, the multilevel character of the EU becomes clear. Agenda-Setting, strategy development, regional policy priority setting, decision-making, implementation of policies and evaluation of outcomes are negotiated and bargained in a multilevel context—both vertically (supranational, national, subnational level) and horizontally (local authorities on both sides of the border, chambers of commerce, associations). Regarding different state organizations of the cooperating countries (federal vs. centralized) and the juridical incompatibility and differences of national law, there could also be considered a diagonal level of governance (in a more juristic-administrative sense) in the EU multilevel polity.¹⁵ This type of governance across territorial, physical, administrative, legal, social and cultural borders and boundaries is designated by some authors as cross-border governance.¹⁶

The concept of governance itself has been used in several different contexts and across disciplines and has been mostly left blurry and vague in its definitions. The notion of “governance” has been derived from economics and has been adapted to administrative studies as a mixture of the terms “government”, “control”, “management” and “coordination” emphasizing the complexity of a pluralistic modernity that leads to a functional and territorial border-crossing in

13. Haas, *The uniting of Europe*, Dieter Wolf, “Neo-Funktionalismus”, in *Theorien der europäischen Integration*, ed. Hans-Jürgen Bieling/ Marika Lerch (Wiesbaden: VS Verlag für Sozialwissenschaften, 2005), 65-91; Leon N. Lindberg, *The political dynamics of European economic integration* (Stanford: Stanford University Press, 1963).

14. Gary Marks et al., “European integration from the 1980’s: state centric v. multi-level governance,” *Journal of Common Market Studies* 4/3 (1996), 372.

15. Johannes Maier, “Rechtliche Hindernisse für die Implementierung des EVTZ-Instruments in die föderale Verfassungsstruktur Österreichs,” in *Jahrbuch des Föderalismus*, ed. Europäisches Zentrum für Föderalismus-Forschung Tübingen (Baden-Baden: Nomos, 2009), 459.

16. Olivier Kramsch & Barbara Hooper, *Cross-border governance in the European Union* (London: Routledge, 2004); Anke Strüver, “We are only allowed to re-act, not to act: Eurocrats’ strategies and borderlanders’ tactics in a Dutch-German cross-border region,” in *Cross-border governance in the European Union*, ed. Olivier Kramsch & Barbara Hooper (London: Routledge, 2004), 25-41; Jean-Philippe Leresche & Guy Saez, “Political Frontier Regimes: Towards Cross-Border Governance?,” in *Globalization, regionalization and cross-border regions*, ed. Markus Perkmann & Ngai-ling Sum (Basingstoke: Palgrave, 2002), 77-103.

the national realm of competency.¹⁷ In summary, there could be named threefold attributes that are inherent in the concept of governance: First, *Governance* as a network-like structure in differentiation to classical forms of a nation-state top-down *Government*; second, governance is mostly transnational meaning that the governance arrangements happen across nation-state territories f.e. in economic or internet governance and, third, it includes a variety of actors on various levels that are directly or indirectly involved in the governance structures.¹⁸ Although there are several definitions of governance, the emphasis will be put on the further elaborated concept ‘participatory governance’ that will be introduced in the next chapter. It will show that despite the open and inclusive structure of MLG arrangements real participatory forms of governance of the civil society and those that are affected by the policies adopted in the cross-border subnational context is lacking in such arrangements.

2. Participation and participatory turn in EU governance

With the decision to prepare a “White paper on EU Governance” by the European Commission in the 2000s that served as impetus for the conceptualization of ‘new governance’ creating democratic confidence¹⁹ and to bring the citizens back²⁰ in the debate on democratic forms of governance led to a raising awareness by scholars in EU integration studies to examine governance from a normative point of view which led to a “*participatory turn*”²¹ in the EU integration studies on governance.

Schmitter defines participatory governance as “*regular and guaranteed presence when making binding decisions of representatives of those collectivities that will be affected by the policy adopted.*”²² Therefore, the core idea of participatory governance is to give ‘voice and vote’ to the individuals that are mostly affected by the policies that are implemented—the cross-border local population. Especially the EU Cohesion Policy, a policy field that is implemented by the subnational authorities

17. Arthur Benz & Nicolai Dose, *Governance – Regieren in komplexen Regelsystemen* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2010), 22.

18. Peter Ulrich, “Institutionalizing (cross-border) citizenship on subnational level – The European Grouping of Territorial Cooperation (EGTC) as a new administrative space for participatory and functional governance in Europe,” *Federal Governance*, 13/1 (2016a), 11ff.

19. Jérôme Vignon, “Preface: The White Paper on EU Governance: An Innovative Initiative?,” in *European Multi-Level Governance. Contrasting images in national research*, ed. Beate Kohler-Koch/Fabrice Larat (Cheltenham: Elgar, 2009): xv.

20. Thomas Zittel & Dieter Fuchs, *Participatory Democracy and Political Participation: Can Participatory Engineering Bring Citizens Back In?* (London: Routledge, 2006).

21. Gautier Busschaert, *Participatory Democracy in the European Union: a Civil Perspective* (Leicester: University of Leicester, 2013).

22. Schmitter, “Participation in Governance Arrangements,” 56.

and negotiated in a MLG arrangement on a frequent basis the local (cross-border) population is directly affected by the policies and decisions that were taken.

One of the main assumptions of this article is that MLG lacks inclusive forms of the civil society or representatives of the civil society that benefit or are concerned by the decisions. Indeed, MLG represents an open and multi-stakeholder approach integrating various types of actors including local politicians, economy-driven private enterprises and civil-society associations.²³ This led to the discussion to which extent governance is democratic?²⁴ Is the civil society really encouraged and heard in the representative structures of the civic associations? The institutional design and the forms and channels for participation will be questioned. Participation is featured by some scholars as a key innovative element to MLG structures: “*Participation is promoted in order that those affected by policy are able to directly take part in issue-specific policy processes.*”²⁵

3. Is participatory governance enhancing legitimacy?

Why should governance be opened for the civil society or representatives of civil society? As mentioned before, some may argue that participation of citizens in opinion formation and decision-making processes justify and/or legitimate EU politics in general and especially on the subnational level within EU Regional Policy. Besides legitimation it may result in a broader deliberation²⁶ or education²⁷ of the public through participation. Others reply that the inclusion of the citizenship—especially in a cross-border context—is nearly impossible and hampers effective decision-making. Dahl called this cleavage of system effectiveness versus citizen participation as “Democratic dilemma.”²⁸

Some authors state that through participation of the civil society on EU governance matters, activation of citizenship, a deliberative process as well as influence by citizens on policy-making may be achieved.²⁹ From the nation-state perspective, it has been broadly discussed that “*participation is traditionally seen as*

23. Dietrich Fürst, “Regional Governance,” in: *Governance - Regieren in komplexen Regelsystemen. Eine Einführung*, ed. Arthur Benz/ Nicolai Dose (Wiesbaden: VS Verlag für Sozialwissenschaften, 2010), 49-65. 50f.

24. Hays Hazenberg, “Is Governance democratic?” *Critical Review of International Social and Political Philosophy* 18/ 3 (2013), 285-307.

25. Kohler-Koch & Quittkat, *De-mystification of participatory democracy*, 1.

26. Jürgen Habermas, “Three normative models of democracy,” *Constellations* 1/1 (1994), 1–10; Iris Marion Young, *Inclusion and Democracy*, (Oxford: Oxford University Press, 2000).

27. Benjamin R. Barber, *Strong Democracy. Participatory politics for a new age* (Berkeley: Univ. of California Press, 1984).

28. Robert Alan Dahl, *Democracy and its Critics* (New Haven: Yale University Press, 1989); Michael Th. Greven, “Some Considerations on Participatory Governance,” in: *Debating the democratic legitimacy of the European Union*, ed. Beate Kohler-Koch (Lanham: Rowman & Littlefield, 2010), 236.

29. Kohler-Koch & Quittkat, *De-mystification of participatory democracy*, 173.

a means to legitimize the decision-making procedures of the state.”³⁰ Others consider that participation may lead to better policy results.³¹ Nevertheless, the perception of legitimation of politics through participation of the civil society is not automatically transferable to the subnational level, especially in the cross-border context.

Schmitter and Heinelt postulate that participatory governance shall be applied to policy fields where policies are being implemented that affect the “holder of participation.”³² As Regional Policy measures are part of an overall programmatic policy instrument for regional concerns that is being adopted by self-policy making in EU regions in multilevel governance arrangements under guidance of the EU institutions the opening for participation the respective citizenship may signify a higher trust in representative democratic institutions as the citizens are directly affected by the policies adopted.

The preconditions, as for participatory patterns of democracy as well as for representative democracy shall be “assessed in terms of inclusion, equality, and effectiveness of political participation and public review.”³³ Therefore, the more open and equal the access for the civil society is to influence public politics and the more the decisions out of participatory decision-making are binding and under future scrutiny the more the EU governance can be labelled as participatory governance.

The main purpose of participatory governance is to increase problem-solving capacity, compliance and acceptance of policies.³⁴ In this context, legitimacy through participatory governance can be differentiated between input and output legitimacy or “consent vs. utility.”³⁵ Input-oriented legitimacy (“government for the people”) includes forms of “consent of the demos and on the authentic expression of its will” meanwhile output-oriented legitimacy is more about “effectiveness and efficiency of the solution of problems in ways geared to the common good.”³⁶ Due to the fact that, firstly, the effectiveness and efficiency of decisions made within cross-border governance arrangements are hard to measure and, secondly, the

30. Heinelt, “Participatory Governance,” 220.

31. See Rainer Schmalz-Bruns, “The Normative Desirability of Participatory Governance,” in *Participatory governance in multilevel context: theoretical debate and the empirical arena*, ed. Hubert Heinelt et al. (Opladen: Leske + Budrich, 2002), 59-74; Bob Jessop, “Governance, governance failure, meta-governance,” in *Participatory governance in multi-level context: concepts and experience*, ed. Hubert Heinelt et al. (Opladen: Leske + Budrich, 2002), 33-58.

32. Schmitter, “Participation in Governance Arrangements,” 62f; Heinelt, “Participatory Governance,” 225.

33. Kohler-Koch & Quitkat, *De-mystification of participatory democracy*, 174.

34. Greven, “Some Considerations,” 236.

35. Dieter Wolf, “Contextualizing normative standards for legitimate governance beyond the state,” in *Participatory governance. Political and societal implications*, ed. Jürgen R. Grote/ Bernard Gbikpi, (Opladen: Leske + Budrich, 2002), 39.

36. Ibidem.

participatory elements are more likely to find on the input side of governance arrangements, the examination is put more on the decision-making processes.

4. *The notion of civil society and citizenship—“Those who are concerned”*

For further examination of the actors involved in active political will formation, deliberation, decision-making processes and implementation in inner-institutional and governance arrangements, the notion of citizenship needs to be clarified. As there exist various different approaches to explain this concept, it is a difficult task to tackle of these approximations. As there is no adequate theory of citizenship, it can be treated as a concept for the measurement of legal, social and political rights and obligations.³⁷

In the EU context, debates have boomed about a transnational citizenship in Europe that is based on the line of thought to construct and transfer a nation-state-like society as a social entity to the supranational level.³⁸ Especially, in the debates on the democratic deficit of the EU this argument has been used to show why the EU could never be a functioning democracy: There is no common civil society and no “*public sphere*”³⁹ but 28 separate national societies that impede the construction of a single supranational sphere of citizenship.⁴⁰ The Transformation of transnational citizenship on the cross-border subnational level, nevertheless, looks more promising regarding functioning and implementation as there, first, the center-periphery distance that hampers the construction of a transnational citizenship on the supranational level is not present within the subnational cross-border context, second, only two national public spheres collide and may be levered by “*politics of identity*”⁴¹ or transnational identity-building on a micro-scale. The notion of existence or establishment of a citizenship on the cross-border subnational level is much more likely than on the supranational level.

“Citizenship” and the term “civil society” are often used synonymously in academic literature although they need to be differentiated as they represent different concepts and attributes. While citizenship—despite different approximations in literature—mostly refers to “*state-enforced rights and obligations*” civil society consists of and represents the “*public sphere of associations and organizations that are*

37. Thomas Janoski, *Citizenship and civil society. A framework of rights and obligations in liberal, traditional, and social democratic regimes*, (Cambridge: Cambridge University Press, 1998), 3f.

38. Dieter Rucht, “Europäische Zivilgesellschaft oder zivile Interaktionsformen in und jenseits von Europa?” in *Europäische Zivilgesellschaft. Konzepte, Akteure, Strategien*, ed. Michèle Knodt/ Barbara Finke (Wiesbaden: VS Verlag für Sozialwissenschaften, 2005), 34.

39. Habermas, “Three normative models of democracy.”

40. Klaus Eder & Bernhard Giesen, *European Citizenship. Between national legacies and postnational projects* (Oxford: Oxford University Press, 2001).

41. Brigid Laffan, “The Politics of Identity and Political Order in Europe,” *Journal of Common Market Studies* 34/ 1 (1996), 81-102.

engaged in debate and discussion.”⁴² Janoski distinguishes between *strong* and *weak* civil societies.⁴³ Strong civil societies lay the foundation and actively enable institutional structures for the creation of citizenship and a “*citizen-society discourse in terms of rights and obligations*” while in weak civil societies the market or the nation-state are mostly predominant.

For the conceptualization of civil society, Kohler-Koch and Quittkat distinguish four approaches: First, regarding a definition reflected in the EC’s position on stakeholder representation including a wide field of societal groups; second regarding Habermas’ description of the civil society role in the “public discourse”; third, the “self-constitution” potential of civil society and, fourth, the communitarian approach of civil society as defined in the work of Benjamin Barber.⁴⁴ In the next step Kohler-Koch and Quittkat differentiate civil society between informal groups of social actors that are not collectively connected but are influential on each other and forms of organized social groups. These groups are framed as Civil Society Organizations (CSO). These CSO “*function as ‘schools of democracy’ in society and take up the concerns and values of the citizens and feed these into the political process.*”⁴⁵

Another point of interest is the form and broadness of the concept of civil society, meaning the width of populace that is involved and participating in governance arrangements. The question how the civil society is conceptualized depends highly on the school of thought in democratic theory. While scholars of direct or participatory democracy favor a broad approach of civil society participating in democratic structures,⁴⁶ scientists of representative or elite democracy adhere a narrow understanding in terms of representatives and spokespersons of those participating in governance arrangements. Schmitter argues that in governance arrangements normally no “*individual persons, as such, but spokespersons for non-profit, semi-public and, at least, semi-voluntary organizations*” are deliberately involved and, therefore, collective actors participation that “*share a common set of norms and experiences*”⁴⁷ are required for participatory forms of governance. The term of participatory governance, in general, is mainly conceptualized in the scholarly literature referring to “*organized and/or collective actors without direct reference to individual citizens.*”⁴⁸

42. Janoski, *Citizenship and civil society*, 17.

43. Ibidem.

44. Kohler-Koch & Quittkat, *De-mystification of participatory democracy*, 6.

45. Ibid, 5.

46. Barber, *Strong Democracy*; Carole Pateman, *Participation and democratic theory*, (Cambridge: Cambridge University Press, 2000).

47. Schmitter, “Participation in Governance Arrangements,” 53.

48. Michael Th. Greven, “Some Considerations on Participatory Governance,” in: *Debating the democratic legitimacy of the European Union*, ed. Beate Kohler-Koch (Lanham: Rowman & Littlefield, 2010), 236; Engl

The notion of citizenship also includes the feature of “*knowledge*.”⁴⁹ These civic actors that act and live in demarcated cross-border territories as local knowledge holders⁵⁰ know their territory best and, therefore, realize and articulate which measures and actions are needed to implement in the cross-border territory. Local Knowledge is therefore more probable to bring best local solutions for Regional Policy in border areas (periphery) than when decisions are made by the supranational institutions in Brussels or in the national-state centers of power (f.e. capitals). In comparison to f.e. transport policy that is selectively outlined as policy of transport of movement of people and goods on road, rail, water and air⁵¹ the EU Cohesion Policy represents are much more undefined and blurry policy domain: it represents in the broadest sense components of environmental, social and economic policies. In accordance with Article 174 of the TFEU the Regional Policy “*shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion.*” Economic and social political measures shall be coordinated and bargained with the local knowledge holders as Schmitter calls them. Further “holder” of participation are “*persons/organizations who could potentially be invited or allowed to participate [...], they possess some quality or resource that entitles them to participate.*”⁵² Besides knowledge holders (information, skills) that shall be called ‘*experts*’ or ‘*guardians*’—in case of effective implementation of policies—the ‘holders’ shall exhibit following principles: They possess ‘rights’ that are attached to the “*membership in a national political community*” (‘Citizenship’), they live on a “*regular basis within a demarcated territory*” (spatial location), they share assets/resources (‘owners’), can be voluntary spokespersons or corporate representatives that are “*authorities ultimately responsible for decision and formally accorded the right to represent a designated social, economic or political category.*”⁵³ Local knowledge and actors that embody and can bring in these resources of knowledge into the political will and decision-making process can contribute to the justification processes of governance that take place and affect the local (cross-border) level. Not only the conceptualization of the ‘holders’ of the civil society participating in governance arrangements is important but also cultural and administrative settings influence the institutional design for participatory governance.

2015, 125.

49. Schmitter, “Participation in Governance Arrangements; Greven, “Some Considerations.”

50. Schmitter, “Participation in Governance Arrangements,” 53.

51. http://eur-lex.europa.eu/summary/chapter/transport.html?root_default=SUM_1_CODED%3D32&locale=en, 15.4.2016.

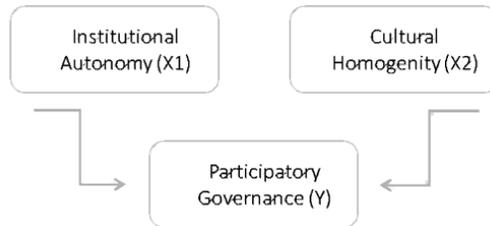
52. Schmitter, “Participation in Governance Arrangements,” 62.

53. Ibid, 62f.

5. Conditions for Participatory Governance in cross-border regions—institutional design and cultural homogeneity

The preconditions for participatory governance (Y) may be framed as institutional autonomy (X1) and cultural homogeneity (X2).

Figure 1: Conditions for participatory governance



Source: Author

The institutions that serve as an arena for inclusive and deliberative multi-stakeholder platform for “*policy formation, decision taking, policy implementation, and acquisition of legitimacy*”⁵⁴ for the actors and local citizenship that is directly affected by the regional policies that are developed shall be designed as financially and legally operating autonomous entities. They should act independently from other subnational authorities that in some cases may hamper the constitution of self-determined regional policy institutions. In general, institutions may act as bearers of norms and values and may influence in the long term the process of political decision-making and the behaviour and preferences of actors.⁵⁵ These institutions shall act—in the cross-border context—as “supraregional” entities that act independently or at least with a certain degree of autonomy vis-à-vis the respective nation-state and potentially competing administrative entities on the subnational level. Additionally, the decisions that are being taken shall be binding and referring to EU Regional Policy measures. These institutions, therefore, shall be ‘regulatory’ institution that can “[enforce] *agreements on processes, problems and solutions in both public and private networks.*”⁵⁶ The institutional autonomy that is one of the assumed pre-condition for participatory governance can be scrutinized in a threefold way—regarding the polity, policy and resources. Polity comprises actors, networks and structures that are participating in the governance arrangements. Benjamin Barber’s desire for “*as much people participating in as much policy fields as possible*”⁵⁷ shall guide as the central paradigm regarding the

54. Greven, “Some Considerations,” 238.

55. Engl, “Partizipative Governance,” 123f.

56. Hazenberg, “Is Governance democratic?,” 5.

57. Manfred G. Schmidt, *Demokratiethorien. Eine Einführung* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2000), 251; Barber, *Strong Democracy*, 151.

grade of participation within the inner- and intrainstitutional design. The empirical analysis of actors involved will be linked to the theoretical classification by Schmitter's notion of 'holders'. Policy means the policy area where the institution has the competence to act autonomously. Generally, the EU Regional Policy can be considered as the policy area with most self-determination potential by sub-national authorities. Therefore, the institutional scope of work will be scrutinized regarding the legislative power and competences within the multilevel polity. The category 'resources' is linked to the link of administrative, legal and financial interdependency of the cross-border institution.

Regarding the cultural perspective of governance, the assumption of this article is that the existence of pronounced cultural boundaries between two nation-state societies hamper cross-border participatory governance. Greven states correctly that governance in a transnational context including one or more different cultures may be more complex to manage. Especially in a democratic-normative understanding cultural heterogeneity may draw boundaries in governance arrangements: He states: "*Do the collective actors' claims and reputations for pursuing public goods really provide legitimacy in a pluralistic society where, very often with respect to the same policy problem, the claim is contested by competing collective actors.*"⁵⁸ A difficulty is to bridge the gap of historical, linguistic and cultural differences with the formation of a common understanding and identity-building. As Schmitter states that "*differences in language and historical practice*" cause that "*'Europeans' are more likely to be deficient [in common understanding] than 'nationals'—even though convergence across member-states in both performance and intellectual understanding has been impressive and growing.*"⁵⁹ Therefore, in the empirical analysis, the temporal dimension of cooperation and governance will be examined. In empirical review it has been shown that long-term forms of cross-border governance may lead to a permeability of both physical and cultural boundaries⁶⁰ and finally to a more open and regularly acting governance structure. In addition to this the general historic and socio-cultural and linguistic dimension of the specific border region will be scrutinized.

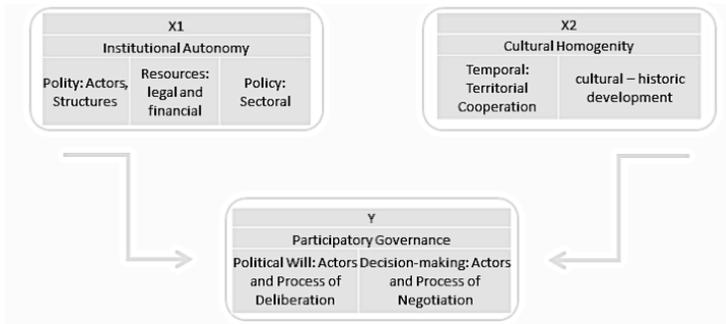
The Figure 2 shows which categories will be examined in the following pages. First of all, the legal instrument of the European Grouping of Territorial Cooperation (EGTC) will be introduced and compared to other forms of cross-border governance.

58. Greven, "Some Considerations," 243.

59. Schmitter, "Participation in Governance Arrangements," 60.

60. Ulrich, "Institutionalizing (cross-border)."

Figure 2: Conditions and categories for participatory governance;



Source: Author

III. The European Grouping of Territorial Cooperation (EGTC) as an institution for participatory governance in a ‘Europe of the Regions’

This Chapter will, first, introduce the 2006 adopted EU cross-border legal instrument European Grouping for Territorial Cooperation (EGTC) and, second, it will provide a justification for the application of this legal tool for participatory regional governance in an EU multilevel polity. As it has mentioned before, the basic assumption is that regional participation is linked to institutions that may execute regional policies. Therefore, the theoretical arguments of forms and channels of participation can only be applied in an institutional context.

1. Euroregions or Working Communities as cross-border governance institutions

First of all, the European Grouping of Territorial Cooperation (EGTC)—that will be introduced in the following chapter—is a facultative cross-border legal instrument that exists since 2006. The core idea by the EU legislators is to institutionalize, facilitate and empower cross-border cooperation within EU border regions. Nevertheless, already before 2006 forms and institutions for cross-border cooperation and governance have been existing within the European Union. Transborder institutions for territorial cooperation were mostly organized in forms such as Euroregions and Working Communities and were in charge of the implementation of Operational Programmes (OP) of EU Regional Policy, especially the European Territorial Cooperation (ETC) and the cross-border programme INTERREG-A. Nowadays, more than 150 Euroregions⁶¹ exist in the EU that “*in the sense as an institution is a 1. Amalgamation of regional and local authorities from both sides of the national border, sometimes with a parliamentary*

61. Sara Svensson, “Forget the Policy Gap: Why local governments really decide to take part in cross-border cooperation initiatives in Europe,” *Eurasian Geography and Economics* 54/4 (2013), 409.

assembly; 2. Cross-border organization with a permanent secretariat and experts and administrative staff; 3. According to private law based on national associations or foundations from both sides of the border according to the respective law; 4. According to public law based on international treaties which also regulate the membership of regional authorities.”⁶² In general, Euroregions are ascribed as institutions for cross-border governance without a binding legal personality and can be associations based on private or public law⁶³ that despite the setup of institutional bodies and secretariats are mostly “based on informal or quasi-judicial arrangements among participating authorities.”⁶⁴ A European (supranational) or international legal groundwork for transborder cooperation is the Madrid Outline Convention on Transfrontier Co-operation—an international agreement introduced by the Council of Europe (CoE) in 1980 that served as a legal basis for some Euroregions. This legal convention builds the foundation for further bi- or multilateral agreements in cross-border regions concerning issues of cooperation across borders. Euroregions based on bilateral contracts in the course of the Madrid Convention are the Euregio Rhine-Waal (Germany-Netherlands)⁶⁵ and the Region Pamina (Germany-France)⁶⁶ that rest upon the treaties of Anholt (1991) and Karlsruhe (1996). Nonetheless, the Madrid Convention “amounted to a declaration of intent”⁶⁷ with low legal value.⁶⁸

Another form of cross-border governance—although much more informal than a Euroregion—is called Working Community. Working Communities (WC) “are based on legally non-binding ‘agreements of cooperation’ or ‘working protocols’ signed between equivalent first level regions (and sometimes local authorities) or other organizations that agreed to cooperate.”⁶⁹ From the legal perspective, therefore, WC are representative and symbolic forms of cooperation that are constructed rather on a higher level (regional) than on a low subnational level (local). WC, therefore, represent the weakest form of cross-border cooperation putting the Euroregion as semi-institutionalized form of cross-border cooperation in the

62. European Commission, *Practical Guide to Cross-Border Cooperation*, 3rd ed. (Gronau: Phare, 2000), 9; Eduardo Medeiros, “(Re) defining the Euroregion Concept,” *European Planning Studies* 19/1 (2011), 142.

63. Ulrich, “Institutionalizing (cross-border)”.

64. Markus Perkmann, “Policy entrepreneurship and multi-level governance: a comparative study of European cross-border regions,” *Environment and Planning C* 25/6 (2007), 863.

65. <http://www.euregio.org/seiten/index.cfm>, 15.04.2015.

66. <http://www.eurodistrict-pamina.eu/pamina/>, 15.04.2015.

67. Elisabetta Nadalutti, “Does the ‘European Grouping of Territorial Co-operation’ promote Multi-level Governance within the European Union?,” *Journal of Common Market Studies* 51/ 4 (2013), 759.

68. Andreas Eisendle, *Der Europäische Verbund für territoriale Zusammenarbeit (EVTZ): ausgewählte Rechtsfragen zur Verordnung* (EG) 1082/2006 (Bolzano: Accademia Europea di Bolzano, 2011), 17.

69. Beatrix Haselsberger, “European Territorial Co-Operation: Regions of the Future,” *Regional Studies* 267 (2007), 7.

second place. The European Grouping of Territorial Cooperation, in comparison, is a further step in the regional transborder integration process.

2. The EGTC as a legal and political instrument for regional governance

The European Grouping of Territorial Cooperation (EGTC)) has been introduced by the EU in 2006 and endows its members a legal personality for the cross-border territorial grouping.⁷⁰ Its members can be public authorities (national, regional, local) or bodies governed by public law within the European Union.⁷¹ The legal order of the applicable law is, first, EGTC legislation that has been implemented to national law, second, the provisions articulated in the statutes and conventions of the EGTC, and third, the law from the member state where the seat of the EGTC is situated. The legal personality of this transborder entity permits the representation of its members within a compound structure. It allows to speak with one voice for its members internally and externally and to act independently from its member authorities.⁷² The tasks of EGTC are mainly bound to measures to facilitate the EU territorial cooperation in the framework of the ETC—but it only can act within the scope of competences of its members.⁷³ The EGTC, thus, can mostly exercise competencies of “low politics” on subnational level but has no legislative powers within the exercise of governmental authority (“high politics”) like police powers. Looking at the self-constitutional potential, the EGTC is an appropriate tool to design and re-shape (cross-border) regional policy and politics. Looking on the EGTC regulation reform from 2013, an obvious shift has been made regarding the perception of the EGTC as a tool for civil society general interests policies. Referring to the EGTC regulation reform an EGTC is empowered to manage infrastructural affairs as well as services of general economic interest—for example health, transport, educational issues.⁷⁴ Hence, the legal construct EGTC features high potential for both—the subnational (cross-border) mobilization by its legal personality and relatively high autonomy vis-à-vis the national state and the social nature and regional anchoring by its feasible delegation of tasks in the social and economic welfare area. The EGTC, therefore, covers the administrative facilitation but also can be a political instrument for regional mobilization and public policy. This is the point of linkage of the concept of participatory governance with institutional practice. Not only the permeability of borders and obstacles of administrative practice shall

70. Art. 1[3] Regulation [EC] 1082/2006.

71. Art. 3[1] Regulation [EC] 1082/2006.

72. Peter Ulrich, “Entgrenzung und regionale Integration,” 201.

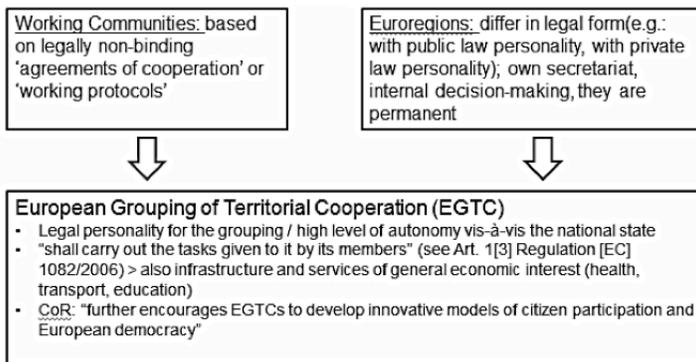
73. Art. 1[3] Regulation [EC] 1082/2006.

74. Marcin Krzymuski & Philipp Kubicki, “Der EVTZ-2.0 - Neue Chance für die grenzübergreifende Zusammenarbeit öffentlicher Einrichtungen,” *NVwZ* 20 (2014), 1340.

be overcome but also the local citizenship and its necessities shall be taken into account. The EGTC that differs from the European economic interest grouping (EEIG) that is the “EU legal brother” for economic and private associations is therefore the right arena to link demands and requirements of the public with institutional arrangements. The Committee of the Regions (CoR)⁷⁵ that coordinates the EGTC on supranational level highlights their “*potential in particular in transport, employment, environment*” and “*further encourages EGTCs to develop innovative models of citizen participation and European democracy.*”⁷⁶ This legal instrument, therefore, shall develop from a facilitator of territorial cooperation—in accordance with the political will of the CoR—to a tool to elaborate public policies on the cross-border subnational level.

This overview should provide a justification for the consideration of the EGTC as an institution that includes different actors as well as civil society representatives in the consultation and decision-making processes of cross-border regional policy-making. The next chapter will introduce a case study in the German-French border region and try to give an insight how to analyze the conditions for participatory governance.

Figure 3: Cross-Border Institutions;



source: Ulrich 2016

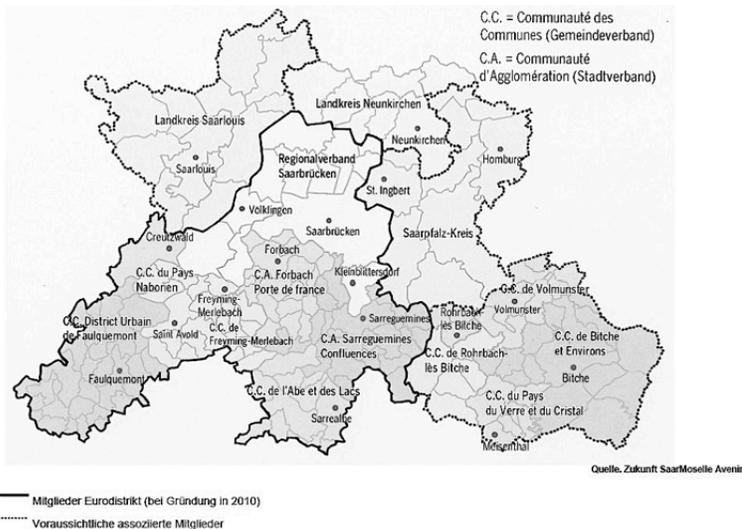
75. The Committee of the Regions (CoR) is responsible for the Political support for EGTCs and their activities and published the “work programme for networks and platforms for the European Groupings of territorial cooperation (EGTC)” for 2015/ 2016.

76. Committee of the Regions, WORK PROGRAMME FOR NETWORKS AND PLATFORMS, European Groupings of Territorial Cooperation – EGTC, Brussels: 11 February 2015, 4.

IV. Participatory Governance at the German-French border region: Case study on EGTC Eurodistrict SaarMoselle

The case study of the Eurodistrict SaarMoselle has been selected, first, due to the fact, that it is a long-term cross-border institution at the German-French border area that, second, applied the legal cross-border instrument of the EGTC already six years ago and, therefore, represents an institution that is already experienced in practice. The case study will be examined regarding the (participatory) governance arrangements, the institutional-administrative design and the development of cultural cooperation. Considering the fact that this case study serves as a test bed and represents a first empirical attempt it shall be pronounced that this illustration is still work in progress. The data is collected from the statutes and documents of the EGTC foundation (official documents), from the EGTC Monitoring Reports 2013 and 2014 and from an interview with the managing director of the EGTC conducted in April 2015.

Figure 4: EGTC Eurodistrict SaarMoselle;



source: Zukunft SaarMoselle Avenir⁷⁷

The EGTC Eurodistrict SaarMoselle applied the legal status through the registration after agreement of the approval authorities of an EGTC on 6 May 2010. The cross-border region of the EGTC encompasses 800.000 inhabitants and is composed by the *Communautés d'agglomération* Forbach Porte de France and Serraguemines Confluences, the Communauté de communes du Pays Naborien,

77. http://www.saarbruecken.de/media/attachments/2010/5/1274879800_eurodistrict_uebersichtskarte.jpg 18.05.2016.

de Freyming-Merlebach, du District urbain de Faulquemont, du Warndt and de l'Albe et des lacs on the French site and the Regionalverband Saarbrücken and the associated body Saarpfalz-Kreis.⁷⁸ The Seat is in Sarregemines, France and the operational office is situated in Saarbrücken and the applied law is the French public law.⁷⁹

1. Participatory Governance

The EGTC is made by regions, districts and municipalities.⁸⁰ It contains, therefore, a diagonal dimension of cross-border governance as it includes different levels of administration in both countries within the membership. Governance across different administrative levels may signify a slowdown of the functioning of projects in areas which are handled differently across EU member states (e.g. health, employment and social inclusion)—as it is the case in another German-French EGTC Eurodistrict Strasbourg-Ortenau.⁸¹ The tasks of the EGTC Saarmoselle are to:

“1. undertake cross-border projects in the common policy areas, 2. To support the members in the implementation of cross-border projects, 3. Support networks which contribute to the realization of the goals, 4. Promotion of the interests of the EGTC’s role towards regional, national and European institutions.”⁸² The objectives are “to ensure the sustainable development of the region through supporting the cross-border cooperation in two priority areas: 1. Support the development of the Eurodistrict territory” and to 2. “initiate, monitor and implement inter-communal cooperation projects.”⁸³

Political Will and Decision-Making: Actors and Process of Deliberation

The political will and decision-making process can be analyzed regarding the classification of Schmitter’s “holders” of participation within the institutional set-up. Another classification by Engl differentiates between five features of participatory governance in institutional arrangements of an EGTC: First, the participation of several different governmental and administrative levels (vertical and diagonal governance); second, the participation of different political institutions on the same governmental and administrative levels; third, the participation of other public actors; fourth the participation of non-public and civil society ac-

78. Committee of the Regions, *EGTC Monitoring Report 2013. Towards the New Cohesion Policy*, Brussels, 2014, 98.

79. *Ibid.*, 99.

80. *Ibid.*, 98.

81. *Ibid.*, 90.

82. *Ibid.*, 98.

83. *Ibidem.*

tors and, fifth, the institutional consideration of ethnic and linguistic diversity of cross-border regions.⁸⁴

Participation in cross-border governance arrangements can be analyzed throughout this features starting with the actors that are involved within the EGTC. Inner-institutionally, the EGTC Eurodistrict Saarmoselle is composed by an institutional triangle. It represents an assembly that can be considered as the 'legislative body', it encompasses a board that is the executive branch, the President and Vice-President that must be one German and one French representative and that rotate each two years.⁸⁵ In a next step, the members and composition of the assembly, boards as well as the Presidents shall be analyzed regarding their role, administrative affiliation and democratic legitimation (elected or administrative representatives). Further steps could be the analysis of informal or private/non-public as well as civil society actors that are participating or contribute as holders of participation in opinion formation and/or in legislation.

2. Institutional Autonomy

Polity (Actors and structures): The inner-institutional structure as shown above represents a well-balanced structure complying with both sides and including the representatives of the territorial entities within the assembly. Regarding the inter-institutional dimension, one have to focus on the state organization of both states. As the German state is a federal one, the EGTC could compete with other regional bodies and been contemplated as a double structure to regional authorities and administrative bodies of the German federal state Saarland. The French state, in comparison, is despite decentralization policy measures still a central state organized country and, therefore, tensions between centre and periphery may occur. These relationships needs further to be analyzed as well as other actors on subnational level on both sides of the border that are active in potentially competing structures of cooperation.

Resources (legal and financial): The legal and financial resources of the institutional autonomy represent the extent of freedom of act of the EGTC on an administrative-legal and financial level. Competing subnational authorities and proclaimed double structures may impede the organizational autonomy and therefore build barriers for forms of participation. Participation of the civil society is favoured if the organization where it shall be applied is free to act and inhere legal and financial resources. Regarding the already mentioned state organizations, one can argue that these different forms of territorial order have direct effects and influence on the organizational freedom. The effects are characterized differently on both sides of the border.

84. Engl, "Partizipative Governance," 130ff.

85. Committee of the Regions, *EGTC Monitoring Report 2013*, 99.

The French National State impedes the transfer of competences of territorial authorities towards other public entities towards cross-border institutions.⁸⁶ The national authorities on the French side are also much more inspecting the actions and decisions made by the EGTC than on the German side. On the German side, the EGTC has to report the accession of a new member to the approval authority that due to the federal system of Germany is mostly found on the regional layer (“Bundesländer”).⁸⁷ Regarding its legal resources the EGTC seems to be hampered by the French side concerning its interrelationship from central state to periphery.

Financially, the EGTC is financed in a threefold way. First, the revenues are comprised by defined relational contributions per capita of the member authorities, second by public funding by local, regional, national or EU administrations and finally, by donations.⁸⁸ Regarding the dependence on funds it is to prove to what extent the cross-border institutions act as implementing agencies and are bound to overall strategies. In addition to this, the usage of the funds in different sectors should be analyzed and therefore combined with the examination of the allocation of competences within the policy ambit.

Policy (Sectoral): The EGTC can only act within the scope of work and competences of its members.⁸⁹ Therefore, the policy ambit of action that is potentially open for cross-border policy-making has to be found within the definition of the member’s competences. Regarding the duality of legal systems and state organization, thus, the least common denominator of policy competences demarcates the scope of action that is potentially enabling policy-making in the specific cross-border context. The sectors of actions of the EGTC are the regional business development, transport and tourism. In the future, the EGTC will broaden its focus on promotion of bilingualism, social policy, youth work and urban or spatial planning.⁹⁰ For most of these policy sectors an EGTC or its members has no legislative power. The cross-border instrument, therefore, can only assume coordination responsibility. For an in-depth analysis each policy sector has to be investigated regarding the potential of legislative powers.

3. Cultural homogeneity

Temporal (territorial cooperation): After the Second World War informal and spontaneous cross-border activities at the German-French border area led to

86. Prianon 2015.

87. Prianon 2015.

88. Article 9 (1) Statutes EGTC Eurodistrict SaarMoselle.

89. Marcin Krzymuski, “Der EVTZ im Außenverhältnis,” in *Der Europäische Verbund für territoriale Zusammenarbeit. Instrument der grenzübergreifenden Zusammenarbeit nationaler öffentlicher Einrichtungen in der Europäischen Union*, ed. Marcin Krzymuski/Philipp Kubicki/ Peter Ulrich (Baden-Baden: Nomos, 2016).

90. Prianon 2015.

the first post-conflict cooperation endeavour within the European integration process.⁹¹ Territorial Cooperation is based, therefore, on decades of cross-border interaction compared to f.e. the German-Polish border area.⁹² The Eurodistrict SaarMoselle has been created in 1997 under the designation “Zukunft Saar-Moselle Avenir association” and applied the legal status of an EGTC in 2010. The cross-border territorial cooperation has been politically supported by the German-French national initiative in 2003 by the German Chancellor Gerhard Schröder and the French state president Jacques Chirac giving an impetus to create Eurodistricts.⁹³ The temporal dimension of territorial governance is therefore far processed.

Cultural-historic development: The cultural and historic approximation of both the German and the French side are difficult to grasp. Indeed, the German-French history, especially in the last 150 years has been characterized by several wars within a short period, an exemplary reconciliation of once adversary states and finally the German-French cooperation as engines for the European integration process. Regarding the language, there is a huge difference of both languages. It needs to be scrutinized in more detail to what extent the language of the adjacent is actually been used in administrations, schools and institutions and in the cross-border citizenship.

This first empirical linkage to the theoretical model for participatory governance by the application of the case study EGTC Eurodistrict Saarmoselle has been carried out along its defined categories. Nevertheless, the empirical examination is still in its infancy along the categorizations. Furthermore, the scope of this paper does not allow an in-depth analysis of the case study as well as a profound feedback of empirics and theory. Therefore, this case study served as an illustration for the empirical implementation of the theoretical model. In a next step the defined conditions for participatory governance shall be scrutinized and sharpened to avoid endogeneity problems.

91. Alice Engl & Jens Woelk, “Der Europäische Verbund für territoriale Zusammenarbeit (EVTZ): Vorgeschichte und Entwicklung des neuen unionsrechtlichen Instruments,” in *Der Europäische Verbund territorialer Zusammenarbeit (ETVZ). Neue Chancen für die Europaregion Tirol-Südtirol-Trentino*, ed. Peter Bussjäger (Wien: Braumüller, 2011), 1ff.

92. Peter Ulrich, “Grenzüberschreitende funktionale Kooperation im deutsch-polnischen Grenzraum am Beispiel des TransOderana EVTZ – Akteure, Strategien und Institutionen,” in *Der Europäische Verbund für territoriale Zusammenarbeit. Instrument der grenzübergreifenden Zusammenarbeit nationaler öffentlicher Einrichtungen in der Europäischen Union*, ed. Marcin Krzymuski/Philipp Kubicki/ Peter Ulrich (Baden-Baden: Nomos, 2016).

93. Fabrice Gireaud et al., *Die Eurodistrikte - eine neue Form der grenzüberschreitenden Kooperation? Eine vergleichende Analyse des Eurodistrikts Straßburg-Ortenau und des Trinationalen Eurodistricts Basel* (Berlin: Lit, 2014), 199 ff.

V. Final remarks and conclusion

The research article has contributed to the discussion of a ‘Europe of the Regions’ in the following way: It focused on the *policy* field of EU Regional Policy especially the European Territorial Cooperation and the *political space* of cross-border regions, and described regionalization *politics* within the EU multilevel *polity*. Although the question whether the concept of the ‘Europe of the Regions’ is obsolete or obstinate is tackled peripherally, the focus of interest is put on the ‘Europe of the Regions’ in a cross-border context. Cross-border territories are considered as test-beds for European integration on a micro-scale—here the daily contacts of the people can be examples of how the European citizens can get in contact and elaborate a common form of understanding and cooperation. Regarding regional policy-making the cross-border governance in the EU it is a possibility to enhance both—cross-border regionalization and legitimacy of EU politics. Therefore, open, inclusive and participatory mode of governance is needed to tackle the needs of the local (cross-border) citizenship and to bring the people back in. The European Grouping of Territorial Cooperation (EGTC) has been analyzed regarding this attributes. As a cross-border institution applying a legal personality and inhering a relatively high autonomy vis-à-vis the respective nation-states this legal instrument represents a ray of hope for a Europe of the (cross-border) regions. Finally, the theoretical discussion on pre-conditions for participatory governance has been adapted in an empirical model for the examination of chances and channels for participatory governance. In a next step, first thoughts on operationalization of the theoretical model for empirical analysis have been conducted within the case study of the EGTC Eurodistrict Saar-Moselle. These results have to be understood as a first test case as the empirical analysis is still under scrutiny within a PhD project at the European University Viadrina in Frankfurt (Oder). As questions of democratic legitimacy of EU politics will be present in the future of the EU, the emphasis of analysis regarding participatory forms of governance should not only be put on the supranational but also on the (supra)regional level.

Abstract

The research article contributes to the scientific discussion about the political concept ‘Europe of the Regions’ in a twofold way: First, it reanimates the theoretical approach of the “participatory governance” concept that emerged in the beginning of the 2000’s in the debate on the EU White Paper on Governance. Second, it emphasizes cross-border regions as arenas for participatory governance and micro-laboratories of European integration. The paper elaborates the conditions that promote participatory governance in cross-border institutions within EU regional Policy, especially the European territorial cooperation (ETC). In a next step, the EU cross-border legal instrument European Grouping of Territorial Cooperation (EGTC) will be introduced and scrutinized regarding regionalization potentials. Finally, a case study of German-French cooperation the EGTC Eurodistrict Saarmoselle will be briefly empirically reviewed: As the empirical analysis shall serve as a test-bed, it should be understood as a first approximation of the research

interest.

Résumé

Cet article de recherche contribue à la discussion scientifique sur le concept d'« Europe des régions » à deux titres : D'une part, il réactive l'approche théorique basée sur le concept de « gouvernance participative » qui a émergé au début des années 2000 dans le cadre du débat sur le livre blanc sur la gouvernance européenne. D'autre part, il souligne l'importance des régions transfrontalières comme arènes de gouvernance participative et micro-laboratoires de l'intégration européenne. Cet article détermine les conditions favorisant la mise en œuvre de la gouvernance participative au sein des institutions transfrontalières opérant dans le cadre de la politique régionale européenne, et notamment de la coopération territoriale européenne (CTE). Dans un second temps, l'instrument légal européen de coopération transfrontalière, le groupement européen de coopération territoriale (GETC), est présenté et analysé sous l'angle de son potentiel en termes de régionalisation. Enfin, l'article se conclut par une brève étude de cas sur la coopération franco-allemande au sein du GETC Eurodistrict Saarmoselle. Cette étude de cas est conçue comme un banc d'essai destiné à donner une première approximation de l'intérêt de recherche.