'Planning without passport' - A project of and for European elites?*  

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Abstract

'Planning without passport' has been the theme of a conference in The Netherlands on the implications of a 'Europe without borders'. Indeed, in the European Union borders are loosing their significance, making cross-border and transnational co-operation essential. However, this also raises issues of identity made more pressing by the arrival of European passports, a European flag and, indeed, the euro. Regional and local communities are faced with disruptive effects, leading amongst others to a quest for safeguarding and promoting 'territorial cohesion' in Europe. This is now defined as an objective of the Union in the Treaty establishing a Constitution for Europe. However, its ratification has run into opposition. Many European citizens regard European integration - conceived as a safeguard for the European model of society - with suspicion, seeing in it a project of and for the elites.

A 1986 conference in The Netherlands under the title of 'Planning without passport' (Angenen, Bongenaar, 1987) discussed with gusto a 'Europe without borders'. European integration was viewed with what in retrospect seem like naïve enthusiasm. How times have changed! The new Treaty establishing a Constitution for Europe (Conference of the Representatives of the Member States 2004) needs to be ratified by each and every Member State. Under pressure, the French and Dutch governments have held referenda on this issue. Voters dealt heavy blows to the process. Unless new governments reverse these decisions or new referenda on this, or on a modified Constitution back it, the French non and the Dutch nee are decisive.

Having discussed the quagmire that Europe got itself into, the paper focuses on the fading of EU borders. The next section discusses the underlying vision of a 'frictionless Europe' and its critics, followed by everyday examples of the difference that fading borders make. Cross-border and transnational planning facilitate stakeholder co-operation within broader efforts to maintain and enhance 'territorial cohesion' in Europe. Citizens may regard European integration with suspicion, seeing in it a project of and for the elites. At the same time, Europe is moving inexorably closer to, if not a single, uniform space – which it never will nor, indeed, should become – then at least a space of interwoven links, a networked Europe.

The Constitutional Quagmire

The European Constitution was meant as the crowning event of two decades of moving towards, in the wording of the EU treaty, ‘ever closer Union’, and as a firm foundation for the next half-century. Of course, those opposed are elated by the setback of the project.

Europsceptics are against nation states giving up sovereignty. Supported by a vindictive tabloid press, they are breathing down the necks, in particular of Conservative politicians in the UK. In France, too, there are ‘sovereignist’ politicians, and not only on the lunatic right. Some Socialists – including French Presidential candidate Laurent Fabius – are apprehensive that the European project is favouring free-market liberalism at the expense of the ‘European model of society’, much discussed at present, also in relation to EU territorial policy. (Faludi 2005) Former President of the European Commission Jacques Delors has had a major influence on its articulation. His 1993 White Paper ‘Growth, Competitiveness and Employment’ (CEC 1993) presented his “…notion of a blueprint for European economy and society, based on European values and history, and encapsulated in a threefold framework, or model – a 'triptych' – of co-operation..., competition... and solidarity.... At the heart of the triptych itself is the philosophical question of the appropriate balance to be struck between individual, state and market" (Drake 2000, 129).

Arguably, only by joining forces, adapting and modernising can European nations maintain the ‘European model’. So it has become central to debates about the Constitutional Treaty, the revival of the so-called ‘Lisbon Strategy’ of turning Europe into the most competitive knowledge economy of the world by 2010 (European Council 2000; 2005) and also the budget framework, called Financial Perspectives 2007-2013. In this context, opponents of the Constitution, especially in France, argue that they are not against ‘Europe’, but that they want a more social Europe, their slogan being ‘J’aime l’Europe, je vote non’ – I love Europe, I vote no. They would agree to a Constitutional Treaty that would pursue different, less market-oriented policies, accepting that this would imply more, rather than less intervention. At the opposite end of the scale there are those – dubbed ‘ultra-liberals’ by their opponents – who would like to see Europe restricting itself to policing what is called the ‘Single Market’ and to promoting competitiveness, amongst others by rolling back, rather than enhancing, the European model, ‘soft’ as it is on labour and the environment.

In view of such controversies surrounding the European Constitution, after the referenda of 2005 European leaders lamely accepted the need for a – still on-going – ‘reflection period’. Confusion reigns in European planning, too. Experts and academic observers, the present author included, have banked on the Constitutional Treaty clarifying the respective mandates (called ‘competences’ in EU jargon) of the Union¹ and the Member States.

Proposals for how to deal with the broader situation reach from the European Commission’s ‘Plan D’ to better involve citizens, to abandoning the project altogether – but note that the current EU treaty stipulates changes after the number of Member States exceeds twenty-seven, so unless enlargement comes to an abrupt halt after Bulgarian and Romanian accession scheduled for 2007, changes seem inevitable. Indeed, one of the purposes of the Constitutional Treaty has been to make European institutions fit for this situation.

¹ The Constitutional Treaty talks about the ‘Union’. Under the current treaties, ‘European Union’ is the roof over three ‘pillars’, of which the first, the European Community operating under a separate Treaty establishing the European Community is by far the most important. It would be more accurate, therefore, to speak of the European Community, but European Union has become the accepted term.
Being a kind of executive arm of the European Community, the Commission is concerned by the suspension of the ratification process. President Maňuel Barroso has gone public saying that he does not expect the Constitution to be revived any time soon and would apparently like to get on with practical issues. French Commission Vice President Jacques Barrot is thinking aloud in terms of cherry-picking elements that might pass the test, and so does French President Jacques Chirac. Other national leaders, above all the newly elected German Chancellor Angela Merkel, wish to revive the Constitutional Treaty in its entirety, whilst others – like the Polish Eurosceptic prime minister Kazimierz Marcinkiewicz – dismiss the Constitution as an ‘obsession’.

The search is on for explanations for the fiasco of the Constitutional Treaty. Turkish enlargement, accepted in principle subject to the successful completion of accession negotiations by the European Council of Heads of State and Government, is credited with having contributed. The 2005 Autumn Standard Eurobarometer – a kind of European Gallup Poll – indicated that only 31 percent of Europe’s citizens are for, with an impressive 55 percent against, and so politicians are scrambling for the camp of the opponents of further enlargement.

Another explanation is that French voters in particular resented the Commission’s insistence, just at the time when the Constitution was discussed, on a ‘services directive’ to complete the Single Market. It introduces the ‘country of origin’ principle, allowing companies to offer services throughout the EU according to the rules of their home country. The ‘Polish plumber’ taking away jobs has become emblematic for the threat of ‘social dumping’ and ‘unfair competition’ by firms using less strict laws in one state to offer their services in another with more stringent ones. The services directive is slated to become the most important issue of 2006 and as yet another occasion for choosing between a social or neo-liberal orientation.3

Being closer to the new Member States of Central and Eastern Europe, the Danes and the Swedes have perhaps more reason to be worried than the French. There is an issue over a Latvian building company being refused a contract for not abiding to the Swedish collective wage agreement, and there is a case being heard by the European Court of Justice against Denmark, where workers from the new Member States unwilling to join the respective trade unions have been refused jobs at ‘closed shops’. Apprehensive of threats to their welfare states, Denmark and Sweden regard European integration with suspicion anyhow, and these incidents are not helping the European case.

Other explanations for the setback relate to the breathtaking pace of events. Things have moved fast since the glorious days of the 1980s, when European integration had shifted into higher gear after Delors had convinced Member States to take a great jump forward. The Single European Act of 1986 – the first revision of the original Treaty of Rome – was to

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2 When discussing EU institutions, such analogies are always flawed. The European Commission is certainly not a form of elected government. Commissioners, including the President of the European Commission, are nominated by the governments of the Member States and confirmed by the European Parliament, but they are sworn to take instructions from nobody. Under what is called the Community method, the Commission proposes EU laws to the Council of Ministers representing Member States for approval, but before they come into law, such proposals have to be approved by the European Parliament. The European Parliament can sack the Commission, but not individual Commissioners. The Council of Ministers has no such powers and, naturally, is not answerable to the European Parliament, but of course, being national ministers, its members are answerable to national parliaments.

remove remaining barriers to the ‘four freedoms’: movement of people, goods, capital and labour. The Treaty of Maastricht of 1991, another high point in the two Delors Presidencies, followed, leading to European Monetary Union and the common currency, the euro, now a fact, at least for the ‘EU12’ that form the euro-zone. However, Delors’ ‘Russian Dolls’-strategy under which one step logically implied another (Ross 1995, 39-50) was no longer accepted, and “…many politicians started to play the nationalist political card in reaction to the perceived growing powers of the European Commission...” (Murray, Rich 1996, 2). They took stances against the Constitution although, to be fair, what was decisive were not elite attitudes – which on the whole, although increasingly lukewarm, were favourably inclined – but rather the groundswell of popular discontent and disquiet.

**Underlying Issues**

There are deeper issues underlying. Integration challenges nation states, a defining characteristic of which is that they command the loyalty of their citizens and control their territories within recognised borders, with external relations governed by international treaties. These conditions are changing as a result of the introduction of a European citizenship, of the emergence of multiple loyalties and of fading borders. This section discusses citizenship and identity issues.

Since the Treaty of Maastricht, citizens of the EU Member States are also European citizens. With few restrictions, they may settle throughout the EU, exercise the right to vote in local and regional and also European elections – including the right to stand for such elections and when in difficulty outside the EU, the diplomatic and consular services of each and every Member State must render them assistance. According to Meehan, a new understanding of citizenship is thus emerging which he specifies as

“…multiple in the sense that the identities, rights and obligations, associated... with citizenship, are expressed through an increasingly complex configuration of common European Community institutions, states, national and transnational voluntary associations regions and alliances of regions. Whether this framework is confederal, federal, quasi-federal has been much discussed, the usual conclusion being that the European Union is *sui generis*. It is not possible to foresee the precise form that this new ‘public space’ citizenship eventually will take.” (Meehan 1996, 201-202)

Similarly, Morin (1987, 185) sees European identity as nothing but a composite ‘poly-identity’, a *unitas multiplex*. This is why legal nationality is no longer a fully suitable label. Witness the recognition in the UK of a Scott and a Welsh nation and the struggle in Spain over Catalonia’s identity. There are also more migrants, leading to a phenomenon comparable to what Huntington (2005), writing about the U.S. Huntington calls them somewhat disparagingly ‘hyphenated’ Americans. Morin (1986, 144-145) talks in a much more positive mood about a ‘neo-cosmopolitanism’ of the European elites, entrepreneurs, managers, engineers and academics traveling for the purposes of business, to attend workshops and conferences, follow internships and in so doing practicing an inter-European conviviality. He also refers to tourism and student exchanges, all of which create a mentality more open to foreign customs and in a way familiarises Europeans with Europeans.

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4 The UK, Denmark and Sweden are making use of ‘opt-out’ clauses applying specifically to them – but note that all new Member States are committed to joining the euro-zone as soon as they meet the stringent criteria. The Maastricht Treaty also established a form of European citizenship, about which more below, and it offered the prospects of political union.

5 There is at least one elected mayor in Germany who is a Dutch citizen.

6 With his country of birth Hungary, his country of upbringing Austria, his working language English and his home in The Netherlands, the present author is a declared ‘hyphenated’ European.
Clearly, basic categories of statehood are being called into question by European integration. Before 1991 most analysts saw the EU as a potential polity, and this continues to be the view against which people react. Generally, a polity according to Etzioni (quoted in Murray and Rich 1996, 12) must have control over the means of violence, a centre of decision-making affecting the allocation of resources and act as the main focus of political identity. However, it can be argued that the EU need not take on all the trappings of a nation state, but this understanding has not yet penetrated popular discourse, which is why this discourse is sometimes couched in outdated, state-centric terms. Writing before the fall of the Berlin wall, Morin (1986, 217) ends his book on Europe by saying: "All the European countries have in a certain sense transformed themselves and those in the West have been able to jointly develop a kind of sympathetic nervous system for regulating their primary organic exchanges. However, the mental system as such has not yet been able to constitute itself. The metamorphosis is incomplete; we are neither caterpillar nor dragonfly, we are still in the cocoon. The decisive effort is still to be done. The metamorphosis can abort, but it is on its way. To know this is to contribute to it (translation AF)".

In a joint article, the British and German social theorists Anthony Giddens and Ulrich Beck argue, too, that the European integration is a ‘cosmopolitan project’ and the EU thus is not an unfinished nation nor an incomplete federation, but rather something different, something that needs to be understood as a unique phenomenon (Beck, Giddens 2005). This is also true for the function of internal EU borders.

**The Fading of Borders**

Writing about the EU, Meehan (1996, 207) says that the “…legal and social rights of citizens of the member states stem largely... from the freedom of movement of labour, including the providers of services”. Indeed, the Single Market has been the engine behind the fading of borders. Exactly here, where national identity and sovereignty is being enacted, changes become evident:

“The power to control borders, which until recently used to reside exclusively within the realm of national sovereignty, has mutated into a supranational structure. The dismantling of border controls as well as the increasing permeability of frontiers has also led to doubts as regards th self-sufficiency of national policies on freedom and security. The national attitudes, philosophies and approaches to human mobility advocated by one EU member state could potentially have positive or negative effects on the other members of the club." (Balzacq, Carrera 2005, 8)

If not fading altogether, borders are in any case differentiating to the point where it requires a legal expert to identify where they actually are: at foreign airports where airline staff check the identity of passengers travelling to Europe, at the consulates and/or diplomatic missions of European states where non-EU citizens queue up for visa – and occasionally storm the gates to obtain asylum – or at the actual borders where customs posts are now abandoned, where exchanges offices have closed their doors and estates accommodating families of customs officials have been sold to developers?

Indeed, concurrently with the Single European Act being discussed, a select group of Member States – France, Germany and the Benelux countries – abolished identity checks at their common borders, not through European institutions but through an intergovernmental agreement concluded in the village of Schengen in Luxembourg that lent its name to an array of new border institutions and practices. Under the Treaty of Amsterdam, being the first
revision of the Treaty of Maastricht, Schengen is being absorbed into the body of Community legislation. The old Member States (the EU15) are now part of the Schengen Area without border controls. The UK and Ireland are the only exceptions, but by way of compensation non-members Norway and Iceland have joined, soon to be followed by Switzerland. The new Member States are in the process of joining, the condition being that they effectively police their external Schengen borders.⁷

This intention to provide freedom of movement of people is one of the key differences between the EU and other trading blocks like NAFTA, but this freedom applies to travel and not necessarily to people taking up work and/or residence⁸, although here, too, there has been much progress, with more impetus expected to come from declaring 2006 as the ‘European Year of Workers’ Mobility’.⁹ Indeed, come 2011, and all European citizens, including those of the ten Member States who have joined in 2004, will be allowed to seek work throughout the entire territory of the EU.¹⁰ If they succeed or have other means of support, subject to exceptions for reasons of national security, they can take up permanent residence. However, the

“…prospect of the elimination of border controls at frontiers aroused irrational fears in the authorities of uncontrolled movements of hordes of non-European nationals across frontiers... ‘Third country nationals’ therefore continued to have severely restricted rights to move around Europe and limited rights to family reunification and social protection if they did move” (Hayter 2004, 58).

Indeed, Sub-Saharan immigrants are waiting outside the gates of Europe around the Spanish enclave of Melilla on African soil. In late-September 2005, an estimated one thousand of them scaled the three-meter wall surrounding it, with three hundred making it to Spanish – and thus European – territory where they enjoy a degree of protection under international law. In subsequent nights, the police was on the alert, and there were ugly scenes, and even uglier ones when Moroccan authorities called upon to co-operate relocated would-be refugees to the Sahara Desert. Another surreal answer was to increase the height of the walls surrounding Melilla to six meters…

The freedom of European citizens to move is being defended also around the Italian island of Lampedusa south of Sicily, in the Street of Tarranto between Albania and Italy and the Street of Gibraltar between Morocco and Spain as well as along the 5500 kilometre eastern border. Regions on both sides of the latter border due to become the external Schengen border are worried that family and trade relations will be restricted and have launched a Network of Eastern External Border Regions (NEEBOR). A new-style EU ‘neighbourhood policy’¹¹ is intended to maintain good relations whilst the EU is at the same time raising the threshold against illegal immigration and trafficking of various kinds. There is a precedent, the ten year-

⁷ For information on Schengen see one of the many useful EU-websites: http://europa.eu.int/scadplus/leg/en/lvb/l33020.htm.
¹⁰ The UK and Ireland, the free-market ideologues of Europe, and Sweden already grant them these rights. Two years after enlargement, Finland, Spain and Portugal are set to follow suit, but with their capitals within commuting distance from new member states where wage levels are sometimes as low as 20 percent, Austria and Germany are likely to hold out until they definitely have to grant complete freedom of movement of labour. See http://euobserver.com/9/20684.
old European-Mediterranean Partnership, also known as the Barcelona Process\textsuperscript{12}. In both cases, as in the wider engagement of the EU with the developing world, one idea is to stem the tide of immigrants by improving conditions in the areas where they come from. So the EU accepts the ‘push theory’ linking immigration to development (Balzacq, Carrera 2005, 23)

External borders raise moral issues, especially in relation to refugees and asylum seekers. Hayter (2004) criticizes the impact of the increasing severity of controls. They lead to great suffering and abuse of human rights. Immigration controls are said to be racist and to help legitimate racism. She also argues that migration does not threaten jobs, working conditions or the welfare state in Europe. On the contrary, it has the potential to increase prosperity worldwide. Controls, at vast human and financial cost, actually do little to reduce numbers.

Indeed, whilst seeking to control illegal immigration and wrestling with how to distinguish between ‘genuine’ asylum seekers and economic refugees without entitlement under international treaties, the EU is at the same time developing proactive policies to promote legal immigration.\textsuperscript{13} Europe needs migrant workers due to its ageing population. In many EU countries illegal immigrants have filled the gap, but they neither contribute to the economy through taxes nor can they benefit from health care and so forth. January 2005 saw the publication of a Commission Green Paper. After consultations, a policy plan saw the light of day in December. It outlines legislative proposals due in 2007 regulating the rights of immigrants, defining tools to foster better exchange of information, co-ordination with existing integration policy and co-ordination with the countries of origin of immigrants. Europe no longer refuses to recognise the reality of international migration.

Hayter (2004) calls for the free movement of people to be recognised as a universal human right. More realistically, Benhabib (2004, 221) advocates first-admittance rights for refugees and asylum seekers but accepts the right of democracies to regulate the transition from first admission to full membership.

‘Frictionless Europe’

Benefiting citizens of the largest trading block of the world, sometimes, as in agricultural policy, directly at the expense of the rest of the world, the ‘Europe without borders’ is an elite project. This is not the topic here. Rather, the internal working of the Single Market is. The view here is that the smoother the exchanges internally, the better markets will work in what has been called a ‘frictionless Europe’. Not all European citizens stand to benefit in equal degree though. Business travellers and the mobile elite generally get more out of it than the rest. Writing about the U.S., Huntington (2005, 272) similarly argues: “The economic globalizers are fixated on the world as an economic unit. For them home is the global market, not the national community….” He portrays them in terms that would bring credit to an anti-globalisation protester:

“Economic transnationals are the nucleus of an emerging superclass. ... [T]his emergent class is empowered by new notions of global connectedness. It includes academics, international civil servants and executives... Less than 4 percent of the American people, these transnationals have little need for national loyalty, view national boundaries as

\textsuperscript{12} On the Barcelona Process see: http://europa.eu.int/comm/external_relations/euromed/index.htm. Uniquely, the Barcelona Process unites Israel and all its neighbours, including the Palestinian Authority, in a threefold effort to define a common area of peace and stability, construct a zone of shared prosperity through economic and financial partnership and to achieve rapprochement between peoples through multiple forms of exchange.\textsuperscript{13} See: http://www.euractiv.com/Article?tcmsuri=tcm:29-151197-16&type=News.
obstacles that thankfully are vanishing, and see national governments as residues from the past whose only useful function now is to facilitate the elite's global operations”.

He adds that the “…global involvement of the transnational economic elites and erodes their sense of belonging to a national community” (Huntington 2005, 273). There are those arguing similarly that a Europe without borders is only to the advantage of Capital.

Unsurprisingly, the European Round Table of Industrialists is indeed a proponent of market integration, and also of the Trans-European Networks and the euro. This makes European institutions a target of the anti-globalisation movement. Summits where the European Council of Heads of State and Government meet have been occasions for ugly scenes. Critics challenge Europe being about a space where in particular goods and capital can flow freely. As a result, a vision of Europe is said to surface as ‘monotopia’: “…an organised, ordered and totalised space of zero-friction and seamless logistic flows…. (T)his idea of monotopic Europe lies at the heart of the new ways of looking at European territory”. What is underlying is the idea of a ‘zero-friction society’. Indeed, “…European integration seems increasingly to be organised around the principle of spatial governance within a framework of seamless mobility…” (Jensen, Richardson 2004, 3). In fact, mobility “…has become the defining feature of contemporary Europe. The four freedoms at the heart of the European Treaties are based on movement of people, goods, capital and services. It could be argued that Europe is as much about movement as it is about place, as the European project seeks to break down the barriers to free movement: the great distances between the core cities and the peripheral dispersed communities, the natural barriers which are not crossed by high speed roads and railways, and the national borders across which transport systems do not match. These relations in space are framed in a new European lexicon which embodies, yet at the same time attempts to resolve, the great polarities of European space – between the core and the periphery, between urban and rural – through a new language of harmony and balanced development” (Jensen, Richardson 2004, 5-6).

The ‘Washington Consensus’ on how the global economy needs to be managed, i.e. as a ‘level playing field’ for large transnational corporations, is said to dictate European integration. Hardt and Negri (2000, 8) go further arguing that the constitution of the present is shaped by the existence of a new form of global ‘Empire’ resulting from the globalisation of Capitalist production and its world market. Territorial cohesion policy is intended to counterbalance distorting effects of a frictionless Europe on local and regional life and culture. In fact, the EU is committed to maintain diversity. Before discussing such policies, the paper gives concrete examples of border situations.

**Examples from the Coal Face**

A ‘Europe without borders’ is not only of and for the elites. It is also about ordinary citizens and opportunities for, and constraints on, their actions. This is why it is useful to look at borders, focusing on changes in daily lives and practices – like those of the author travelling throughout Europe largely without having to show his passport, being able to draw cash at no extra charge and relying on health insurance giving basic coverage throughout the EU. Other barriers, too, have been lowered. Thus, when a visiting professor in his country of upbringing, Austria, the author makes sure of bringing form E101 certifying payment of Dutch social security and health care contributions, thus exempting him from having to pay the same in the
host country. And, transferring money back and forth costs no more than a transfer within one and the same Member State, another of the measures designed to undo borders.\(^\text{14}\)

Other examples come from the Dutch-German border. To start with, the Dutch spend millions on fireworks at New Year’s Eve. At the end of 2005, much of this has been spent in Belgium and Germany. The Dutch government has imposed new conditions for premises selling fireworks to meet. Rather than to make the necessary investments, small shopkeepers have decided to forfeit the business, and so it is leaking away.

Similarly, during the first oil crisis in 1974 the Dutch government imposed petrol rationing. Owners could purchase fifteen litre (say four gallon) per car per week. In a broad stroke along the border, people ventured across the border where no such restrictions applied. Seeing their business dwindle, filling stations decided to ignore rationing, and the government gave in.

Liberal Dutch policies on the consumption – not on the possession – of soft drugs have led to so-called ‘coffee shops’ serving foreign customers. This new form of business has caused the irk of French President Jacques Chirac demanding that the Dutch fall in line with other countries pursuing stricter policies. This underlines once more how difficult it is for Member States of the EU to pursue independent policies. However, satisfied that their pragmatic approach to drugs was working, in this instance the Dutch withstood the pressure. Suffering as they are from the nuisance caused by customers, the neighbours of coffee shops might have been delighted, though, if the government had given in. One of the border communities is moving coffee shops right up against the German border, which is but one example of facilities causing nuisance being located right against the border – with atomic power plants providing other notorious examples.

On a different note, over the past several years, the price of homes in The Netherlands has skyrocketed. Interest payments on first homes are tax-deductible, halving the cost of borrowing for many households. Since 2001, this also applies to first homes outside The Netherlands. In the past, well-to-do Dutch citizens have gone to Belgium where the tax climate is friendlier, but now it pays for the average homeowner to purchase property in Germany and to continue paying tax in The Netherlands. To add to this advantage, the German border area is rather depressed and for the Dutch properties come at bargain prices.

Meanwhile, to cater to this market whole estates have been built, with Dutch real estate agents marketing them. Most new residents continue to work in The Netherlands, bring their children to Dutch schools and socialise with other Dutch people. So Germans complain that the Dutch do not participate in social and political life. (I&O Research 2003)

There are interesting planning issues as well. Seeking to prevent urban sprawl, Dutch planners allow small communities to build homes only for their indigenous need. Otherwise, many city dwellers would undoubtedly opt for living in rural villages – turning them into suburbs in the process. Local communities would generally welcome this. Property tax is not the main issue; maintaining facilities and providing opportunities for their original inhabitants to obtain affordable homes in the developments with standardised housing common in The Netherlands is. Now this potential is leaking away to where no such planning controls apply. Thinking aloud, a politician from one Dutch border community has already proposed to undercut

\(^{14}\) On further proposals by the Commission to sweep away obstacles to make cross-border payments see: http://www.euractiv.com/Article?tcmuri=tcm:29-150200-16&type=News&_lang=EN&email=38679.
planning controls by initiating the development of a commuter village – appropriately to be called ‘Europa’ – where the arm of Dutch planning cannot reach it: on the German side.

Dutch ex-pats can have their surprises and disappointments, though. In The Netherlands, developers are large companies enjoying backing from national banks and pension funds. In Germany, owner-occupiers often commission small builders, and not only the structure of the banking industry is different, legislation governing property, the notary public, the land registry, bankruptcy proceedings etc., etc. is different, too.

**EU Territorial Cohesion: Focus on Border Regions**

The examples above are emblematic for the kinds of issues arising in a Europe without borders where identity checks are disappearing but different regimes continue to apply. The European Community has recognised regime differences representing barriers to free movement. Indeed, in his classic work on European spatial planning, Williams (1996, 8) says: “Differences between the national systems of spatial planning and of property development must be regarded as non-tariff barriers, which may need to be overcome if they represent impediments to, or distortions of, the economic integration of the EU…” As regards regulatory planning, this has not come to pass, but the European Commission has at least initiated a comprehensive study of the relevant systems in the EU15 and published volumes on each of the fifteen old Member States alongside with a summary of this ‘Compendium of EU Spatial Planning Systems and Policies” (CEC 1997), so those concerned can at least get informed. As regards environmental regulation, the argument of creating what is called a ‘level playing field’ has actually been one of the rationales for introducing a common policy as early as the 1970s, and this is now one of the EU fortes. However, where they do not affect the ‘four freedoms’ – the fundamentals of the Single Market – there differences will remain. Europe will never be anything but a patchwork of regimes, and this is felt more acutely along the internal borders.

Border areas are expected also to nurture a future breed of Europeans. In fact, the Single Market offers the dual prospect of border areas benefiting disproportionately from the ‘four freedoms’, enabling them to compensate for deficits due to their position in the national periphery, and of becoming new central regions within the wider European context (Brunn, Schmitt-Egner 1998, 13). Different regimes in close proximity offer opportunities as well.

Border areas are the darlings of the European Commission. This only seems fair. Border areas are expected to cope with higher traffic volumes, causing acute problems in Alpine valleys exposed to heavy transit traffic. They are in the forefront also of exploring the opportunities of European integration, the author’s favourite example being a master baker from a small German border town who, banking on the different and more varied range of sorts of German bread, has meanwhile opened two shops in the much larger Dutch border cities of Arnhem and Nijmegen.

Another small entrepreneur from the same town is marketing German kitchens throughout The Netherlands where customers can take advantage of the greater variety and the price advantages afforded by the larger German market.

More exotic examples are cross-border business parks where enterprises can chose between regime-mixes (taxes, postal tariffs, energy-supplies etc., etc.). There is also a Euro Business Centre straddling the border where there used to be a customs house. It houses amongst others the offices of the cross-border co-operation bureau and a joint police station, but the fact that the Dutch postal services are not delivering mail to the German side is symptomatic for the
persistence of unseen, but nevertheless very real institutional borders. Note, however, that national police forces at least may now cross borders in hot pursuit, and that ambulance and fire services are well-prepared to render mutual assistance so that, when a fireworks depot exploded in 2000, flattening a neighbourhood and causing many casualties, a convoy of German fire engines came to the assistance of the Dutch border town of Enschede.

To help actors in border regions explore their options, the European Community set up the Community Initiative Interreg for cross-border co-operation in 1990. This was continued as Interreg II, with the completion of energy networks being added as a second strand, which seems reasonable if you wish to promote an integrated energy market. From then on, Interreg IIA was for cross-border co-operation proper, with Interreg IIB being devoted to energy networks. In 1996 Interreg IIC was added. Its explicit purpose was to promote transnational planning reaching beyond the immediate border areas. This was done in the wake of efforts to formulate a ‘European Spatial Development Perspective’ (CEC 1999; see Faludi, Waterhout 2002; Faludi 2002), and may in due course lead to a broad constituency for European spatial planning – most likely under the flag of a policy to achieve ‘territorial cohesion’. (Faludi forthcoming)

Territorial cohesion is not primarily for border regions but rather all EU regions, but it has added significance for border regions. The main targets of cohesion policy of cohesion policy as such are what in EU jargon are called ‘least-favoured regions’, with many border areas falling into this category. As the designation ‘least favoured region’ indicates, cohesion policy is about redistributing resources, the rationale being to allow all European regions, and not just those in the core, to partake in the benefits of the Single Market.

The hapless European Constitution identified territorial cohesion as a goal of the Union on a par with economic and social cohesion. Had it been ratified, the Community Method would have been applicable. Now, of course, this prospect is receding. Commission proposals as regards cohesion policy are based on the current EU treaty. It mentions territorial cohesion only in passing, and so how territorial cohesion will be addressed is unclear. One senses that now that the Constitution is in dire states, the Commission will pursue territorial cohesion policy indirectly, not to say by ‘subterfuge’, as has been the case in other policy areas for which the Community does not have a mandate (Héritier, 1997). The guess is that this will be done under the flag of a new cohesion policy objective, ‘European territorial co-operation’

**European Territorial Co-operation**

This objective has been defined in the Commission’s ‘Proposal for the New Structural Funds Regulations for the Period 2007-2013’ (CEC 2004). This amounts to Interreg, rather than remaining an experimental ‘Community Initiative’, being ‘mainstreamed,’ which is jargon for being incorporated into the body of routine EU policy.

The latest Communication of the Commission ‘Cohesion Policy in Support of Growth and Jobs: Community Strategic Guidelines, 2007-2013’ (CEC 2005) confirms this. Coming out at a time when it had become clear that the Constitution – and with it EU territorial cohesion policy – was in trouble, this Communication fudges the distinction between cohesion policy...
as such – for which under the current EU treaty the Community has a mandate – on the one hand and territorial cohesion policy on the other. As the title suggests, the overriding concern is the creation of growth and jobs. Indeed, cohesion policy is now part of the attempt to revive the ‘Lisbon Strategy’, mentioned above, which is now at the top of the EU agenda.

Under European territorial co-operation, the Communication says that one

“…of the determining features of cohesion policy – by contrast with sectoral policies – is its capacity to adapt to the particular needs and characteristics of specific geographical challenges and opportunities. Accordingly, when developing their programmes and concentrating resources on the priorities presented in the preceding sections, Member States and regions should pay particular attention to these specific needs in order to prevent uneven regional development from hampering growth potential” (CEC 2005, 29).

Making a distinction between cross-border, transnational, and interregional co-operation, the Communication details what each of them should achieve. Generally speaking, co-operation

“…should help speed up economic development and the achievement of higher growth. National borders are often an obstacle to the development of European territory as a whole, and can restrict its potential for full competitiveness. In the cross-border and transnational context, transport, water management and environment protection are clear examples of challenges requiring a focused and integrated approach that goes beyond national boundaries…. (CEC 2005, 31).

The objective of cross-border co-operation more in particular “…is to integrate areas divided by national borders that face common problems requiring common solutions. Such challenges are faced by all border regions in the Union and they are generally related to fragmentation of markets, the labour force, investment patterns, infrastructure, fiscal resources, institutions and including services of general interest” (CEC 2005, 31). Also, cross-border co-operation should focus on strengthening the competitiveness of the border regions.

“In addition, it should contribute to economic and social integration, especially where there are wide economic disparities on either side. Actions include promoting knowledge and know-how transfer, the development of cross-border business activities, cross-border education/training and healthcare potential and integrating the cross-border labour market; and joint management of the environment and common threats. Where the basic conditions for cross-border cooperation are already in place, cohesion policy should focus assistance on actions that bring added value to cross-border activities: e.g. increasing cross-border competitiveness through innovation and research and development; connecting intangible networks (services) or physical networks (transport) to strengthen cross-border identity as a feature of European citizenship; the promotion of cross-border labour market integration; cross-border water management and flood control.” (CEC 2005, 31-32)

Transnational – as against cross-border – co-operation relates to so-called macro-regions where there is a need to increase economic and social integration and cohesion.

“Transnational cooperation programmes seek to increase cooperation across Member States on matters of strategic importance. Support should therefore be given to actions which seek to improve the physical interconnection of territories (e.g. investments in sustainable transport) as well as intangible connections (networks, exchanges between regions and between the parties involved). The actions envisaged include the creation of European transport corridors (particularly crossborder sections) for the prevention of natural hazards, water management at river basin level, integrated maritime cooperation and R&D/innovation networks.” (CEC 2005, 32)
As indicated, there are already EU policies for such areas in place, and they are considered successful. (Davoudi 2005) The intention is not only to expand upon them, but to also promote the development of comprehensive territorial strategies. This has always been a major focus of territorial cohesion policy and of its predecessor, spatial development policy: how so-called sector policies, including the interventions of the EU itself, may be fitted into a strategic framework reflecting the specificities of the areas concerned. Such frameworks need to be developed from the bottom-up, so to say. Significantly, the need for territorial strategies is said to apply to all levels with the exception of that of the EU. The European Commission is highly departmentalised, and – the intrinsic problems of doing so apart – formulating a strategic framework taking account of all policies would stretch it beyond its limits.

Finally, interregional cooperation refers to programmes focusing on the Growth and Jobs Agenda: strengthening innovation, small-and-medium enterprises and entrepreneurship, the environment and risk prevention, but not only these:

“In addition, exchange of experiences and best practices regarding urban development, modernisation of public sector services (such as health and government using ICT) and the implementation of cooperation programmes as well as studies and data collection will be encouraged. Interregional cooperation will also be supported within programmes for convergence and regional competitiveness and employment. In addition, exchange of experiences and best practices regarding urban development, social inclusion, relationship between cities and rural areas, and the implementation of cooperation programmes will be encouraged.” (CEC 2005, 32)

These were the Commission proposals. Cohesion policy is an important item on the EU budget. It got embroiled in the conflict over the Financial Perspectives 2007-2013. The eventual agreement – still to be piloted through the European Parliament – involves a reduction of the multi-annual package. Territorial co-operation is the great loser, with its allocation in percentage terms virtually halved. Within the objective, there has been a shift away from transnational cooperation and into cross-border cooperation (Bachtler, Wishlade 2005, 55), making the latter yet again into the most important element, as it has been under Interreg \(^\text{17}\). This is not surprising. Border regions have a strong lobby \(^\text{18}\). They are now moving – with excuses for the pun – to centre stage in EU territorial cohesion policy.

European territorial co-operation will continue to promote mutual exchanges and learning, which have been its forte. Cross-border co-operation under Interreg IIIA includes no less than sixty-four programmes, each comprising several projects, each of which has several partners. Of the transnational co-operation strand – currently Interreg IIIB – it can be said safely that there are thousand of participants involved, representing a respectable European planning constituency. Interreg IIIC is documenting the experiences gained and making them accessible.

In view of difficulties encountered by Member States in managing cross-border co-operation, there is also a new legislative framework in the making. It allows for the creation of cooperative groupings with their own legal personality, called (as amended by the European Parliament) 'European groupings of territorial cooperation' (EGTC). \(^\text{19}\) Recourse to this will

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\(^{17}\) The idea of the Commission to use European transnational – as against cross-border – co-operation to finance large-scale projects of European importance, thereby making European integration more visibly to citizens, has fallen by the wayside.

\(^{18}\) There is an Association of European Border Regions with a permanent secretariat in the Dutch-German border area and a Dutch Member of the European Parliament as President. See [http://www.aebbr.net](http://www.aebbr.net).

be optional, but once established, an EGTC will be able to act on behalf of its members, notably regional and local authorities. In this way the legislative framework will be improved.

Conclusions

Although citizens regard Europe with suspicion, seeing it as a project of and for the elites, there is another reality, that of small steps – including planning measures – being taken, especially along the borders of Europe. They move the EU closer to a networked Europe.

In this sense the European project is not only for the elites. Rather, there is much in it for European citizens, especially in the border areas, the darlings of the European Commission. The latter promotes international collaborative projects through one of its Community Initiatives, Interreg. It has been so successful that it will become one of the three objectives of cohesion policy, called European territorial co-operation.

However, the European project also harbours dangers, and whether the gains are worth the effort remains a matter of debate. The author admits to his professional bias and that he stands to benefit from European integration. Little surprise, therefore, that he is positively inclined, at the same time trying to keep an open eye for counter-arguments.

References


