



The Regional Governance System of the Franco-German-Swiss borderland in a Multi-Level Context¹

The Upper Rhine Valley is an area of institutional cooperation between three West European states. This area is often considered to be a model of European cross-border cooperation at the regional level: the process also involves Switzerland, a country that remains largely opposed to the process of European integration but that has signed bilateral agreements with the EU.

My paper seeks to identify dynamics of cross-border governance in the Southern part of the Upper Rhine region. In particular, it focuses on the establishment of an integrated trinational transfrontier region at an EU external border. The main research question is: "What patterns of cross-border governance are emerging in the transborder space between Switzerland, France, and Germany?"

After supplying the terminological premises, including definitions, and a theoretical framework for examining the functions and spread of cross-border cooperation in Europe, this paper provides, first, the background to the main features of cross-border cooperation and its historical development in the area analysed. Second, it investigates whether some kind of transnational governance is emerging in the above-mentioned region, permitting it to supersede

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the national level, and the theoretical models that can be applied to this new kind of regional organisation. Furthermore, in order to do so, it seeks to depict the structure and the strength of the ties that bind cross-border organizations together. It will also show that the study of cross-border cooperation needs to be differentiated and take into account the interaction and influence of different levels of government in order to explain divergences in outcomes.

The research in this paper is based on an extensive analysis of the relevant literature in English, French and German, on the collection and analysis of data available within the existing legal-institutional framework and on the utilisation of a variety of theoretic constructs.

The data analysed included various official documents, statutes of organizations, and project documentation, the results of which are presented and interpreted below.

Drawing on these experiences of cooperation in the *Dreiländerecke*, this essay aims to reflect upon and contribute to ongoing academic questions regarding transnational governance at the local and regional levels.

Introduction

The 1990s and 2000s saw a flourishing of cross-border regions all over Europe, due to both their increasingly prominent role as drivers of territorial development in the national context, and their forming of administrative units for European regional policy in the context of multi-level governance.

Cross-border regions bring together different territories that are separated by national borders, with the latter having served as the preeminent shaper of political structures over recent centuries (Chilla, Evrard, Schulz, 2012: 962).

It has been pointed out that cross-border regions offer micro-level political laboratories (Hall 2008), in which different political arenas are interconnected and subnational actors operate in both the national and supranational arenas, creating transnational associations and transnational governance (Knippenberg 2004: 610). In the scholarly literature, they have been analyzed as laboratories of territorial cohesion in Europe, as testing fields for future EU legislation, and as cluster-development models (Beck 2009).

Cross-border region building processes have gained momentum since the end of the eighties but they are still largely neglected in mainstream discourse in the social sciences. Through describing the institutions and providing some examples of policy accomplishments, it becomes clear that cross-border activities encompass almost all policy areas. Therefore, the observed activities can be labelled as “cross-border region building”, (Blatter 2003: 505) even though most of these cross-border institutions are rather ‘soft’, not very formalized, and are mostly network-like institutions.

In spite of having been defined as an ‘imagined nation’ (Kutter 1988), the Upper Rhine region is nowadays often considered as a model of an emerging cross-border region in the scholarly literature (Reitel 2010: 289); not only it can be regarded as one of the oldest and most complex models in Europe (Häfliger 2010: 287), but at the same time it represents an interesting example of managing cross-border cooperation at the EU’s external frontiers and an embryonic system of established multi-level governance.

First, the Upper Rhine Valley is an area of interface of and institutional cooperation between three West European states, which – from a comparative perspective – can be characterized by different national and political cultures: France, Germany and Switzerland. The latter, in spite of not being a member of the EU, is part of the broader process of constructing Europe, on account of the intensive relations that have developed between public authorities across borders and due its participation in the process of negative integration (Reitel 2010: 295) through concluding bilateral agreements with both the EU and with its neighbours.

Second, the cross-border structures in the Upper Rhine region are an interesting example of regional governance: the process of transforming the area into a Trinational Metropolitan Region aims at creating a network within which cross-border multi-level and multi-sectoral governance can take place. In this sense, the established model of cross-border cooperation seems to make this region not only a ‘laboratory for international institution-building’ but also a political laboratory at the regional / local level. Thus, the focus of the analysis is to examine whether an actual cross-border region is emerging.

It can be argued that cross-border regions are even more multi-actor and multi-level spaces than institutionalized regions in decentralized states: despite the lack of formal competencies, cross-border regions are fully dependant on successful governance-processes to co-ordinate and

develop common activities. However, cross-border governance faces multiple governance dilemmas: challenges are aggravated by differing institutional and legal systems resulting in conflicting allocations of competencies at divergent administrative levels.

Accordingly, we hypothesize that cross-border cooperation processes happen at different levels of government. Focusing on the Southern Upper Rhine Valley region by way of a case study, it will be shown that what happens at these levels of government differs, and that this difference has a notable impact on cross-border cooperation (CBC).

Conceptual background

There are two major issues concerning the notion of a Europe of regions: firstly, that regions should be installed as a third level of political steering and governance in addition to the levels of the nation state and the EU (Haller 2007: 48); and secondly, both within new political movements aimed at strengthening regional autonomy and within a European discourse, there has emerged the idea of the establishment of new regions across borders in order to constitute smaller functional units.

As a consequence, more than a hundred Euregios, whether in the form of working communities, euroregions, European Groupings of Territorial Cooperation (EGTCs) or Greater Regions, were created in Europe.

Before addressing patterns of CBC in the Upper Rhine region, it may be useful to highlight, at the theoretical level, the main definitions and functions of transborder cooperation, and to distinguish the various types of cross-border cooperation that can be activated. It is in fact argued that cross-border cooperation processes constitute a prerequisite for the construction of cross-border regions. In fact, cross-border cooperation involves a certain stabilization of cross-border contacts, i.e. institution building, over time (Perkmann 2003: 156).

Cross-border cooperation is a multifarious and multifaceted process which is activated when populations and regional institutions of a given border-area realize that borders not only divide, but also unite, creating identical problems on both sides (Del Bianco 2006). The general aim is to overcome borders, interpreted as limits to social and economic development, in order to

create areas of economic and services development, protection of the environment, and territorial planning (Ferrara 2000a), turning them from barriers to resources.

Cross-border cooperation is a process *in fieri*, which cannot be crystallized by a common code of rules; it can be more or less extended, and carry different weight depending on the sectors and actors involved. As a matter of fact, its general aim is to overcome the fractures between national systems, often artificially created through acts stemming from wars and conflict resolution (Gasparini 2008:7).

Cross-border cooperation processes can be interpreted as ‘the product of a social construction process’, in which the territory represents ‘not a mere functional space, but rather a social/territorial unit with a strategic capacity, arising from a given organizational structure’ (Perkmann 2002: 5). Therefore, the concept of cross-border cooperation, in a strict sense, signifies the need to cooperate at all levels and to introduce coordinated processes between these levels.

Transfrontier cooperation is a well-established phenomenon in international relations. Intensive forms of such cooperation have been successfully practised for several decades in various European border regions (Gabbe 2004: 30). Its modern origins can be traced back to the aftermath of World War II, even though it has developed considerably throughout Europe especially during the last two decades (Ferrara 2000b: 24). The pioneers of cross-border cooperation were populations living in the German-French-Swiss and German-Netherlands border areas and in Scandinavian countries, where the first transborder arrangements had already emerged in the 1950s. Along these borders, initiatives have proved particularly successful due to the cultural, historical and social similarities between the communities on both sides of the border and because they were areas at the margins of their respective national systems, but enjoying a sort of centrality in macro regional dynamics.

The first initiatives were meant to find concrete solutions and to foster integration in such fields as economic development, environmental issues, social security, bilingual education, infrastructures and commuting (Säre 2004: 20). Since then, and on the basis of these positive experiences, several initiatives have taken place throughout Europe, often based on informal agreements (Proto 2008: 5).

Cooperation across national borders has also proved to be an important mechanism of European integration (Jorgensen 2002: 198- 200). More specifically, cross-border cooperation, in its European dimension, has been seen as a tool for regionalism and integration to merge in a subsidiary fashion (Gasparini 2003). It has in fact proved particularly effective in fostering those which have been since the beginning core values of the European policies: reunification, decentralization, partnership, subsidiarity (ISIG 2010: 4).

Transborder cooperation finds its origin in functional scopes and seeks to pursue local / regional interests, though it is often inserted in larger political contexts, both European and macro-regional ones. Another implicit aspect of cross-border cooperation is that it slowly gave those peripheral areas where it was established a new 'networking' character, offering these areas their own centrality in relations with national capitals, as new self-centred and integrated territories.

Cross-border structures play thus a double role in the European landscape: on the one hand, they boost regional development in border regions; on the other hand, they serve the pan-European cause by fostering common European values. In other words, cross-border co-operation is not only prompted from the top (for instance, through European programmes), but, on the contrary, is based on a long-lasting capability to create autochthony by the new region existing on both sides of the border (Del Bianco 2006).

Cross- border cooperation processes at the same time favour and are favoured by the process of gradually dismantling internal borders within the EU, accompanied by a shift from previous national state borders to the EU's present external borders with other countries. When processes give birth to structures, the latter present themselves as the junction of multiple affiliations: to the respective states in terms of sovereignty, to Europe in terms of parameters for development and organization (Gasparini 2004: 23) and to the transborder self- centred area in terms of culture and best practices.

In its role of barrier reduction, cross-border cooperation arrangements present themselves as important landmarks for the re-composition and consolidation of fractures. Thus it appears useful, for our analysis, to conceptualize cross-border cooperation also as the factual capability to overcome and re-compose fractures between and within national systems. In other words, the successful cross- border cooperation largely depends on the capability of cross-border regions in

making elements of continuity prevail over factors of discontinuity, turning them into privileged zones of growth (Schneider Sliwa 2002).

The underlying *file rouge* of the analysis is thus the general argument according to which the most important fracture between border regions is represented by the discontinuity of ideological, political, social, cultural and economic nature among nation states. If the degree of collaboration can be conceived as a function of the capacity to reduce the transaction costs that differing policy regimes impose and of the capacity to transcend the traditional dichotomy national–international regime, the central issue for determining the significance of cross-border cooperation is that of governance.

Defining Cross-Border Cooperation zones in the Upper Rhine

The Southern region of the Upper Rhine macro-space, which emerged under the name of Regio Basiliensis and is today generally known as Trirhena, is often considered in the scholarly literature as a model of a transborder 'euregio' (Sandtner, Eder 2002a: 1). Just as Franco–German and Benelux cooperation was the engine for European economic integration at an intergovernmental level, regional and local authorities in the Rhine basin were the pioneers of cross-border regions (O'Dowd 2002: 19). Cross-border cooperation has been progressively enhanced and deepened at the individual level, as well as at the state and regional level.

The Regio Trirhena space is situated at the Southern end of the Upper Rhine Rift Valley and stretches over part of three countries: Germany's Southern Baden, France's Upper Alsace and five cantons of Northwest Switzerland (see figure 1).

Its first originality resides in the fact that chronologically it constitutes, after the Dutch–German euregio, the second established cross-border body, but above all in the fact that it has been one of the very few transborder regions which have provided territorial institutions in charge of promoting the idea of European construction and transfrontier collaboration (Risch 1995). Due to the long experience that Trirhena has gained in cross-border cooperation, it may be seen as a paradigmatic case and research subject for the development of euroregional bodies and cross-border governance dynamics at different levels. It can be therefore hypothesised that the Southern Upper Rhine has given birth to a new governance system superseding the national sphere.

German and Swiss constitutional provisions made it relatively easy to support co-operation on a regional level: while on one hand Germany viewed transborder co-operation in the light of European integration, Switzerland, on the other hand, was in the sixties defining its admission to the Council of Europe, which has always attached, among its multifarious activities, a special importance to cross-border cooperation (Ferrara 2000b).

Later on, similar associations were created in the French and German territories: the Regio of the Upper Rhine in 1965 and the Freiburger Regio-Gesellschaft in 1985. Transborder cooperation was then institutionalised through tri-national congresses and conferences; in 1975 the Bonn Treaties made relations between the three states official, which led to the creation of official bodies of transborder cooperation and legitimisation at the national level; in 1976 an international German–French–Swiss Intergovernmental Commission, which replaced the Tripartite Conference, was established. Besides, cooperation was gradually expanded beyond the region's traditional boundaries, including to North Alsace and the Karlsruhe region (also called Upper Rhine Euregio).

In 1980 an approach based on the development of functional policies was set up, with six priority areas developed within separate work groups for the following domains: economy and transports, environment, energetic policy, culture, media and territorial planning. Over the years, the number of cross-border institutions and societies has grown, with their individual territorial ranges differing greatly (Sandtner, Eder 2002b: 151). Biannual conferences with representatives from all three border nations have been regularly organized since 1988.

At the beginning of the 1980s, the Upper Rhine region already complied with a number of conditions that seem to foster the creation of a euroregion: a delimited perimeter, identified institutional actors and an established operative framework (Wassenberg 2007: 154). But only after 1982 can the Regio Trirhena be considered as an actual association of the border region: thanks to the policy of decentralization in France initiated by acts of the French parliament known as Gaston Deferre Laws, Swiss cantons and German Länder started to consider the newly established French regions as their counterparts (Wassenberg 2007: 335), in spite of their limited autonomy. The Conference of the Upper Rhine, which was established in 1991 with the aim of reinforcing institutional relations at the regional level, completed the framework of CBC.

However, asymmetries and different expectations still existed between the partners: the German side pursued an objective policy: that of extending cooperation to the German–French

border area in the North, in order to strengthen its role in the process. It must be remembered that, in general, the emergence of Euroregions can be understood as a German-inspired phenomenon (Proto 2008: 11). Germany can be considered as simultaneously the forerunner and main promotor of euroregional bodies, which, due to the federal administrative structure that grants local authorities a high degree of freedom in managing and implementing their own local development strategies, enjoy a significant national-level legitimization. Germany has also played a central role in elevating transborder cooperation to the relatively high political status it now enjoys within the EU (Scott 2000: 143).

By contrast, the Swiss tried to preserve the original functional policy based on the economic development of the city of Basle and its (cross-border) surroundings; its aim was to preserve the leading role for foreign policy in the region. On the French side, the state remained (and still remains) the main gate-keeper for the development of cross-border cooperation and little leeway was granted to the Alsace region; however, after 1982, the latter tried to gradually extricate itself from the overarching authority of the regional prefecture by organizing the 2nd tripartite congress and assuming an influential role within it.

In 1995, on the initiative of the three Regio societies, the Council of the Regio Trirhena was founded with the aim of coordinating transborder cooperation in one single body and of representing the (cross-border) regional interest, with the old Regio Basiliensis included within it. The Council functions as a network of cities, communities, regional administrative bodies and associations; a new goal was activating the Regio concept for everyday citizens.

During the 1990s, European objectives appeared on the agenda when the Community Initiative Interreg was introduced and cross-border cooperation became linked with European integration. Whilst its initial stage was directed at the PAMINA area (the Northern part of the Upper Rhine region), the Regio Trirhena was later integrated into the Interreg programme South-Centre Upper Rhine (Wassenberg 2010b). During the 1990s the Regio became what Olivesi (Balme 1996:132) calls an actual 'regional association of cooperation'.

In 1996, the Karlsruhe Treaty formally authorised transborder collectives to carry out common projects. At the local level a conference of the mayors of the Upper Rhine was established in 1990 (Maurer – Feder 2001: 195) which led to the creation of numerous micro-scale projects

involving such fields as education, bilingualism, tourism, transports and culture, carried out first at a bi-national level before being extended to the tri-national region.

In the year 2000, the Bonn Treaty was revised. This marked the beginning of a new phase of cooperation characterized, in principle, by a comprehensive approach and the involvement of all kinds of local and regional actors, including private citizens; as a matter of fact, several initiatives for locals were established during the 2000s, and numerous tripartite congresses have been entirely dedicated to the issue of linking cross-border cooperation projects with a more local dimension centred on the participation of citizens. At the same time, projects of contiguous cooperation started to be developed and financed even outside the Interreg framework (Wassenberg 2012: 89).

In 2003, the concept of eurodistrict was introduced for the whole Upper Rhine region; the eurodistrict can be defined as a space of local cooperation taking place around the main urban agglomerations with the objective of creating basins of common lives (Frey 2010). Since then, four eurodistricts have been created, two of which are situated within the Regio Trirhena: the trinational district of Basle and the eurodistrict Mulhouse-Colmar-Freiburg. Regio Trirhena, together with the Trinational Agglomeration Basel merged into the Trinational Eurodistrict Basel in 2007. One year later, the 11th tripartite congress introduced the concept of Metropolitan Region, a project which aims mainly at fostering economic development and deepening joint territorial planning.

Different motivations are apparent in the development of the Upper Rhine space into a Trinational Metropolitan Region: the end of Interreg programme within the old EU internal frontiers (France and Germany) and the expected shift of EU policies towards the promotion of excellence clusters. In the 2008 'Spatial Concept for Switzerland' Basle appears at the centre of a trinational agglomeration, Metrobasel (Weber 2011: 210).

This analysis of the historical evolution of cross-border cooperation in the Upper Rhine region shows that it is possible to detect a non-linear evolution in cross-border cooperation processes which starts from the local (the city of Basle with the Regio Basiliensis) and gradually expands to the micro-regional (Regio Trihena) and macro-regional (construction of a macro Upper Rhine space divided into sub-spaces) levels, before and eventually returning to the local with the creation of eurodistricts and a new focus on contiguous cooperation.

The Regio Trirhena comprises today three levels of cooperation: the local level between municipalities, with projects of contiguous cooperation, the macro-level involving the whole Upper Rhine region (development of a transports' network connecting the main European metropolises, the EuroAirport Basle- Mulhouse, establishment of EUCOR, the network of the Upper Rhine Universities) and a European level through participation in Interreg programmes.

It can be also argued that the Swiss-Franco-German border area is the focus of three different functional types of cross-border regions, which correspond to three different types of international cooperation: transnational, promoting logistic and structural projects; interregional, based on the establishment of ties among companies, firms, associations, universities, research centres, etc...; and transborder, aiming at fostering the integration of civil societies and specialised economic sectors.

The biggest circle corresponds to the Upper Rhine macro-region (today Trinational Metropolitan region Upper Rhine) the medium one to the Centre-South space, between Basle and Strasbourg, and the smallest to the old Regio Trirhena. The newly established eurodistrict of Basle could be envisaged as the fourth Russian doll. The principle is confirmed by the tendency to create further sub dolls, for example Metrobasel, around the city of Basel, where the mandatory territories are nested, building concentric circles.

The emergence of a Cross-border Governance model

Governance issues in the Upper Rhine region became meaningful when the cross-border region decided to draw up long-term development strategies in order to address their potential together (Jakob 2011: 229). The Upper Rhine region seems to have established an embryonic form of governance system superseding the barrier function of the border. In the trinational borderland, the border has never represented a barrier, but rather a filter-barrier (Ratti 2004). It is necessary however to define the ways in which the term cross-border governance can be understood and, accordingly, to evaluate whether those definitions can be applied to the case of CBC in the Upper Rhine.

For the purpose of this study, the term governance could be defined as the gradual involvement of institutions at all administrative tiers and of all sectors in policy-making, including

the establishment of a suitable institutional (and legal) framework. According to Fürst (2004), governance can be described as intermediate forms of networked regional self-regulation, in reaction to a lack or in complement with state regulation or market regulation. In other words, it can be defined, in comparison with 'government', as a more fluid, multi-scalar and networked form of decision making operating above, below and within the cracks of interstate hierarchies and markets (Nadalutti 2012: 183). In this sense cross-border governance can be envisaged as a system of 'polycentric networks and overlapping arenas of actors' (Bache, Flinders 2004: 197).

According to Nagelschmidt (2005), the effectiveness of a system of transborder governance largely depends on horizontal and vertical coordination among the political and administrative bodies.

The paradigm of multi-level governance is particularly appropriate in considering projects of transborder territories which involve the establishment of a cross-border institutional framework. Following Fricke, the term 'multi-level' denotes administrative or political tiers of decision-making such as local, regional, national, and supra-national' (Fricke 2012: 5). The concept can be applied not only to cross-border sub-national levels of government but also to cross-border or interregional levels of governance, which allows for the introduction of the concept of multi-level cross-border governance.

Marks and Hooghe have argued that a new type of territorial authority has emerged in which the multiplicity of specific functions is conceptualized in policy networks and multilevel governance (Marks 1993). However, this new type of authority is admittedly an ideal. Moreover, there is no general blueprint for the way governance arrangements in cross-border regions should be organized (Döry, Decoville 2016).

In general, the central features of governance in cross-border regions are not different from those of governance within national borders. Nevertheless, some of its characteristics are stressed, such as: the lack of traditional state control; the need for cooperation between the state, municipalities and stakeholders, the formation of coordination structures and horizontal networks. The study of CBC thus needs to be differentiated and take into account the interaction and influence of different levels of government.

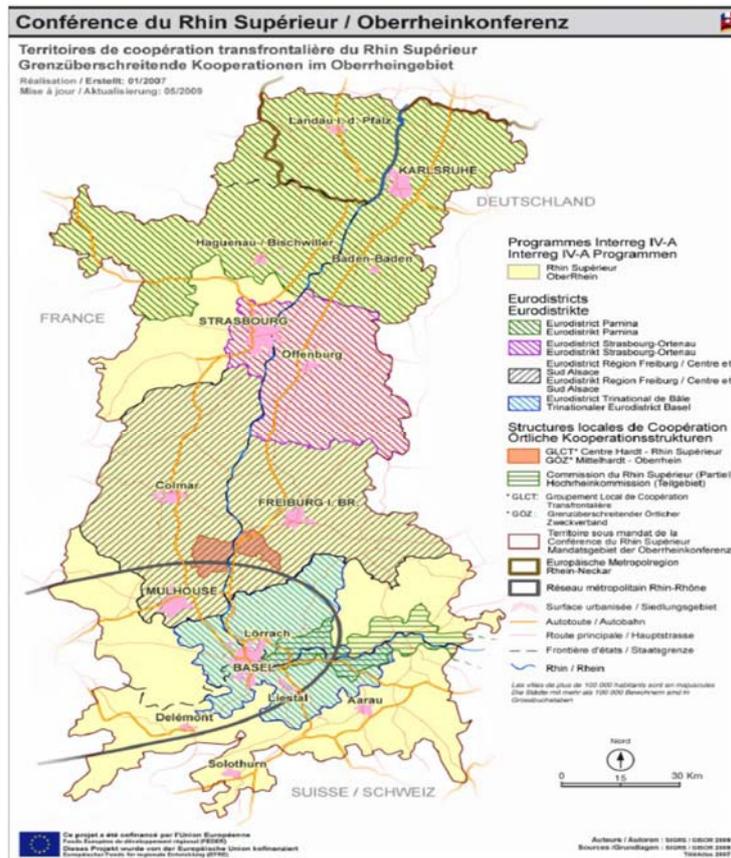
The very structure of cross- border governance in the Upper Rhine can appear rather complicated. Empirically, it is based on two different schemes – the above mentioned concentric Matrioška model and the Greek temple model - and on a certain number of sub-principles which are discernible in praxis.

A first and successful attempt to structure the multidimensional network of transfrontier cooperation in the Upper Rhine region makes use of the Russian dolls (Matrioška) approach, developed by Häfliger in the 1990s: this theoretic construct is based upon an analysis of concentric forms of cooperation / governance, where the euroregion Upper Rhine represents the ‘bigger doll’, the Centre-South space the ‘intermediate doll’ and Regio Trirhena the ‘smaller doll’. Nowadays, the scheme still largely corresponds with reality: the first doll is defined by the geographical limits of the Bonn intergovernmental agreement; the second one corresponds to the field of activity of the EU Interreg programme since 1991, and the third one is represented by the trinational eurodistrict of Basle, established in 2007 between Swiss, French and German municipalities as an association of local law.

As mentioned above, the Swiss-Franco-German border region encompasses three types of international cooperation including: (a) a macro cross-border region of infrastructures, aiming at fostering a common economic development (the Upper Rhine region doll); (b) a cross-border region of functional networks, based on synergies among different types of economic, educational, social and cultural institutions (the Centre-South space doll); (c) a cross-border region of local transborder cooperation, or contiguous cooperation, such as Regio Trirhena and the trinational district of Basle.

The system reflects cooperation between ‘variable geometry’ whereby different areas cooperate according to the topics covered and the partners involved. Frey (2010) proposes a multi-level regional governance model, where cross-border partners typically negotiate rules of procedure rather than operating within legal rules for cross-border cooperation.

Figure 2: multiplicity of structures of cross- border governance in the Upper Rhine region



Source: <http://sigrs-gisor.org>

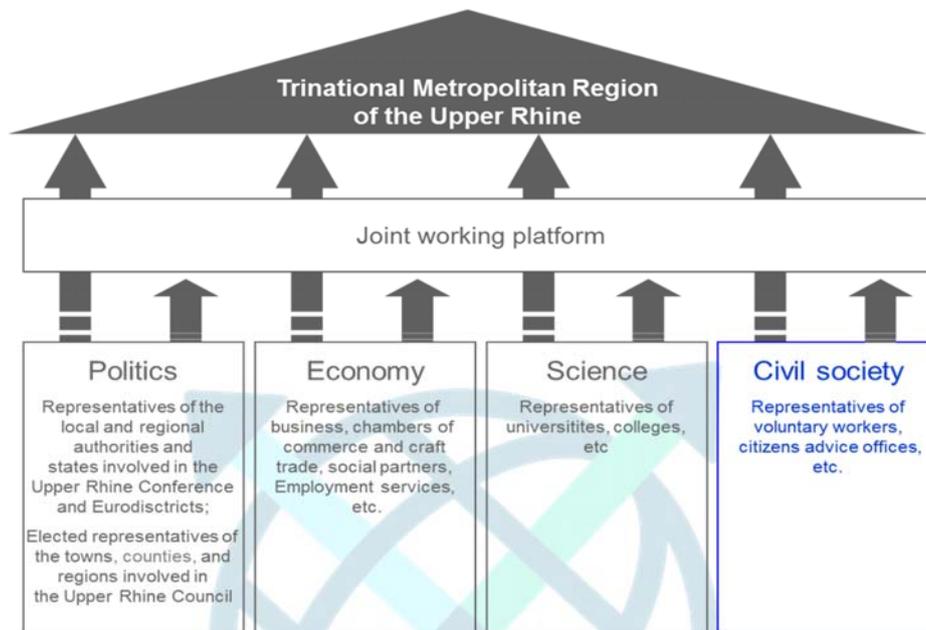
The structure of cross-border governance has gradually changed over time. Initially (from 1963 to 1990), the governance system in the Upper Rhine was gradually assembled from existing structures and stake-holders: multiple layers of different structures – Regios- Intergovernmental Commission, Regional Committees, Tripartite Congress - were created, but their different duties and competences were never well coordinated within a system of multi-level governance (Wassenberg 2011a: 163). Later, with the beginning of Interreg programming, the institutional framework was complicated even more when new structures for implementing EU projects were set up. During the 1990s, the system underwent several structural changes, with the aim of rationalising and simplifying the previous structure: accordingly, the Upper Rhine Conference was established, as well as the Upper Rhine Council, although they had not been introduced to create an actual system of multi-level governance.

The Franco–German–Swiss Intergovernmental Commission constitutes a national–international level of cooperation, and represents the executive power, though it only deals with those issues unable to be solved at the regional and local level. On the (macro-)regional level it relies on the Upper Rhine Council (Frey 2010: 332), which has mostly ‘legislative’ powers, and the Upper Rhine Conference, which represents the regional level and is made up of various local governments from the three countries; the Eurodistricts, building an integrated structure for municipal cooperation, which set up the local level of governance with both executive and legislative functions (at least in the case of the best developed Eurodistrict of Basle). The framework is given by the Trilateral Metropolitan region which is based on four pillars, resembling the structure of a Greek temple. The Trilateral Metropolitan Region Upper Rhine, officially recognized in December 2010 as a non-institutionalized network mostly on the regional scale with a strong strategic character, coordinates the action its four main partners: the Upper Rhine Council, the Upper Rhine Conference, the network of cities, and the Eurodistricts. Thereby it develops strategic orientations and coordinates cross-border governance both vertically and horizontally, i.e. in sectorial networks.

Our analysis shows that the pillars are in principle self-organizing, which dictates that the political pillar should manage itself. The development of efficient governance structures is provided by the political pillar which attempts to reconcile the different institutional levels - the Upper Rhine Conference for the executive level, the Upper Rhine Council for the legislature, and the Metropolitan region and Eurodistrict at the local level.

The political pillar, according to the Upper Rhine Council held in 2008, is constituted by the Upper Rhine Conference and by the Upper Rhine Council itself, which, from an organizational standpoint, cover the whole territory and whose members are present at the various levels: governments, regions, cities, eurodistricts. This leads to an organic growth of contacts, actors and exchanges, stabilized in different kinds of formal structures at various levels; although cross-border networks often entail doubled structures and overlapping spatial perimeters and responsibilities.

Figure 3: the four pillars of the Trinational Metropolitan region



Source: Jakob E. (2011) 'Der Oberrhein – ein Governance – Modell für andere Grenzregionen?' in *Grenzüberschreitende Zusammenarbeit leben und forschen: governance in deutschen Grenzregionen*, Stuttgart, Franz Steiner Verlag, p. 223.

Grounded in documentary analysis, and drawing inspiration from Fricke's analytical dimensions for cross-border governance (2012: 10-16), we will try to shine some light on the scope, mandate and organization of this cross-border governance system. Figure 4 summarizes the main features of the governance institutions operating in the Upper Rhine region.

Figure 4: cross-border governance institutions

Governance institution	Type of actors	Legal status	Decision-making	Scope	Geographic Level	Tradition
Inter-governmental Commission	Public	Agreement	Consensus	Multi - sectoral	International/ national	Old (1976)
Regio Trirhena	Public/ private	Association	Consensus	Specific sectors	Regional/ local	Old (1995)
Trinational Eurodistrict Basel	Public	Association	Simple majority	Multi – sectoral	Local	Recent (2007)
Upper Rhine Conference	Public	Agreement	Consensus	Multi- sectoral	Regional	Old (1991)
Upper Rhine Council	Public	Agreement	Consensus	Multi- sectoral	Regional	Old (1995)
Trinational Metropolitan region	Public	Agreement	Consensus	Multi – sectoral	Macro- regional	Recent (2010)

Source: author's elaboration

The existence of differing political institutions involved in cross-border cooperation has contributed to creating an asymmetric multi-level system of the Upper Rhine. However, the allocation of positions in the institutions is non-homologous, as in the Upper Rhine Conference, as well as in the Trinational Eurodistrict Basle, the competencies of members from the different national administrative levels vary significantly (Frey 2009: 45).

Analysis of the institutions and their spatial parameters confirms the observation of an asymmetric multi-scalar system with a local cluster of institutions focused on the city of Basle.

In terms of existing structures, it can be argued that the Upper Rhine governance space can be regarded as concentric, if we assume Basle forms the barycentre of the macro-region. The Matrioška approach is thus largely dominant; although the spatial structure is not perfectly concentric. There also exist three other eurodistricts and three EGTCs (European Groupings of Territorial Cooperation) which have been established at the Franco–German border, namely Saar-

Moselle, Strasbourg-Ortenau and la Grande Région GECT Interreg France-Germany, Belgium and Luxembourg.

Cooperation in the Upper Rhine represents, if not a complete, at least an embryonic form of a multi-level governance system, involving all actors at the national, regional and local level and working across a number of relevant sectors. Successful cross-border cooperation is based on three main principles: complementarity, subsidiarity and efficient management of economic resources.

However, different shortcomings may be observed as regards the model of governance put in place. First of all, cross-border governance structures are limited by the competencies of their respective national partners within their national context. Besides, a transfer of competences to intergovernmental or cross-border governance structures has not yet taken place.

Within cross-border governance institutions, decisions usually take the form of recommendations, which are not legally binding acts and constitute a kind 'cross-border soft law'. The structures are composed of asymmetric partners, in terms of competencies, powers and scopes.

Another negative aspect resides in the fact that the cross-border region still lacks a comprehensive strategy and a global development model (Jakob 2011; Frey 2010), which leads to a tendency to favour solutions by means of projects, whether within or outside Interreg programming. The system for the allocation of powers is rather weak, and no clear line is drawn between executive and legislative powers. For example, the Conference of the Upper Rhine does not in a strict sense have only executive powers and the Upper Rhine Council does not only have legislative ones. Both of them, according to their mandates, coordinate the cross-border cooperation activities of the sub-state units, and consequently possess overlapping competencies. Beck and Pradier (2011) have developed a holistic scheme of cross-border governance including six main levels: consultation, information, coordination, strategy, decision-making and realization. In the case of the Upper Rhine, only the first two levels of cross-border cooperation (consultation and information) are effectively in place. Some kind of strategic planning has emerged with the establishment of the Metropolitan Region, but the coordination and decision-making stages, and consequently realization as well, do not appear sufficiently well-developed.

Another, if minor, disadvantage is in the functioning of cross-border structures: decisions are usually made on the basis of the principle of unanimity - a typically intergovernmental method - leading to a culture of compromise and negotiation which is often called *politesse rhénane*. Among other things, it implies long negotiations and procedures, and consequently favouring agreements reached through a functional approach rather than an integrated political approach, which appears today the greatest obstacle to conceiving of a complete cross-border governance system.

From a Social Network Analysis perspective, the scheme would suggest that cross-border local public actors have a limited role to play in terms of policy making. The lack of empowerment due to long consensus procedures and the lack of specific cross-border regional and sub-regional structures leads to the concentration of policy-making knowledge and decision-making in national level actors.

Conclusions

The Upper Rhine region has proved a good example for testing different cross-border governance theories. The originality of the Regio Trirhena, with its long-term experience in cross-border interrelations, resides in the fact that it has shown, long before the principle of subsidiarity was introduced by EU documents, that cross-border cooperation should take place at a low level. This may serve as an example for other border zones in Europe, facilitating the realisation of projects by reducing the number of involved decision-making powers (Sandtner, Eder 2002b: 157).

As we have seen, cross-border processes in the Southern Upper Rhine happen at different levels of government, which results in a multi-level governance system. While cross-border regions are pieces of the EU multilevel governance mosaic, the case of the Upper Rhine nevertheless illustrates that the evolution in cross-border governance structures and cross-border activities does not necessarily lead to greater clarity in the understanding of cross-border dynamics through a multi-level approach.

The two complementary schemes adopted (the Matrioška model and the Greek temple model) lead to partially overlapping cross-border structures and increase the complexity of the border region, of its decision-making procedures and of its functioning in general, in the effort to

insert it into a system of cross-border governance at several levels. Coordination mechanisms remain opaque and decision-making procedures and the overlapping and broad functional scope suggest that policy-making powers remain in the hands of national actors, who persist as the primary regulators of cross-border regions. As Van Houtum substantiates, states are generally unwilling to hand over portions of their sovereignty and political authority to structured forms of cooperation, sometimes prohibiting and frustrating direct and efficient dialogue between partners in border regions (Van Houtum 2000: 6).

Although an impressive number of cross-border initiatives are carried out, these appear to be increasingly operated as macro-regional or supra-regional schemes based on supranational / intergovernmental mechanisms. Whilst cross-border institutions are adapting their organizational structures, new ones are being established and existing ones merged.

Another difficulty affecting the establishment of a cross-border governance system is a relative lack of interagency and central-regional or central-local coordination. Multi-level institutional mismatches are also prevalent in large cooperation zones such as the Southern Upper Rhine and constitute another obstacle towards the emergence of bottom up cross-border governance types.

Furthermore, the cross-border region has not gained sufficient recognition at the national and European levels: as a model, the Upper Rhine region still needs to establish a better organization of cross-border governance through stricter geographical (at the local, regional and national levels) and competency (between the executive and legislative) repartition.

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