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# Cross-Border Governance: Balancing Formalized and Less Formalized Co-Operations

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**Abstract:** The paper analyses cross-border co-operation with regard to its degree of formalization. Herewith, the focus is not on single cross-border organizations, but on the encompassing governance systems in the respective regions. That means that the specific combination of differently organized cross-border arrangements is analyzed. Cross-border governance systems are facing multiple governance challenges which ask either for a certain degree of institutionalization or for more informal solutions. Based on an empirical comparison of the two experienced, but differently organized, cross-border regions in Europe the Lake Constance Region and the Upper-Rhine Region, the paper illustrates that the organizational variation of cross-border governance systems show specific patterns. From these findings, first arguments are deduced for balancing formalized and more informal co-operations in cross-border governance systems.

**Keywords:** cross-border co-operation; cross-border governance; formalization of co-operations; Lake Constance Region; Upper Rhine region

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## 1. Introduction and Research Questions

Cross-border co-operation has a long tradition in Europe. Collective cross-border activities strive for overcoming barrier effects of national borders as well as for meeting functional interlinkages in transport, business, environment, and other policy fields [1]. Many of these initiatives show an

important subnational dimension, being in most cases regionally initiated and organized without involvement of national institutions. Such subnational initiatives for cross-border co-operations have been further strengthened by the public sector [2], for example by specific funding schemes particularly on the part of the European Union. As a result, a new logic of space has developed showing a decreased territorial orientation: regional entities with new institutional settings weighing functional demarcation criteria higher than administrative ones [3]. Cross-border co-operation has intensified in recent years, not only in terms of the quantitative number but also in respect of qualitative changes in organizational forms [4].

Although the emergence of these cross-border regions and their institutional plurality is a substantial phenomenon, broader assessments of corresponding organizational questions still have to be deliberated. So far, important contributions have amongst others focused on the actor-centered network perspective [5,6], on specific policy fields [4,7] or on the subregional, metropolitan level [8,9] using different methodologies from social network analysis [6,7] to case study research [2,4]. This article contributes the debate and seeks first to understand how different organizational settings of the encompassing cross-border governance systems can be assessed, which exceeds the organizational analysis of single cross-border institutions by regarding the combination of these institutions in the sense of regional governance systems. Secondly, the particular advantages as well as disadvantages are shown that are brought into the cross-border governance system by these differently organized institutions. In other words, to what extent can organizational disparities between cross-border governance systems be assessed and explained?

The article compares the forms of cross-border governance systems in the European regions of Lake Constance and Upper Rhine. Both regions constitute excellent cases for empirically exploring the research questions mentioned above. They were selected because each region has over the last decades chosen very different governance structures for their cross-border activities. Though, despite their differences, the two regions are rich for comparison showing a long tradition and intensive experiences in cross-border co-operation and facing broadly similar conditions with regard to functional challenges and national settings.

The paper is structured as follows: The first section shortly introduces the process of cross-border co-operation as well as the concept of cross-border governance. The second one provides an overview on the theoretical discussion of organisational elements determining the various governance systems of cross-border regions. It presents a heuristic matrix for classifying the intensity of formalisation as well as the type of orientation of the chosen governance arrangements in different policy fields. In the third section, the two case studies, the Lake Constance region and the region Upper-Rhine with their specific governance forms are explained. The fourth section starts with a comparative synthesis of the two cases and discusses the corresponding findings in the light of the heuristic matrix introduced before. The final section of the article concludes on the relevance of the findings for other cross-border regions more generally and points out further research questions as well as restrictions for generalization.

## **2. Cross-Border Governance in Europe**

Cross-border regions as co-operative entities bridge territories. They are built of at least two, but most of the time of significantly more, regions belonging to different national states. In this respect,

cross-border co-operations may show enormous differences in scale, from euregional co-operations of directly neighboring areas or transbordering city-regions on one side to big co-operations in a more transnational way on the other side [10,11]. These regions do not always coincide with traditional political-administrative boundaries. In a way, they may be seen as new regional entities, complementing the ordered, stable and formally administrated regions [12]. Belonging to different institutional systems these regional co-operations expect important benefits by overcoming existing administrative boundaries—at least for selected issues [13]. Thus, since the 1990s one notes a strong raise in the number of supraregional co-operations all over the world, but especially in Western and Eastern Europe, further enforced by the European integration efforts. A broad spectrum of funding schemes from the national as well as the European level with significant differences in objectives and allocation criteria is provided [14].

### *2.1. Cross Border Co-Operation in Western Europe*

Functional interdependencies have acted as most important driving forces for the inflationary rise of cross-border co-operations during the last decades, not only but also in Europe. However, the presence of strong interactions between territories separated by a border does neither indicate any convergence of their territorial characteristics [15] nor stand for an intensive institutional embeddedness [8,9]. As Sohn *et al.* have found out there is not necessarily a reciprocal link between the functional interlinkages and the extent of co-operative arrangements initiated by the territorial institutions [16]. Nevertheless, functional interdependencies have induced co-operations, as most of these cross-border co-operations focus on mastering similar challenges or common cross-border problems, on taking benefits from complementary assets, on using synergies and critical masses to improve their competitive advantages as well as on coordination and integration objectives or coalition building [4]. At the same time, the reasons that motivate regional actors to engage in cross-border initiatives range widely between rooted opportunistic behaviors and emergent strategic attitudes [10].

The balance between these factors is very much dependent on capacities of networking and coalition-building based on the identification or construction of common interests. Hence, a crucial dimension of cross-border co-operation is the building of new cross-border alliances around specific issues and development initiatives. In this context one can also differentiate the aspects leading to cross-border activities in (i) objective and functional aspects determining a need for co-operation and (ii) a certain homogeneity of preferences.

- The objective necessities for cross-border co-operation can be based on a common (not only comparable) problem, on prevention policies based on favorable situations and an alarmist agenda setting [17].
- In many cases cross-border activities are based on a cross-border homogeneity of preferences and interests which is mainly due to the influence of certain epistemic communities. These epistemic communities are often science based but with intensive linkages to the regional policy world. They can be extremely successful in generating cross-border pressure for actions. This kind of cross-border regime building is most of the time sectorally orientated (e.g., specific environmental issues) [17].

Regardless of the underlying specific reason, cross-border co-operations show a broad range of different activities. In addition, co-operations can focus on only one single issue or exhibit an integrative and comprehensive development approach [18]. With respect to the specific sectors of the co-operations, different institutional and organizational structures are chosen.

## 2.2. Governance Solutions for Cross-Border Co-Operations

Cross-border regions underline the well-known argument that functionally defined spaces are not always identical with administratively defined ones. A new logic of space has been developing showing a decreased territorial orientation [12]. Nevertheless, tackling functional interdependencies in cross-border regions is even more difficult than inside national states with their well-defined administrative entities of formal competencies and responsibilities [19]. Resources and powers are configured in non-standard ways [12]. Thus, cross-border regions are even more multi-actor and multi-level spaces than institutionalized regions in decentralized states. Without any formal competencies, cross-border regions are fully depending on successful governance-processes to co-ordinate and develop common activities. Their activities are exclusively based on co-operation between widely self-organized systems [regions]. Herewith, these processes are comparable to the core definition of “regional governance”, which stresses the three elements (i) self-organization; (ii) co-ordination and interaction as well as; (iii) strategic intelligence/openness for learning [20,21]. It points to a strengthened collaboration between actors from the public, private, and non-profit sectors. This collaboration among various levels of the politico-administrative system and across different systems has to be based on exchange and negotiation [19].

For this reason, cross-border co-operations are based on vertical, horizontal, as well as lateral networks as well as on a system of common values and rules. Even if the territorial aspect is of less importance, cross-border governance activities also show, in most cases, a well-defined spatial reference framework and are always dependent on the specific context, situation, and on the specific actors involved [22]. Thus, even if cross-border co-operations are mainly network-based, in most cases a strong focus on public actors and political administrative structures remains [2]. However, in specific policy fields actors of other sectors (economy, society, *etc.*) are also involved, bringing in their specific expertise and resources and shaping the co-operation [6]. Actor-centered analyses have shown interesting results with regard to the different role that actors play in cross-border networks, some of them as leaders, some more as secondary decision-makers, even more as information diffusers and the majority as marginal actors [7].

With regard to this article, cross-border governance systems are defined as a set of differently organized institutions of cross-border co-operations between various actors mainly of the subnational level with the objective to overcome challenges due to a shared national border. That means that cross-border governance systems are seen as the simultaneous existence of different cross-border organizations as well as their various functional relationships [4,12]. Accordingly, most of the border regions show a complex cross-border governance system of different co-operative arrangements. In the sense of this article these co-operative arrangements have to show a long-term perspective that exceeds, by far, the time scale of single projects carried out by temporary co-operative groups. That also means, in consequence, that the analysis has to concentrate on the organizational level of these

long-term co-operative arrangements and cannot fully take into account the level of single actors, even if they play an influential role for the governance system [23]. Similarly, the broad range of different bottom up-initiatives at a smaller scale in the encompassing scope of the cross-border region also cannot be analysed. Such initiatives and smaller scale co-operations are important pillars of cross-border regions. They make cross-border co-operation visible by dealing with concrete challenges in daily life of the inhabitants [6,12], especially since cross-border regions in the sense of European co-operation territories are continuously growing bigger and bigger in scale. However, considering all different co-operative arrangements of different scales inside a specific cross-border region would go beyond the scope of this research as for instance the number of co-operative initiatives in the Lake Constance regions is estimated at about 500 [22].

### 2.3. Success Factors for Cross-Border Governance Systems

The comparison of the various settings of organizational characteristics, capacities to coordinate, organizations' competences and interests as well as spatial scales reveals important differences. Though, all these organizational factors are decisive for the coordination and implementation of cross-border activities. Regardless of which specific organizational form has been chosen, they all have to fulfill crucial prerequisites for successful cross-border co-operations [10]: sufficient stability, incentives for new forms of collective action, innovative approaches, openness, sufficient resources and capacities, effectiveness, sufficient autonomy and accountability.

Considering not only the single organization but also the whole governance system in which this organization is embedded, similar success factors can be mentioned. Corresponding to the discussions in the field of regional governance [21,23], the cross border governance system should be characterized by a high capacity for communication and strategy-formulation in the specific thematic fields of cross-border co-operation. If these conditions are given, cross-border governance systems have a sustainable and reliant base. However, comparable to regional governance system, some more aspects are taking influence on their success [20]: accessibility to sufficient resources and capacities, capable administrative systems, positive personal relations between the main actors involved, shared values or shared knowledge as motivation for the main actors involved, alteration between participative and elitist approaches, clear distinctions between actors of (political) power and actors of expertise [23].

On the other hand, there are also aspects to be taken into account which can impede successful cross-border governance systems like missing leadership in the governance process, missing capacities for the strategic supervision of the process, missing co-operation at the local level, a conflict-driven and competitive regional system of interaction with conflicting hidden agendas, political games of the main decision-makers, conservative thinking of the regional elites, allocation conflicts in the implementation phase or different logics of action (especially territorial orientations *versus* functional orientations) [17,20].

In cross border regions, these challenges to governance systems are further aggravated by differing cultural, institutional, and legal systems, varying backgrounds, different languages as well as by a lacking knowledge about the different systems involved, which render the conditions for co-operation even more complex [10]. In addition, different policy cultures and contested relational policy spaces have been analyzed as significant barriers for successful co-operation processes in cross-border regions [5],

partly comparable to the multiple rationalities in regional governance in general [24]. Different systems and perceptions have to be bridged; a common base for working and communicating has to be found. Considering all these different influences and features, challenges and risks, it seems quite comprehensible that cross-border governance is considered “an art rather than a science” ([6], p. 119).

### 3. Theoretical Model of Cross-Border Governance

The article emphasizes the organizational characteristics and institutional solutions of institutions building up specific cross-border governance systems. For the empirical analyses, a dichotomous typology is used corresponding to theoretical discussions in the field of governance in general. After long decades of focusing on the contradictions [25,26] or complementarities of government and governance [27,28], organizational variations and success-factors of different governance systems have come to the fore [20,23]. In this context, the different orientations and varying degrees of institutionalizations of co-operative arrangements have also been discussed [29].

Referring to these current discussions, the typology used in this article has the form of a matrix integrating two central dimensions which have been assessed as influential on the success factors for governance systems mentioned in the chapter before: (i) the main orientation of the organization, if territorial or functional oriented, as a basis for a certain alignment with regard to the field of activities [18] and (ii) the degree of institutionalization [4]. The differentiation used is primarily focused on the analytical framework developed by Blatter [15]. At the same time, it is also referring to the different ways of political steering formulated by Hooghe and Marks [30], who have formulated two ideal, although contrasting governance types which offer a great potential for analyses in the cross-border context [7]. In addition, further analytical approaches towards governance systems have also been taken into consideration [2,4,23]. In some of these works, the degree of institutionalization is integrated into the first dimension, by assuming that functional oriented organizations are largely synonymous for loose institutionalized ones [4]. For the following analysis, such integration is not seen as useful—on the contrary, a deeper examination of the institutionalization factor provides additional insight to the organizational variations. For that reason, the factor “institutionalization” is assessed separately as the second dimension for our heuristic matrix.

The matrix offers a sort of categorization, even if the respective categories have to be seen as ideal types (comparable to former analyses like the ones of Hooghe and Marks [30]). However, both dimensions are defined by several variables or elements constituting in a way the core elements of the dichotomous dimensions. Thus, even if some or many cross-border organizations show mixed features and constitute some kind of hybrid organization patterns, each organization relies on a dominant acting logic that is captured by these variables.

For the first dimension of our heuristic matrix, the orientation of the cross-border organizations, we distinguish between territorial oriented organizations and functional orientated ones (see Table 1). In this sense, territorial oriented forms of governance are focused on co-operation in the framework of clear administrative boundaries. With this respect, they are dominated by top-down interactions and by public actors and may deal with several tasks and broad agendas in the framework of their well-defined perimeter. On the other hand, functional oriented organizations, in the ideal situation, show a more open and flexible form of organization. Actors from different backgrounds and sectors

interact horizontally on the base of functional interdependencies and interests and in a variable geometry. Functional interdependencies determine the focus of such cross-border co-operations much more than administrative, sectoral or geographical boundaries.

**Table 1.** Territorial versus functional orientation of cross-border organizations.

	<b>Territorial orientation</b>	<b>Functional orientation</b>
Structural pattern of interaction	Vertical, hierarchical	Horizontal, network-based
Type of actors/members	Mainly public actors	Integration of private or societal actors, of thematic experts
Thematic scope	Broad, many different tasks	Narrow, focus on a specific task
Geographic scale	Congruent and stable boundaries (identical to administrative entities)	Fuzzy and variable boundaries depending on the specific issue

Source: Authors' own classification, based on [2,4,18,30].

In addition to the differentiation by the orientation of cross-border organizations (territorial versus functional), the form of institutionalization also inhibits an important explanatory power, in the sense that it is able to tell us a lot about the weaknesses or the strengths of the cross-border ties in the different regions (see Table 2). To define the different elements that compose the institutionalization factors, we go especially back to the work of Beck and Pradier [2] who analyzed different institutional factors in cross-border regions. On this basis, the openness of the organizations with respect to new actors, the legal form, the political involvement or the long-term perspectives are discussed. We add some more elements to deepen our analytic dimension of institutionalization: (i) the organizational structure in the sense of existing organizational bodies; (ii) decision-making or the possibilities for reaching decisions due to the internal regulations and transparent processes and; (iii) the character of the decisions reached by the cross-border organizations [4].

**Table 2.** Strong versus weak institutionalization.

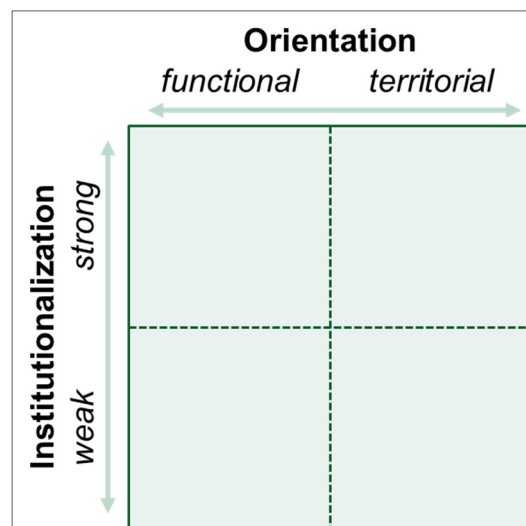
	<b>Strong</b>	<b>Weak</b>
Membership	closed, defined representatives	open, flexible
Legal form	defined legal status (public law)	loose network arrangements (private law)
Organizational structure	Existence of several bodies, complex	Simple structure, modest complexity
Decision-making	majority voting	consensus, unanimous votes
Character of decisions	binding character, mandatory	non-binding, without obligation
Political involvement	political as well as sectoral expertise	various experts, administration
Time perspective	Long term perspective	Short or medium term perspective

Source: Authors' own classification, based on [2,4].

In this respect, strong ties in cross-border regions stand for institutionalized organizations that are characterized by a limited membership, in the framework of a well-defined legal status. Due to these features, these organizations dispose over definite norms, rules and processes as well as over distinct organizational bodies, and may in consequence reach decisions by majority voting. Decisions of these cross-border bodies have a binding character for all members and have to be implemented and considered in the respective regional policies. Involvement and commitment of political actors further

enhance the mandatory character of the cross-border activities. Weak institutionalization of cross-border co-operations shows quite the opposite features, with a more or less open circle of involved actors co-operating on a network basis, often without any specific legal status or complex organizational bodies. As a consequence, these arrangements can only act consensus oriented, and find their decisions by unanimous votes. However, decisions and resolutions of these co-operative bodies show only a non-binding character without any obligations for the actors involved. This is often the case, as the public actors in the co-operation boards are often representatives of specific administrative departments of the different member regions. They bring in strong sectoral expertise, discuss and negotiate with private or societal partners but frequently lack broader implementation competencies [2].

These two factors, the orientation of the cross-border organization (territorial versus functional) on the one hand, and the form of institutionalization (weak versus strong) on the other hand, constitute the two dimension of our heuristic matrix (see Figure 1). This matrix was then used to assess organizational differences in our two case regions. By means of the specific elements of each of the two dimensions, the various cross-border organizations in the case regions were classified and placed in the matrix, illustrating their dominating acting logic.

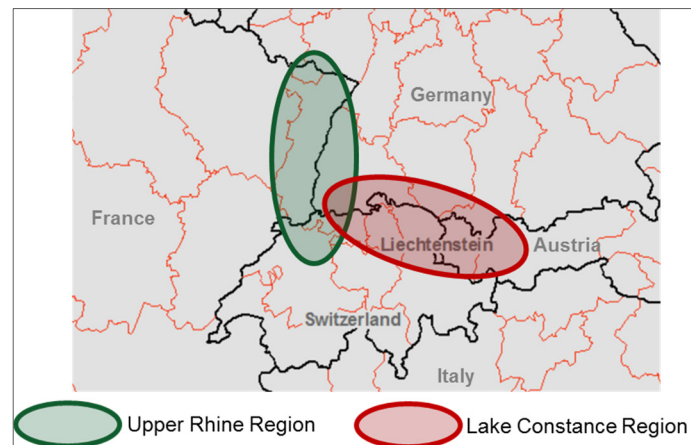


**Figure 1.** The heuristic matrix for capturing organization variation in cross-border governance systems. Source: Authors' own illustration.

#### 4. Empirical Findings of Two Cross-Border Regions

In the following section, the two case regions (see Figure 2) with their specific cross-border governance systems are analyzed. For both regions, the leading reasons for cross-border co-operation are discussed and the development of their cross-border activities is shortly traced. For concluding, the current governance organizations of each region are classified in the framework of our heuristic matrix. For this classification, the main organizations of greater public interest were chosen, pursuing tasks amongst others in the key policy fields of cross-border co-operation like economy, education, research, transport, environment, and tourism.





**Figure 2.** The two case regions. Source: Authors' own illustration.

#### 4.1. The Lake Constance Region

The cross-border region is composed of 14 different regions in four different states (Austria, Germany, Liechtenstein, and Switzerland) with more than 3.5 million people inhabitants. The region is characterized by a polycentric structure and very heterogeneous with respect to the administrative entities involved on the different national sides of the cross-border region: a sovereign national state (Liechtenstein), the subnational level on the Austrian and Swiss side of the Lake (Land Vorarlberg and ix Swiss cantons), and the local level (six so called Landkreise) of two different regions in Germany (Bavaria, Baden-Württemberg). In consequence, estimations see more than 5000 regional politicians in the region. In addition, from an economic point of view the region, is quite diverse with a conglomerate of differently oriented areas of activities showing for a long time few relations and interdependencies. Today, interdependencies and functional interlinkages between the different areas are strong, especially in employment (with more than 50,000 commuters each day) and tourism (with more than 10 million tourists each year). Additionally, in economy, transport, or sciences, functional interlinkages are continuously increasing.

From a historic perspective, Lake Constance as a common good functioned as a stimulus for co-operative activities. In consequence, cross border co-operations around the Lake Constance have a long tradition. They already date back to the years around 1857 when the first international treaty was signed dealing with the regulation of the outflow of the lake. In the following decades, the number of co-operations has continuously been increasing, from about 100 different organizations in 1991, over approximately 250 in 2001, to almost 500 in 2011 [22]. The lake itself has played an important role for inducing co-operative or coordinating activities, as it has always been seen as a common good that had to be protected against pollution with joint efforts or whose utilization had to be coordinated. Thus, even if it did not help to generate a common identity in the regions around, and has, in a way, always constituted a certain barrier; in another sense, it has built a base for common orientations and first co-operative efforts. All in all, cross-border co-operations in the Lake Constance region show different phases of development (e.g., [19,31]):

- the “phase of formation” mainly due to the consequences of industrialization and with a strong focus on the utilization of the common good “Lake Constance”;

- the “post-war phase” trying to initiate exchange over national borders and to improve international communication;
- the “phase of environment” about the 1960s when severe conflicts between economic growth and protection of the environment (especially of the potable water of the lake) had to be solved;
- the “phase of regionalization” in the 1980s and 1990s driven by the efforts of local and regional actors to counterbalance the strengthening of the national level, bringing along the foundation of the spatial planning conference and the formulation of common guide lines for the development of the cross-border region;
- the “phase of Europeanization” showing an intensification of co-operative activities as well as the foundation of new cross-border institutions in parallel to European initiatives on cross-border integration;
- the “INTERREG-phase” with broad initiatives from all different sectors of society, and economy focusing on the financial support of the European Union (INTERREG programs).

During the first phases, cross-border co-operations were determined by little institutionalized, network based structures strongly dominated by the local and regional administration sector [32]. In the last few decades, these networks have opened and additional actors of the economy, of the regional civil society as well as of the local level, have been integrated. In addition, the financial resources provided by the European Union have not only stimulated a broader array of regional actors to participate in cross-border activities, but made it also possible for existing cross-border institutions to become more formalized, getting their own staff and budget—a precondition for continuous work and policy production [17,32]. Thus, even if the most important institutions are still purely intergovernmental and complemented by institutionalized meetings of legislation, others cooperate intensively with private actors. In addition, if one regards the functional scope of cross-border activities, nowadays encompassing programs and activities in many policy fields are to be found [22]. In consequence, today in almost every field of daily life co-operative initiatives can be found, often covered by respective cross-border organizations (sport, security, environment, agriculture, culture, research, economy, health care, *etc.*) with various institutional forms, diverse issues, and different geographical perimeters.

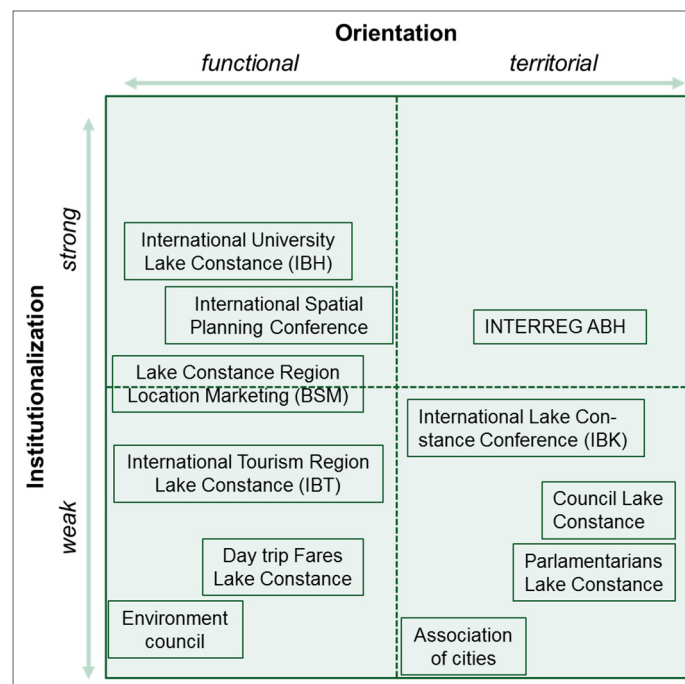
Inside this differentiated network of cross-border co-operations, interlinkages between the different organizations can be found. These coordinative exchanges often do not take place in a bilateral way but are indirectly organized. Two institutions play here an important role in assuring the intraregional coherence inside the cross-border governance system: the International Conference of the lake Constance (IBK) and the INTERREG-program Alpine Rhine/Lake Constance/High Rhine (ABH) with its specific bodies. Most of the co-operative organizations of the cross border region are in contact with at least one of these two institutional centerpieces.

- The International Lake Constance Conference (IBK—Internationale Bodenseekonferenz) is a collaborative association of the regions around the Lake Constance. It functions as a sort of umbrella organization for the different cross-border initiatives going on in the region. Its overall objective is to maintain and promote the Lake Constance region as an attractive living, natural, cultural and economic environment by means of political consultations and joint programs. The IBK was founded in 1972 and has adapted its agenda as well as its organizational settings over the last years. Today, the IBK is constituted by the Conference of

the head of governments, a more operative committee of the highest representatives of the administrations, seven commissions (focusing on education, research and development, culture, environment, transport, health and social services as well as public relations) with specific working groups, as well as an executive management board.

- The INTERREG-program Alpine Rhine/Lake Constance/High Rhine (ABH) is supported by the European Union's funding program for cross-border co-operations. For the new funding period (2014–2021) altogether about 80 million EUR from the European Union, the different regions, as well as from private actors, will probably be available for supporting different cross-border projects. The program aims to strengthen the regional competitiveness, innovation, employment and education. At the same time, environmental issues as well as questions concerning energy or transport will also be focused on. Different commissions and committees assure a high representation of the different authorities involved in the program.

Thus, the current structure of cross border co-operation in the Lake Constance Region corresponds well to the understanding of regional governance characterized by a high degree of horizontal, vertical, and lateral networking [23]. Regional cross-border co-operation is still formalized and institutionalized to a very small degree and characterized instead by a high degree of informality and network-relations (Figure 3).



**Figure 3.** Cross-border organizations in the Lake Constance Region. Source: Authors' own illustration.

Current discussions show that the more informal way of co-operating shall be maintained in the future, mainly based on decentralized and personal networks. Nevertheless, a reinforcement of resources as well as capacities for cross-border co-operations in the member-regions is currently in discussion. By this, cross-border activities shall be strengthened so that they can also deal with

conflicting issues and problematic differences between the regional [2]. In addition, a stronger integration of the local authorities is set on the agenda to further improve the cross-border governance system in the Lake Constance region.

#### 4.2. The Upper Rhine Region

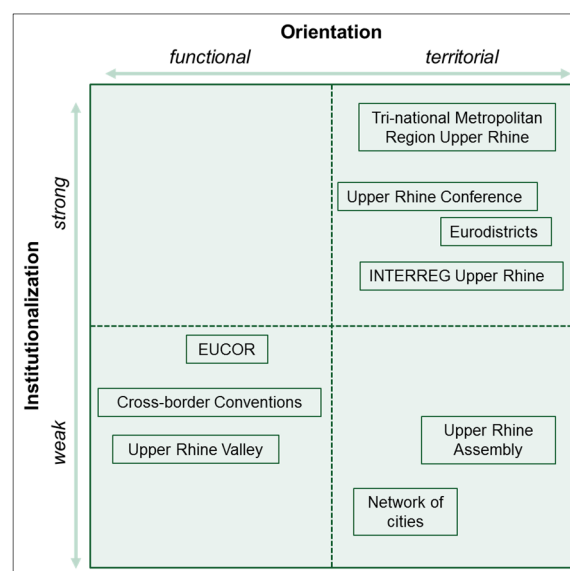
With an area of 21,518 km<sup>2</sup> and about six million citizens, the Upper Rhine region encompasses regions along the quite old European border between Germany and France, as well as regions along the external border of the European Union between Germany/France and Switzerland. The region is also polycentric with some bigger cities like Strasbourg, Mulhouse, and Colmar in France, Freiburg and Karlsruhe in Germany, as well as Basel in Switzerland. Interdependencies between the member regions are quite strong, especially with respect to economy, education, and employment, but the different language constitutes an important barrier. In addition, the Rhine is also dividing the region as a natural border.

The geographical perimeter of the cross-border region was already defined through an international Treaty in 1975. Nevertheless, also smaller scales of co-operation and bottom-up initiatives have always played an important role for the governance system. Four different Eurodistricts are part of the Upper Rhine region, and, for many years, the territory was issue to two separate INTERREG programs. It is only since 2007 that these INTERREG-programs were integrated into one single program covering the whole Upper Rhine region. In addition, the metropolitan regions constitute important perimeters for intensive subscale co-operations [9]. The Upper Rhine region shows a long tradition of cross-border co-operation since the middle of the 18th century (the time around the international Treaty), although the conditions were not always easy. Four different wars and changing borders as well as the differences in language and culture have rendered co-operation quite difficult. All in all, five different phases of cross-border co-operation may be distinguished:

- the “post-war phase” characterized by a strong top-down intention to improve the international communication, especially across the border Germany and France, by some town-partnerships and by a couple of big projects like the airport Bale/Mulhouse;
- the “institution-building phase” in the seventies when the Upper-Rhine Conference was founded—based on an international agreement between France, Germany, and Switzerland—and has offered an institutional framework for the cross-border co-operations in the region;
- the “phase of intensification and diversification” till the year 2000 driven by the financial support of the INTERREG program of the European Union which increased the number of cross-border initiatives as well as the heterogeneity of the involved actors;
- the “phase of the Eurodistricts” which were created in the beginning of the 2000s as four different sub-areas of the Upper Rhine region and rescaled a great part of the regional cross-border activities to a much smaller perimeter;
- the “reform of the governance model” in the last decade which was driven by the creation of the Tri-National Metropolitan Region as coordinating and supporting body for the cross-border region.

Altogether, the cross-border co-operation in the Upper Rhine region was always also driven by a strong top-down political intention to improve the communication across the border, complementing the various bottom-up initiatives in the different sub-regions that have been an important stimulus for deepening the cross-border relations. Already in the 1970s, the foundation of the Upper Rhine Conference offered a well-defined umbrella institution for the ongoing co-operation processes. By the creation of the four Eurodistricts, building the framework for co-operations at the local level, the formalization process of the cross-border governance system was continued.

In the cross-border governance system in the Upper Rhine region, we find a consistent institutional differentiation of the different levels of cross-border co-operation (Figure 4). This differentiation allows a kind of distributions of tasks (i) vertically between the national, subnational and local actors and between institutions covering the whole region and those for subspaces (Eurodistricts) and (ii) horizontally between the different institutions of the subspaces [2]. Currently, the implementation and realization of the Tri-National Metropolitan Region Upper Rhine (TMO) is in the focus of all discussions about modernization and reforms. It complements the work of the prominent Upper Rhine Conference and tries to take a coordinating role in the overall governance system [2].



**Figure 4.** Cross-border organizations in the Upper Rhine Region. Source: Authors' own illustration.

- The tri-national Metropolitan Region Upper Rhine was founded in the year 2010. It aims at coordinating cross-border activities of the different policy fields internally by offering a synergetic network of four strategic pillars of the TMO work (policy and administration, economy, research and development, civil society). In addition, an external coordination shall also be assured in these relevant policy fields by taking a moderating role in the multilevel governance system and its vertical distribution of specific tasks. At the same time, actors from outside the administration sector shall be better integrated into the cross-border governance structures.
- The Upper Rhine Conference (more correctly, the Franco-German-Swiss Conference of the Upper Rhine) provides the traditional institutional framework for cross-border co-operation in the Upper Rhine region. It is the successor organization to the two regional commissions, which derived from the 1975 Upper Rhine agreement between Germany, France and

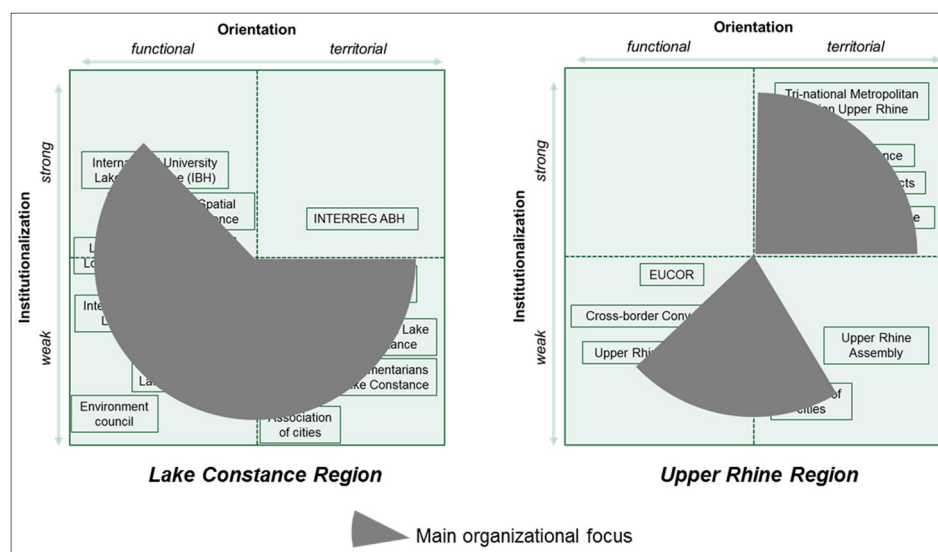
Switzerland. It is composed by (i) a Steering Committee as the coordinating and decision-making body of the Upper Rhine Conference; (ii) a Plenary Assembly as a broad discussion forum, and (iii) the Joint Secretariat as the executive management body of the Upper Rhine Conference. In addition; (iv) twelve working groups have been established to deal with cross-border issues that fall within the remit of the Upper Rhine Conference.

As these new governance settings with the Tri-National Metropolitan Region Upper Rhine as the core organization have just been implemented, the impact on the cross-border governance system is still uncertain. Especially, the coordination effects of the TMO are seen as important prerequisites to make best use of essential complementarities between the different players in the cross-border arena.

## 5. Different Ways of Organizing Cross-Border Governance

### Comparison of the Two Case Regions

The two case regions show significant differences in the way their cross-border co-operations are organized. While the cross-border governance system of the Lake Constance region is characterized by a high degree of informal, networked based initiatives, the respective organizations in the Upper Rhine regions are strongly institutionalized. Strongly institutionalized organizations are rarely to be found in the Lake Constance region, although territorial organizations do exist, whereas they are numerous in the Upper Rhine region. In principle, in both regions, features of functional as well as territorial cross-border governance are to be found, even if the occurrence of functional oriented organizations is considerably higher in the Lake Constance region while territorial-oriented, stronger institutionalized organizations are more frequent in the Upper Rhine region. This fact may amongst others be caused by the umbrella function of the Upper Rhine Conference with its intensive working groups, which integrate a broad range of problem-focused activities that are covered by functional oriented organizations in the Lake Constance region. Thus, with regard to our heuristic matrix, the classifications of the different organizations in the two case regions result in quite dissimilar images (see Figure 5).



**Figure 5.** Comparison of cross-border organization in the case regions. Source: Authors' own illustration.

Behind the dissimilar images stand quite opposite features of the cross-border activities in the two regions with regard to our definition criteria of the matrix-dimensions. The main differences are to be seen with respect to the following elements:

- *Geographic scale*: Cross-border governance in the Upper Rhine region is characterized by geography of a pyramidal structure of scales and subscales. Co-operations on subscales take an important role (Eurodistricts, co-operations on municipal level, *etc.*). In consequence, the vertical dimension of interaction and exchange between the different geographical levels of co-operations is to be taken into consideration. The situation is quite different in the Lake Constance region, where interregional networks and relations exist, but co-operations with a smaller geographical perimeter are far less institutionalized.
- *Structural patterns of interactions*: While cross-border organizations in the Lake Constance region are strongly dominated by horizontal interrelations, respective relations in the Upper Rhine region also show important vertical elements. That means, in consequence, that around Lake Constance, an interregional moment is of importance, whereas in the Upper Rhine region, cross-border organizations emphasize a more vertical orientation by networking of the different levels involved and by a synchronization of different geographical perimeter/subspaces;
- *Organizational structure and processes*: The main organizations in the Upper Rhine regions can be seen as classical institution building and are characterised by a broad set of organizational bodies and boards. The degree of formalization is high. Responsibilities, processes as well as procedures are defined and regulated. With the Tri-National Metropolitan Region Upper Rhine also the interrelations and the roles between the different organizations in the cross-border governance system are structured. In contrast, the cross-border governance system in the Lake Constance Region is dominated by flexible, personal, and equal relationships. In consequence exchange and coordination between the different organizations are far less certain and depend on various factors like personal contacts or networks.
- *Decision-making, conflict management and transaction costs*: Due to the stronger institutionalization in the Upper Rhine region, the regional cross-border bodies show more competencies for binding strategic decisions. Nevertheless, the political commitment to make such decisions is not always given and, in consequence, you find currently the tendency to adopt indefinite resolutions instead of clear decisions. In the Lake Constance Region, the decision finding process sometimes requires extensive processes and negotiations. In addition, conflict-management is attested to be quite low in the region, consensus oriented sunshine-policies are dominating.

Besides these organisational contrasts, some similarities also exist, that correspond in some ways with general features of cross-border organizations. The main parallels between the cross-border governance systems of the case regions concern the following elements:

- *Typology of involved actors*: Both regions show a strong dominance of public actors, as it is often the case for cross-border co-operation in general. Actors of other sectors than the public one (private, societal) are integrated almost exclusively on the operative level (project level, working groups), not at the strategic/institutional level.

- *Thematic scope*: Both regions cover with their organizational setting the traditional policy fields of cross-border interest. That means that initiatives are to be found in the policy fields of planning, economic development, education and research, environment.
- *Legal Status*: Both regions show no legal status for organizations covering the whole cross-border perimeter. Moreover, in both regions, the main organizations are based on multilateral agreements between the partners. Instruments offering a legal status for cross-border co-operations like the European Grouping for Territorial Cooperation (EGTC) or the Local Cross-border Cooperation Grouping (LCCG) are only used for organizations in the subspaces.

The differences as well as the similarities of the case regions underline the great importance of the specific context in which cross-border activities grow and corresponding organizations are created. This context may be defined as superordinate spatial, historical, cultural as well as structural determinants of the particular cross-border region [9]. The two case regions dispose to a large extent over quite comparable context conditions: both regions are economically strong regions, have quite similar cross-border interdependencies and show a long tradition of co-operation with sustainable institutions. Nevertheless, each of the regions has taken a different development path with regard to the organization of its cross-border activities. Adaptations and reforms have taken into account specific situations and challenges. Due to these diverging development paths, differences can be noticed in the conceptual as well as in the practical implementation of cross-border governance [2].

This observation emphasizes that not only the specific context is of influential importance but also the historical development. Regarding the trajectories of the two case regions, tradition and evolution processes of cross-border organizations contribute to a deeper understanding of the status-quo: One may think of the completely different situation in the post-war phases of cross-border co-operations in both regions. The border between France and Germany was of national interest and, herewith, object to a strong top-down intention to bridge the fractures of the past by co-operative efforts. In consequence, a strong institutionalization was seen essential to assure a stable, reliable framework for the co-operative activities. In contrast, co-operations in the Lake Constance Region were mostly initiated bottom-up based on regional problems with the lake as a common good for all partners along the border.

Altogether, the specific contexts as well as the traditional grown structures have to be classified as crucial for organisational variations in cross-border governance systems [33]. These findings correspond well with the analyses for regional governance systems in general [34]. In addition, for the intranational context, the dependency of governance systems on the specific context, the specific situation, the specific background, and on the specific actors involved has been identified as important variable for the organizational design and its impact [23,34]. However, in the framework of this article, the reasons for organizational variations are not in the analytical focus. It is the combination of the different organizations in the sense of a cross-border regional governance system and its organizational pattern/image with reference to our matrix that is of specific interest for us.

## 6. Conclusions

The quadrants of the heuristic matrix represent the ideal types of different organisational designs. The empirical investigations have shown that functional oriented organizations that are also strongly institutionalized are rather rare (exceptions exist like the International University Lake Constance/IBH focused on functional integration in the field of research and higher education, and at



the same time, showing a strong institutionalization allowing the IBH to initiate specific funding schemes). For each of the other three quadrants, interesting examples exist, which incorporate the specific organisational features defined for the respective quadrant and which illustrate, at the same time, specific advantages and disadvantages. These specific advantages and disadvantages underline the necessity of a problem-adequate approach when deciding about organizational elements. Functional orientations better allow the integration of different resources and competencies, while territorial, stronger institutionalized organizations show a higher potential for problem solving. Conflicting issues often ask for a stable institutional framework allowing package deals which make use of cross-border problem-solving going on in different policy fields, and defining binding, mandatory solutions for all partners. Thus, each organizational design stands for a certain set of advantages that need to be considered in the context of the specific issue or problem that has to be dealt with.

These advantages are not only to be judged for each of the organizations alone but with regard to the research questions of this article for the whole cross-border governance system. In this respect, the article brings a new strand of discussion into the scientific developments around cross-border co-operation and cross-border governance, even if it is only a first step that needs to be further elaborated: the discussion on organizational variations of cross-border co-operations has to be put in a broader perspective, assessing the specific combination of differently organized cross-border initiatives. In the organizational setting of the whole cross-border governance system, a synergetic combination of organizational solutions may be reached that allows making the best use of the specific advantages of the different organizations of the system. For each issue, the corresponding form of co-operation has to be found. Regarding the organizational features of a cross-border governance system in an integrative way and on the base of the heuristic matrix used in the article, a specific pattern of cross-border governance appears. The two case regions have shown that these patterns may represent characteristic images of the cross-border governance systems, illustrating in a way a certain organizational philosophy of the cross border governance system.

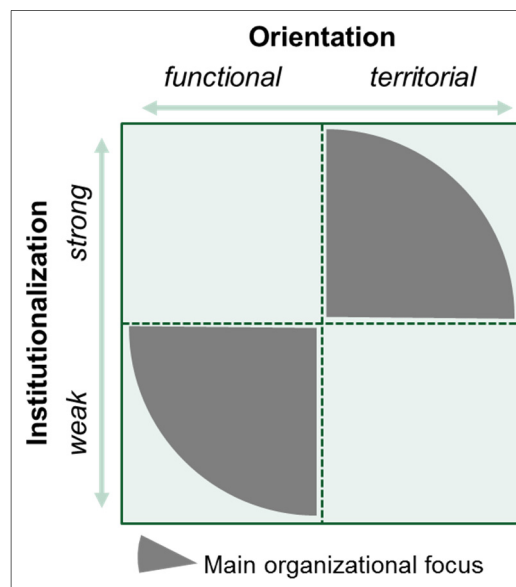
As the two case regions have shown, it is of importance that these overall patterns reflect the specific context, the individual challenges and requirements of different spatial as well as politic-administrative starting points of cross-border co-operation in the region. The development of the functional and organizational patterns of cross-border co-operations should be driven by a strong traditional and regional anchoring. Cross-border governance systems should grow out of the regional settings driven by a common will of regional stakeholders and strengthened by interinstitutional and personal networks, as these factors may stand for a strong commitment of the relevant stakeholders.

At the same time, this specificity allows also a great continuity. Both case regions have shown that they were able to continue their development path of cross-border co-operations over a long period of time. The organizational patterns seem to have well represented the specific philosophy of co-operating in the region, meeting the expectations of co-operating actors of the region on the organizational framework for their initiatives. To that effect, constellations and organizational features have offered a specific range of development options allowing each region to undertake manageable adaptations and reforms. By this, the regions were able to proceed their way of co-operating step by step without any great disruptions.

On the other hand, it is important to take into consideration that these patterns only represent the organizational side of cross-border co-operation. As the experiences with the European funding

program INTERREG have shown in both analysed regions, the influence of the project level with its operative challenges and progress on the overall governance system is not be neglected. The project orientation is essential for building a second, complementary layer of cross-border co-operation with visible impact, even if it is often carried out by short-term partnerships. This layer of co-operation is not represented by the organisational patterns of our heuristic matrix. In addition, the interplay between organisational variations and implemented projects cannot be assessed by this method.

Interestingly, both regions have shown similar development tendencies over the last years that strengthen territorial-oriented, strongly institutionalized organizations as well as functional-oriented, weakly institutionalized organisations (Figure 6). This tendency can also be observed in other cross-border governance systems in Europe (e.g., Öresund Region, Galicia-Norte de Portugal, *etc.*), and has already been observed, although considered with a different argument by Deas *et al.* [7]. By strengthening both sides, the institutionalized as well as the more informal co-operations, a balanced organizational system may be approached which seems to have significant advantages for a cross-border governance system.



**Figure 6.** Balancing strong and weak formalization in cross-border governance. Source: Authors' own illustration.

By balancing the organizational variations, the governance system is creating a benefit from the advantages of the weak institutionalized organizations, more territorial-oriented ones, as well as from the strong institutionalized organizations, more functional-oriented. The weakly institutionalized organizations with a functional orientation seem important for assuring problem orientation and flexibility concerning membership, perimeter or thematic emphasis. These organizations stand for a certain openness, which is an important prerequisite for enhancing innovation capacity. On the other hand, cross-border co-operation is a long-term process, which requires a certain degree of stability and reliability. These factors are promised by strongly institutionalized, territorial oriented organizations. They are able to offer a stable framework for long lasting continuity, for simplified decision making processes and for an enhanced potential to deal also with conflict-driven issues in the region.

At the same time, balancing formalized as well as less institutionalized co-operations, the success factors for regional governance systems as presented in Chapter 2.3 can be better complied with. On the one hand, stability, sufficient resources, capacities, as well as accountability, are brought into the cross-border governance system by more formalized cross-border organizations. On the other hand, a certain openness, flexibility, incentives for new innovative actions as well as autonomy are more easily assured by less formalized organizations. Thus, actors of political power as well as actors of strong thematic expertise may be integrated into the cross-border governance system.

However, if cross-border governance really shows convergent development paths directed at a balanced organizational governance system in the long-term, cannot be definitively deduced by the analysis presented in this article. It can only be seen as a first step into this discussion, although the case regions as well as the theoretical assessment of organizational features suggest such a development. Nonetheless, further assessments and comparisons are needed that may profoundly underline such a development. Furthermore, the article has to be seen as a heuristic approach to offer insights into the reasons and the characteristics of organizational disparities in cross-border governance systems. In this respect, the two analyzed cases reveal interesting variations, and the article contributes to understanding the specific influence of organizational characteristics on cross-border governance systems. Nevertheless, concerning the question of how organizational features of cross-border arrangements influence the performance of cross-border governance systems, further research is necessary. Herewith also, the variation of the potential impact could be assessed. The understanding of different organizational settings and their interplay with the specific regional contexts and development paths, as it was discussed in this article, can be seen as a first important step in this research direction.

### Author Contributions

Both authors have contributed to the paper equally.

### Conflicts of Interest

The authors declare no conflict of interest.

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