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### The place where streams seek ground. Towards a new territorial governmentality: the meaning and usage of the concept of territorial cohesion in the European Union

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# Chapter 1 Territorial cohesion topics in the European Union

## Introduction

This research cannot provide a definition of its research object, as it is set up to deal with the confusion around territorial cohesion of which a multitude of definitions is a part. To “throw a bone” to you as a reader nonetheless, putting together how the Oxford Dictionary defines ‘territorial’ and ‘cohesion’ might give a starting point. ‘Cohesion’: ‘the action or fact of forming a united whole’, ‘territorial’: ‘relating to the ownership of an area of land or sea.’<sup>4</sup> Hence, the concept is concerned with this forming when related to such ownership. While this might give you an idea, it remains vague.

This research therefore maps the multitude of territorial cohesion meanings on the one hand and the usages of the concept on the other. Especially because of these usages, the basic institutional framework of the European Union is of importance. As Jensen&Richardson (2003: 24) pose for the field of spatial policy, power struggles illustrate the significance of the underlying tensions of this organisation in which the concept will be placed. This chapter therefore sketches the ambiguous emergence of ‘territorial cohesion’ by going from the particular case towards the more general. It namely introduces the places and times where these words can be read, the topics that the concept deals with, and the scene set by its institutional context. This sequence will be followed more than once, because territorial cohesion seems to have emerged several times. That is, on the stage of the ESDP (§1.1), then the one of Treaties (§1.2), and later on the stage of Cohesion Policy (§1.3).

Already these emergences bring forward divergent views on territorial cohesion *qua* timing and content and suggest that the differences in the concept’s topics relate to the differences in its institutional context. To counterpose some of the choices involved in this puzzle, a table of paradoxes can be drawn up (§1.4). This helps to conclude on the substantive framework that consists of territorial cohesion and its institutional context (§1.5). It namely shows the reader some difficulties this book has to deal with.

## 1.1 Territorial cohesion on the informal ESDP stage

### 1.1.1 A European spatial planning promotion

One could untangle the confusion around territorial cohesion chronologically by beginning from its origin (i.e. *Herkunft*). Faludi&Waterhout (2002: 57) then say that already throughout the process leading to the European Spatial Development Perspective (ESDP) (CEC, 1999a) ‘territorial cohesion’ was referred to from the start in 1992 on (i.e. during the first held Committee on Spatial Development). However, while the Committee of the Regions called to foster the concept with its opinion on spatial planning in Europe in 1997 (Tatzberger, 2003), shortly thereafter this Committee also linked the concept to the Common Agriculture Policy and, with the European Commission, to intermodality and intermodal freight transport (CoR, 1999a; 1999b). Still, the promotion of territorial cohesion with spatial planning continued. The concept stood central in the European Spatial Planning Observatory Network (ESPON) for instance – financed by the European Commission since 2002, this network of spatial research institutes should define the concept. Besides spatial planning, every time another topic of territorial cohesion appears in the institutions of the European Union though.

Note thereby that the European Commission is a core institution of the European Union, as it can be seen as its executive and civil service. A series of Directorates-General, headed by Commissioners (and their personal Cabinets), make up its bureaucratic structure. Although it is not in the core of the organisation, the Committee of the Regions is a standard European Union institution too. This Committee has a strategic role to play, because it acts as a source of interest-representation and decision-making structure for the wide diversity of regions (Wiehler&Stumm, 1995: 247). Yet, a central feature of the scene of territorial cohesion seems to be the

<sup>4</sup> <http://oxforddictionaries.com>, visited 17<sup>th</sup> of February 2012.

ESDP process. While the European Commission cooperated in it, this process is outside the formal institutions (Jensen&Richardson, 2003). The informality of this process links the concept to a feature of its institutional context: the infranationalism of the European Union.

### **1.1.2 A bureaucracy without a centre of power**

While the institutions of the European Union work closely together, most lack in-depth expertise in many technical areas, due to small staff sizes,<sup>a</sup> and their bureaucrats maintain close communication with lobbyists (Jensen&Richardson, 2003: 34). Large sectors of the European Union's norm creation are therefore carried out at the level of a "second-order governance". Weiler (1999: 98) calls this 'infranationalism', which consists of "middle-range officials" of the European Union and Member States who work closely with a variety of private and semi-public bodies. According to Jensen&Richardson (2003: 26), this epitomises the 'comitology approach', which involves commissions, directorates, committees, government departments and other related structures (e.g. the Committee on Spatial Development). For the institutional framework of the European Union this then entails: medium-to-low-levels of institutionalisation, a network practice and informal style, a low actor- and event-visibility and process-transparency, and possibly a low procedural and legal guarantee (Weiler, 1999: 284-285; Jensen&Richardson, 2003: 26). Yet, not only its in/formal bureaucratic ways characterise the European Union organisation, also the absent centre of power does. Hence, according to Nugent (1999: 349), none imposes an ordered pattern on what happens, making its overall policy picture rather ragged and patchy.

## **1.2 Territorial cohesion on the official Treaties stage**

### **1.2.1 A services promotion**

What confuses the situation of territorial cohesion more is that besides its spatial planning topic(s) on the infranational stage, the concept appears differently on an official stage. That is to say, the official acquaintance with the concept was in 1997: territorial cohesion came into a new agreement on competencies for the European Union, under Article 16 of the Treaty of Amsterdam, concerning Services of General Economic Interest. This context thus seems to add yet another topic. Moreover, while in 2000 the Council of Europe's European Conference of Ministers responsible for Regional Planning promoted 'territorial cohesion' (CEMAT, 2000), the European Commission did so in relation to both the ESDP and Services of General Interest (CEC, 2000; Faludi&Waterhout, 2002: 164). No surprise therefore, that in the beginning of the 2000s one could voice that 'territorial cohesion' is not a new concept; as the German heavyweight administrative institution Akademie für Raumforschung und Landesplanung did for example (ARL, 2003). Whether territorial cohesion is the same concept within as outside the official sphere of the European Union is another question though: what may the European Union do when it concerns territorial cohesion? Albeit an awkward situation for territorial cohesion, this seems to align with its institutional framework.

### **1.2.2 The official European Union organisation**

What is now called the 'European Union' was created by intergovernmental agreement between sovereign states in Europe. Besides the already introduced European Commission and Committee of the Regions, this supranational organisation has four other standard institutions. Three of these six form the core: the Council of the European Union, the European Commission, and the European Parliament. Besides this core, three other official institutions should be mentioned as well: the European Council, the Committee of the Regions, and the European Court of Justice.

The Council of the European Union is the supreme legislative authority. The executives of every Member State meet here (i.e. national ministers depending on the topic), and, as Jensen&Richardson (2003: 33) put forward, if this Council acts as a unified body it can be critical for policy outcomes. While the Council of the

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<sup>a</sup> Apart from the European Council for instance, which draws on civil servants from the member state governments.

European Union does influence the European Commission, the Commission (mostly) initiates proposals on which this Council acts. The European Parliament is the only legislative institution that is directly elected. This democratic institution has cross-national party groupings, although it is also pressured by local and regional authorities and specialist interest groups (Jensen&Richardson, 2003: 35). The European Council is the standard institution where Member States' heads of government and foreign ministers assemble in summit meetings. While this Council has no legislative power, as collective "presidency" it does have a strategic role. The European Court of Justice should be mentioned too, because according to Hooghe&Marks (2001: 26) its innovative and constituting jurisprudence transformed the European Union with a supranational legal order.

At the moment this supranational level, with its three core and other standard institutions, is integrated beyond intergovernmentalism alone. 'Competencies for operating public policies have increasingly been transferred upwards to the level of the European Union by new treaties'<sup>a</sup> (Wessels, 1996: 34), such as the Treaty of Amsterdam in 1997. However, the European Union is not federal either, but more a 'fusion model' (Wessels&Rometsch, 1996: 27, 36). It namely has features of both, but is neither purely intergovernmental nor purely a federation. Hence, the constant question of who may do what.

### 1.3 Territorial cohesion on the formal Cohesion Policy stage

#### 1.3.1 A cohesion policy promotion

Without clarity on what its topics are or what the European Union may do with it, many uttering 'territorial cohesion' considered it as a new concept in the beginning of the 2000s. According to Healey (2001a) for instance, the concept was first used in the Second Cohesion Report (CEC, 2001a). This report comes from the only Directorate-General of the European Commission that "takes care of the losers": the one making regional policy (Masser&Svidén&Wegener, 1992: 107). And if Waterhout (2003) is right, this was the first time in a European policy context that the concept has been given some substance. This again adds more topics and another institutional context. The context is a formal policy stage: Cohesion Policy. Territorial cohesion would then revolve around cohesion issues, although it is not really clear what this entails. Moreover, to follow Healey (2001a) further, the concept was in the Second Cohesion Report related to the ESPD and issues raised in the Study Programme on European Spatial Planning. This makes the concept even more complex, as its different topics (e.g. services, cohesion) and institutional contexts (e.g. spatial development and regional policy) might relate.

The continual promotion of the concept in examples of the European Union's domestication of what before could have been described as international relations (Hooghe&Marks, 2001: 89) adds to territorial cohesion's complexity. These namely show that an institutional context further removed from the core institutions does not necessarily mean a more marginal topic. In the years around the Second Cohesion Report (CEC, 2001a) for instance, the Conference of Maritime Regions of Europe (CPMR, 2001; 2002a), the Final Statement of Atlantic Arc Cities, and the position paper of the Council of European Municipalities and Regions all related the concept to economic and social cohesion (Tatzberger, 2003). These are clearly two cohesion issues as territorial cohesion topics. Meanwhile the European Association of Elected Representatives from Mountain Areas, the Conference of Maritime Regions of Europe's Islands Commission, and EUROMONTANA, amongst others, called for the inclusion of the concept in the Constitutional Treaty. And in 2003 'territorial cohesion' appeared centre stage in the draft of this new agreement on Community<sup>b</sup> competencies: in Article I-3 on economic and social cohesion (OJEC, 2004). Hence, the longer you look at the continual promotion of the concept, the more complex both its content and institutional context seems to become.

<sup>a</sup> '[T]reaty reforms such as the Single European Act and the Maastricht Treaty on European Union, incremental adaptations using Art. 235 EEC and legal "mutations" by the European Court of Justice' (Wessels, 1996).

<sup>b</sup> Although the European Union and European Community were not exactly the same during the time this research talks about, in this thesis they are used interchangeably, especially when it concerns the European Union/Community level. This because we are only concerned in the first pillar of the European Union (i.e. the Community instead of judicial cooperation or common foreign policy).

**1.3.2 From multiple levels and vague boundaries to cascades of interests**

We saw that the concept’s context forms its emergences. As Hooghe&Marks (2001: 28) say, the institutional framework of the European Union is not stable and has dispersed competencies, interlocking institutions, and shifting agendas for multiple openings for interests. Besides the abovementioned ‘messy’ and ambiguous vertical fusion of national and European Union competences, the formal stage of Cohesion Policy adds another feature to this: a highly differentiated ‘mixture’ of public instruments located on several levels (Wessels, 1996: 34). Also for this policy Hooghe&Marks (2001: 90) thereby emphasise the subnational and transnational levels, as they have influence too with their informal embassies in Brussels and direct relations to supranational institutions. The promotion of territorial cohesion with economic and social cohesion by particular regional lobbies evidences that. The concept’s European context should thus also be understood as a multi-level institutional structure.

Something else apparent on the Cohesion Policy stage returns in the institutional framework of the European Union as well: the bonding between various territorial cohesion topics and the loose links between these topics and the concept’s places in its context. That is to say, the boundaries between the standard institutions of the European Union are vague. Following Jensen&Richardson (2003: 35), they cannot be seen as homogenous bodies, as different interests are at work within each and between them. This not only holds between the three core institutions and others (e.g. Richardson, 1996), but also within the institutions (e.g. Shore, 2000), between interests operating at the European level (e.g. lobbies) or within each policy area through the levels (e.g. Andersen&Eliassen, 1993; Greenwood&Grote&Ronit, 1992; Scott, 1995). Moreover, the European Council, Commission, and Parliament work closely together in a contested lobbying environment (Jensen&Richardson, 2003: 34). As no formal inter-institutional space exists where the institutions can engage in debate, decision-making (ultimately) continues through informal processes and political conflict (Jensen&Richardson, 2003: 36). What could therefore really characterise the institutional framework of the European Union is that “everything streams” (i.e. *παντα ρει*)<sup>a</sup>. Not only with its fusion model, absent centre, and infranationalism, but also as a “cascades of interests” instead of institutions on one-level. That is, the concept’s context lacks inertia and direction – or better, harbours an overflow of flux and directions (see Chapter 4 of Part III).

**1.4 Table of paradoxes**

Although territorial cohesion has features in common with its institutional context (e.g. change, many directions/ topics, vagueness, complexity), we are foremost concerned with the concept itself. After the introduction of various territorial cohesion emergences, promotions, and topics above, an overview of the substantive problematics of this research might then come in handy. For a concept with many divergences and complexities, a short lay-out of important but seemingly contradictory statements concerning territorial cohesion could do the trick. Some paradoxes (implicitly) uttered above are therefore in random order put in a table below.

‘territorial cohesion’ is a new concept	‘territorial cohesion’ is not a new concept
‘territorial cohesion’ is cohesion policy	‘territorial cohesion’ is spatial planning
‘territorial cohesion’ entails a Community competency for Services of General Economic Interest	‘territorial cohesion’ entails more Community competency for Cohesion Policy
‘territorial cohesion’ has been given substance	‘territorial cohesion’ has no definition

Notwithstanding its paradoxes, the content of this table does give leads, as it leaves us with many questions. In which ways is territorial cohesion a new concept or not? How does it belong to which in/formal policy? What does it actually mean? That is, just as at the beginning of this chapter, these questions again ask what will be treated below, but now within a substantive framework that offers some guidance.

<sup>a</sup> Herakleitos’ (ca. 545-457 BC) *παντα ρει, panta rhei*, ‘everything flows’ or ‘everything streams’ (e.g. Hamlyn, 1987; Jaspers, 1966; Nietzsche, 1998; Heidegger&Fink 1994).

## 1.5 Conclusion

This chapter gave an initial substantive framework to direct the reader towards what this territorial cohesion research is about. However, probably you will not have a clear idea now of what the concept means. Yet, you do know that its substance matter is complex and uncertain and that it was continually promoted nonetheless. The argument here thus runs that this combination gives the more reason to treat territorial cohesion more in-depth, as this research does below.

Some directions for this can be deciphered from the places where 'territorial cohesion' emerged in the institutional framework of the European Union. In this organisation struggles play out in many arenas on different scales and different administrative levels (e.g. Dabinett&Richardson, 1999). The promotion of the concept then occurs in an institutional framework with shifting agendas for multiple openings for interests. That is to say, basically the European Union has six standard institutions: a core made up of a supreme legislative authority in the Council of the European Union, an initiative executive in the European Commission, and a representation of "the people" in the European Parliament, which is completed by the European Council, the Committee of the Regions, and the European Court of Justice. Without mentioning the procedures of these six standard institutions, they themselves already suggest the complex intricacies of decision-making in the European Union. What is more, the institutional framework of this organisation can be characterised as a multi-level structure where heterogeneous institutions cooperate closely, infranationalism and comitology are rampant, and no centre of power imposes an order.

Territorial cohesion can then be traced in an institutional context where "everything flows". The concept emerged infranationally on the ESDP stage early on, then officially on the Treaty stage, and later on the formal stage of Cohesion Policy. With its place being uncertain, the concept's newness is questioned. Something similar could be at work between these places and the concept's multiple contents of spatial development, services, economic and social cohesion issues. That is, the institutional places of the concept's do not seem to determine the territorial cohesion topics. What is more, polarisation can be put besides this uncertainty and complexity, as one can even question whether the concept is defined or not. Still, the shown territorial cohesion topics, the concept's institutional places, and the ensuing problematics give an idea about the research object of this study. To clarify territorial cohesion though, it is studied through analytical and methodological frameworks, which are expounded first (see Part II and III).