

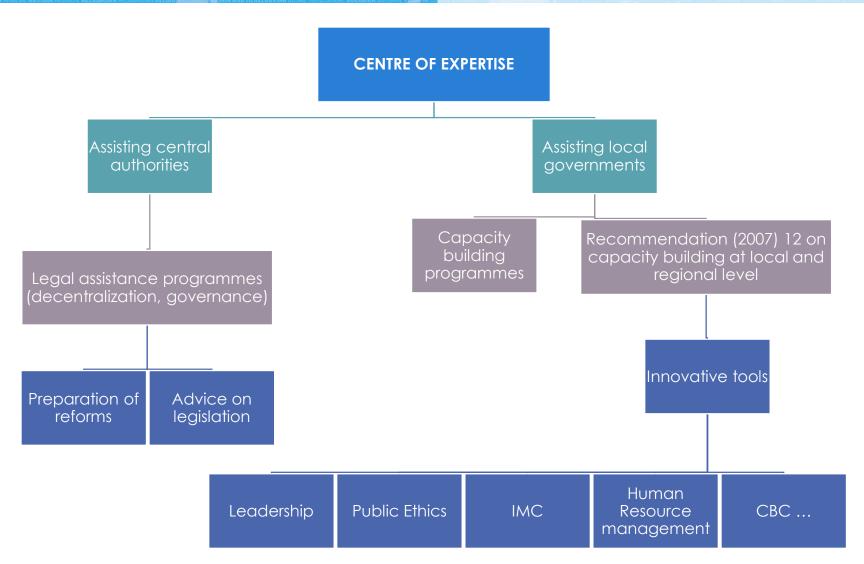
# Centre of Expertise for Local Government Reform

Alina Tatarenko Head of the Centre of Expertise





# Assisting central and local governments





## **SUMMARY**

#### **AVAILABLE LEGAL FRAMEWORKS**

Madrid Convention and Additional Protocols



#### **UNDERSTANDING CBC**

Cross-Border Cooperation Toolkit (2012)



#### REMOVING OBSTACLES TO CBC

MANUAL ON REMOVING OBSTACLES TO CBC (2013)

EDEN https://www.coe.int/en/web/good-governance/eden



#### STAKEHOLDERS' ENGAGEMENT IN CBC

EUROPEAN EXPERIENCE OF CITIZENS'PARTICIPATION IN CROSS-BORDER GOVERNANCE (2015)



#### **CBC LEADERSHIP**

C2C, Participation, URSO, Toolkit for CBC Practitioners

Leadership Academy Programme (LAP) for CBC





## **Madrid Outline Convention**

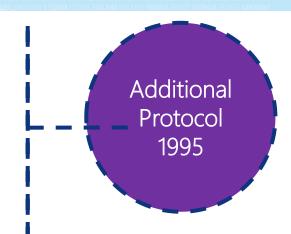
- The European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities introduces, for the first time at international level, the possibility for geographically contiguous local authorities from different countries to cooperate with each other and to accomplish agreements.
- The Convention does not establish a "right" of local authorities in such cooperation, but rather an obligation for the states (as contractors) to "facilitate and promote" cross-border cooperation of local authorities.
- CBC is defined as any concerted action designed to strengthen and promote neighbourly relations between local communities and authorities belonging to two contracting states.
- CBC may take place within the jurisdiction (i.e. competences and powers) which local authorities have under applicable domestic law (Art. 2, § 1). The Contracting States may (Art. 2, § 2) indicate to which local authorities the Convention is (or is not) applicable and in which fields local authorities can engage in CBC. Thus, the scope of CBC may be limited when compared to the competences and powers that local authorities have under constitutional or national law.
- States are able to list those local authorities to which the Convention applies or does not apply. States may subordinate local communities and authorities' right to cooperate across borders to the signature of bilateral agreements (treaties) between States (Art. 3, § 2), identifying the entities concerned as well as the subjects and the modalities of such cooperation.





## Additional Protocol Madrid Outline Convention

- The Additional Protocol aims to complete the Madrid Outline Convention with provisions on the possibility for local communities and authorities involved in CBC to sign agreements with their counterparts across borders (Art.s 1 and 2, § 3, § 1 of the Convention). Such agreements may include the purpose, content and arrangements of CBC, yet within the abovementioned restrictions (i.e. compliance with domestic law).
- These agreements, however, may also be designed to create structures, organisations, institutions in which the institutions concerned pursue and implement their cooperation. These structures can be more or less complex, temporary or permanent, or may not have an institutional, legal personality, etc.
- The Additional Protocol to the Madrid Outline Convention responds to concrete CBC developments. Local communities and authorities engaging in CBC activities across borders tend to develop CBC arrangements to coordinate, promote and support CBC itself. Such structures serve as contact structures; they can promote ongoing dialogue between CBC partners, support information exchange, and establish common offices to carry out specific activities. Finally, such structures play a symbolic role strengthening the CBC framework and enhancing its visibility.

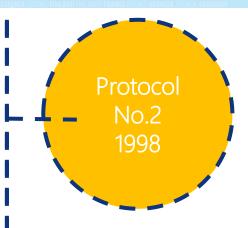






# Protocol No. 2 Madrid Outline Convention

- 1. Protocol No. 2 defines interterritorial cooperation as any concerted action designed to establish relations between territorial communities or authorities of two or more Contracting Parties, other than relations of transfrontier cooperation of neighbouring authorities, including the conclusion of cooperation agreements with territorial communities or authorities of other States.
- 2. The Madrid Outline Convention refers to transfrontier co-operation (i.e. CBC), that is, those forms of "concerted action" that can be put in place between neighbouring local authorities (i.e. "neighbourly relations"). It does not explicitly state that cooperation must take place between local authorities separated by the same border, but this can be deduced from the text and is also explained by the explanatory report to the Convention itself.
- 3. Experience has shown, however, that CBC activities may develop even among non-contiguous local authorities. This raised the issue of applicability of the Madrid Outline Convention to local authorities geographically distant from the border and located far from each other. Protocol No. 2 responds to this issue.
- 4. Interterritorial co-operation is made equivalent to transfrontier cooperation (Art. 3). In addition, local authorities that could not previously engage in such activities under the Madrid Outline Convention see that their right to promote discussions and agreements (in matters of common competence) is now recognised (Art. 2). Contracting States shall, on their part, undertake to recognise and respect this right.







# Protocol No.3 Madrid Outline Convention

- 1. Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities provides the legal status and operational form of the constituent European Co-operation Groupings (ECGs).
- 2. ECGs may be composed of local authorities and other public agencies of member countries with the aim of putting into practice cross-border and inter-territorial cooperation in the areas covered by their role and responsibilities. States, from the moment of ratification of the Protocol, can indicate all those communities, local authorities, public law and private entities that they wish to exclude from the scope and applicability of the Protocol (Art. 16).
- 3. Protocol No. 3 allows for the establishment of CBC bodies with or without legal personality (in this case the protocol connects the legal personality to the law applicable in the state where the ECG has its headquarters). In addition, the Protocol provides the basic rules for the establishment, membership conditions, tasks and responsibilities of the ECG.
- 4. ECGs may be composed of territorial communities or authorities in Member States if one or more of their own communities or local authorities are already members. Other agencies with different legal personality may be part of the ECG





# CM/Rec(2007)12 on capacity building

CM/Rec(2007)12 recommends the governments of member states are recommended to clearly recognise:

The importance of local government capacity to deliver high quality local public services and to engage the inhabitants in the democratic functioning of local authorities;

That the capacity of local government hinges essentially on the skills of elected representatives, the corporate management capacity of the organisation, the workforce capacity (its skills, recruitment and retention) and financial and project management skills;

The importance of developing this capacity further.





## CBC – Cross-Border Cooperation Toolkit (2012)



#### **DEFINITION**

Cross-border cooperation (CBC) is a concerted process of building neighbourly relationships between local stakeholders and authorities on either side of a border, with a view to overcoming such problems and fostering harmonious development of neighbouring communities.



#### **OBJECTIVE**

To provide a step-by-step guide on how to turn cross-border projects into concrete realities:

- how to carry out feasibility studies?
- how to finance cross-border projects?
- what types of obstacles may arise and how these can be overcome?
- how to nurture a cross-border friendly environment?









#### CROSS-BORDER CO-OPERATION TOOLKIT

Prepared by entre of Expertise for Local Government Reform, Counc

in cooperation with Daniele Del Bianco, Italy, and John Jackson, UK.

June 2012

# UNDERSTANDING CBC

Cross-Border Cooperation Toolkit (2012)



## **Potential CBC actions**

Mobility and (public) transport

Health care

Education and Training

Labour market

Crisis and
Disaster/Emergency
Management

Crime prevention and Criminal Investigation

Environment

Finance



# Overcoming peripheral positioning :

Share resources in addressing common problems

Better management of common assets

Better economies of scale

Better access to external funding and expertise

# BORDER COMMUNITIES

Better accessibility to cross-border infrastructures and services

Stronger civic participation opportunities

Improved socio-cultural relations and networks across borders

# LOCAL DEVELOPMENT

#### Economy

- Employment growth
- Investments
- Incubators
- Territorial Marketing

#### Environment

- Heritage preservation
- Crisis management
- Tourism

#### Culture

- Heritage promotion
- Education
- CSOs promotion

#### Infrastructure

- Utilities / Services
- Transport



## Reasons to start CBC

## **DIRECT**

- Address (locally) joint border problems
- Improve opportunities for border municipalities to perform their functions
- Making the best of available Legal frameworks and tools
- Making the best of available funds

## **INDIRECT**

- Cross-border peer-to-peer and onthe-job learning
- Encouraging co-operative culture.
- Partnership working
- Strategic responsibilities
- Accountability and transparency
- Solidarity
- Fostering European citizenship
- Fostering citizens' sense of ownership of democratic institutions
- Stimulates IMC
- Stimulates PPP







Over-elaborated CBC bodies

Democratic deficit

Harden (national) administrative borders

Weaken relations with national authorities

Political costs (i.e. sharing prestige)

Subject to politicisation



## Traps to be avoided



Over institutionalization of governance

Fund-raising vs. Cooperation

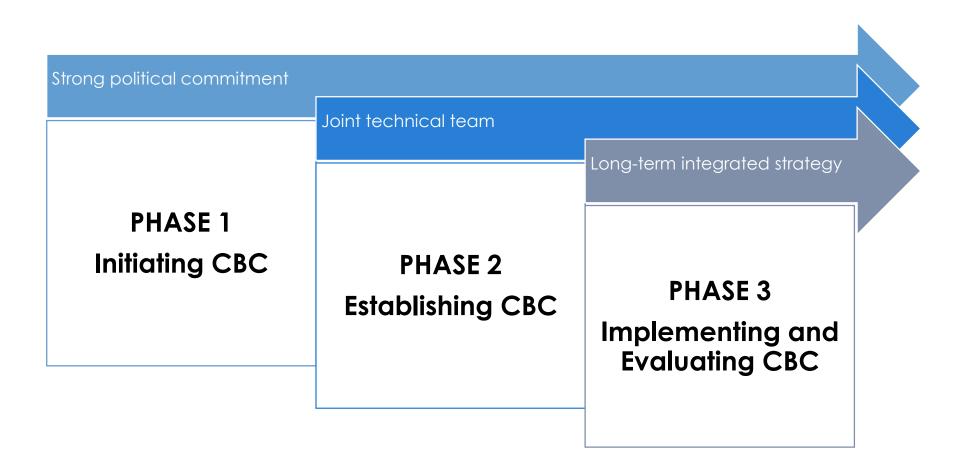
Inadequate incentives

Problem transfer

Inadequate need and contingencies assessment

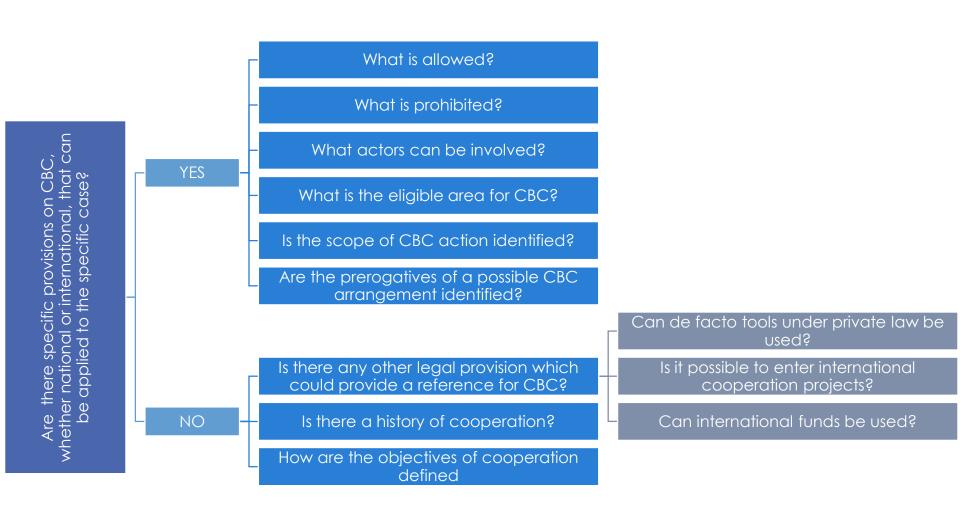
Lack of cooperation culture







# Identifying adequate CBC structures





## Financing CBC

## **ISSUES**

- High risk where funding is starting point
- Importance of ensuring long term financial sustainability
- Exploit all sources of revenue
- Balance interests of service users with those of tax payers
- Must be transparent

## **STRENGTHS**

- Share administrative overheads (e.g. experts, consultants, equipment, secretariat, etc).
- Reduce unit costs and improve service quality through economies of scale in the use of infrastructure, equipment and skilled personnel.
- Attract investment funds reserved for a project of a specified minimum size, partnership compositions, etc.
- In some countries, attract additional grant aid offered as an incentive to cooperation.
- Enhance economic performance through co-ordinated planning and environmental protection.





**A**ISIG

MANUAL ON REMOVING OBSTACLES TO CROSS-BORDER COOPERATION

November

2013

It is with Europe's citizens in mind that the ministers responsible for local and regional powerness of the 47 member State of the Councel of Usurpe launched in 2009 a major survey of difficulties and obtacles that hamper the cooperation across the brories and agree in 2011 to further develop their cooperation with a view treduce or remove those obtacles. This Manual is a complation of both difficulties recorded across the frooties and oblicities found to overcome them. With the help of 156 of Gorisis (tably the data collected through a questionnaire have been systematized and organised in such as way as to enable all actors of crossborder cooperation to find examples that correspond to their situation and solutions that may help them to adopt the response to their needs.

# REMOVING OBSTACLES TO CBC

MANUAL ON REMOVING OBSTACLES TO CBC (2013)

EDEN PLATFORM (https://www.coe.int/en/web/good-governance/eden)



### FROM OBSTACLES TO SOLUTIONS:

- Mapping and analysing CBC obstacles are the first steps towards the identification of a solution.
- When entering a CBC process, it is important to understand, that, although such process is highly heterogeneous, it is most likely that other local authorities have encountered similar obstacles (i.e. operational areas, factors of persistence, etc.). Often this means that they have already identified mechanisms in order to overcome obstacles.





# HOW TO MAP OBSTACLES TO CBC

#### 1. CLEARLY DEFINE THE CORE PROBLEM

- What is the problem that requires immediate action?
- Why is it a priority? To whom?
- •Is something being done already? By whom? How?
- •Is it necessary to deploy cross-border actions?

#### 2. IDENTIFY ITS CAUSES

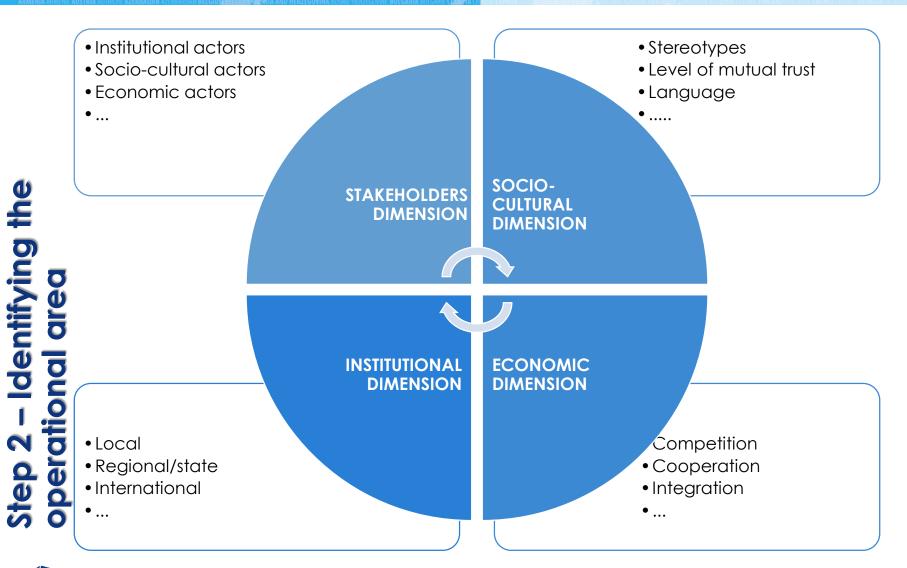
- Why did this problem arise now?
- Where does it come from? What is causing it?
- Is it linked to social/economic/environmental/institutional/administrative characteristics of the border area?

#### 3. IDENTIFY ITS EFFECTS

- Who is most affected? How? How much?
- •What would happen if no solution is found?
- What implication would there be on the social/economic/environmental/institutional/administrative levels?



# HOW TO MAP OBSTACLES TO CBC





## HOW TO MAP OBSTACLES TO CBC

## STEP 3 – Identifying factors for obstacle persistence

•	CBC is a cross-sectorial process, thus implying that the obstacles that may hinder it, cross-sectorial as well, are likely to be determined by transversal factors,
	implying that the obstacles that may
	hinder it, cross-sectorial as well, are likely
	to be determined by transversal factors,
	such as:

- Institutional factors
- Administrative factors
- Economic factors
- Factors linked to the level of Expertise of stakeholders involved
- Cultural factors
- Factors linked to the degree of propensity to cooperate of stakeholders involved
- In order to assess the persistence of such factors, 6 evaluation grids are available in the CoE/ISIG "Manual on removing obstacles to CBC" (2014). The grids allow for the assessment of the relevance of ten statements, to identify which factors are most likely to represent an obstacle.
- Moreover, by comparing the score obtained in each grid it is possible to prioritize among obstacles categories.

ADMINISTRATIVE FACTORS		Totally untrue	Partially untrue	Partially true	Totally true	Not relevant
у ;,	The border area is not clearly defined	1	2	3	4	0
	The actor with competence on the matter is not entitled to act on a CBC level	1	2	3	4	0
of	Complex administrative matters are dealt with regional or central authorities	1	2	3	4	0
ers	There is no administrative protocol to handle the matter	1	2	3	4	0
h e in	Bureaucratic requirements are too lengthy and complex	1	2	3	4	0
W	Fees for the provision of public services are set through different standards	1	2	3	4	0
S •	Public-private partnership schemes are difficult to set up	1	2	3	4	0
	It is difficult to collect information about the administrative requirements across borders	1	2	3	4	0
	Co-financing of international projects is not allowed by domestic law	1	2	3	4	0
	Recognition of diplomas, degrees and professional certification is handled by central authorities	1	2	3	4	0



# HOW TO MAP OBSTACLES TO CBC

## STEP 4 – Identifying the level of clearance

Obstacles may need to be tackled at different levels of clearance: local – when action-oriented, and regional/central as the complexity of the CBC increases.

What is the core obstacle?



Does it have a cross border dimension?



Are the right actors already involved in the CBC process facing the obstacle?



What are the main operational/policy options to overcome it?



What are the main institutional/administra tive barriers to be addressed?



Which actors have the required competencies to intervene?



# HOW TO MAP OBSTACLES TO CBC

# Step 5 – Learning from best practices to overcome obstacles

- The EDEN database is a valuable instrument for the exchange of best practices.
- The database allows also for the browsing by country of good practices, or by institutions that supplied the case-studies.

## www.cbc.isig.it

- EDEN is structured into four different sections, as follows:
  - Areas of CBC the section gives information on the main areas of intervention (Labour Market, Health-Care, Education and Training, etc) and allows for the identification of activities that other users implemented, as well as the obstacles they encountered and the solutions found so to overcome the obstacles;
  - <u>Issues:</u> the section gives a complete list of all the CBC activities that the users implemented, which allows for the identification of the area of interest:
  - Obstacles: the section gives information on all the obstacles that have been encountered in the implementation of CBC activities, allowing for the identification of areas encompassing the obstacles, as well as the factors that contributed the most to the persistence of the obstacle.;
  - <u>Solutions:</u> the section gives information on all the solutions that the users found to the obstacles they encountered, allowing for the identification of specific areas of intervention.



# HOW TO MAP OBSTACLES TO CBC

## Step 6 – Crossing solutions against the CBC context

- Just as obstacles, which need to be crossed against the wider CBC context, solutions must be as well anchored to the specific case.
- In order to assess the replicability of an identified solution, a list of guiding questions may be used, as illustrated in the next grid

INTERVENING FACTOR

Age of border (long established vs. recent)
History interpretation (shared vs. opposite)
Territoriality (continuity vs. fraction)

...

Language Ethnicity Religion

Role of minorities

...

Level of socio-economic development Cooperative / competitive businesses

State subsidies

Advantageous positions deriving from the border (e.g. customs economy)
Infrastructural endowment

...

MAIN GUIDING QUESTIONS

Do they play a positive or negative role?

Are the right actors already involved in the CBC process facing the obstacle?

What are the main institutional/administrative issues to be addressed?

Which actors have the required competencies to intervene?







EUROPEAN EXPERIENCE
OF CITIZENS' PARTICIPATION
IN CROSS-BORDER GOVERNANCE





# STAKEHOLDERS' ENGAGEMENT IN CBC

EUROPEAN EXPERIENCE OF CITIZENS'PARTICIPATION IN CROSS-BORDER GOVERNANCE (2015)

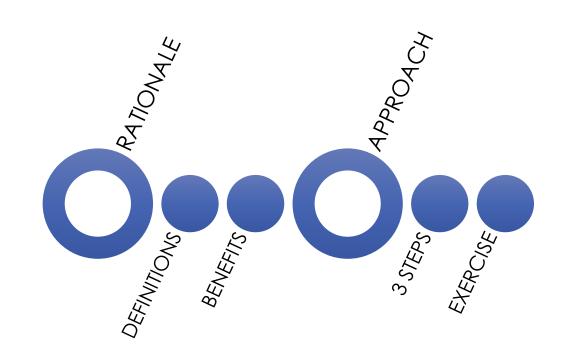


## ON CBC STAKEHOLDERS

### **APPROACH**

## SESSION 1 - RATIONALE FOR CIVIC ENGAGEMENT IN CBC

SESSION 2 – HOW TO MAP STAKEHOLDERS



## **RATIONALE**

## Citizens' participation in CBC

For implementation of civic engagement in CBC processes, CBC promoters need to:

- identify stakeholders of their area.
- assess the functionality/relevance of involving stakeholders based on their interest towards a specific CBC area/project as well as on their capacity.

**Democratic** legitimation of CBC structures Multi-level Capacity building for governance (i.e. citizens and LAs vertical and horizontal integration) Quality, efficiency Tailoring policies to and sustainability of citizens' needs decision-making

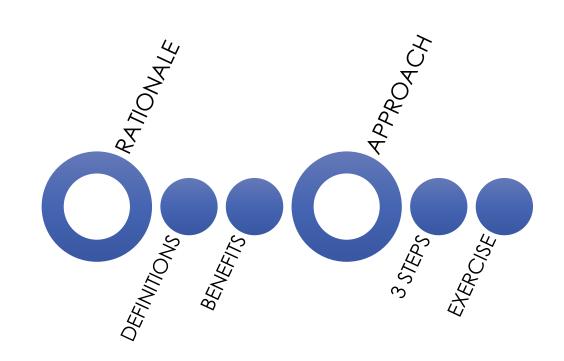


## STAKEHOLDERS' MAPPING

### **APPROACH**

SESSION 1 – RATIONALE FOR CIVIC ENGAGEMENT IN CBC

SESSION 2 - HOW TO MAP STAKEHOLDERS





## STAKEHOLDERS' MAPPING

# Step 2 – Assessing stakeholders' interest and capacities

The level of interest for a specific CBC intervention/project/area/etc of a stakeholder, must be assessed by means of a questionnaire, aiming to gather data on:

Rationale -brief explanation of the topic at stake;

Identification of the level of interest stakeholders have on the topic;

Identification of the availability of the actor to be involved (in terms of resources: time, financial, in-kind, etc);

Identification of the capacities of the actor in the field at stake:

Identification of the positioning of the actor within his/hers operative network of reference (i.e. potential multiplier effect of the stakeholder).

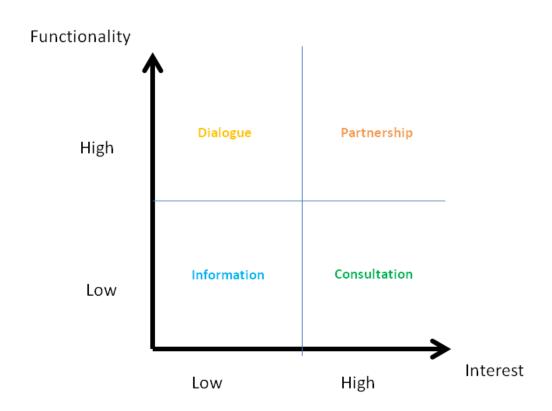


## STAKEHOLDERS' MAPPING

# STEP 3 – Identifying stakeholders' involvement relevance

In order to identify the relevance of a specific stakeholder for a specific CBC project/process, an assessment of its functionality must be performed.

The results of such assessment will be crossed against the stakeholders' level of interest, in order to identify the desirable level of involvement of the stakeholder.







## C2C – City-to-City Cooperation Toolkit (2015)



#### **DEFINITION**

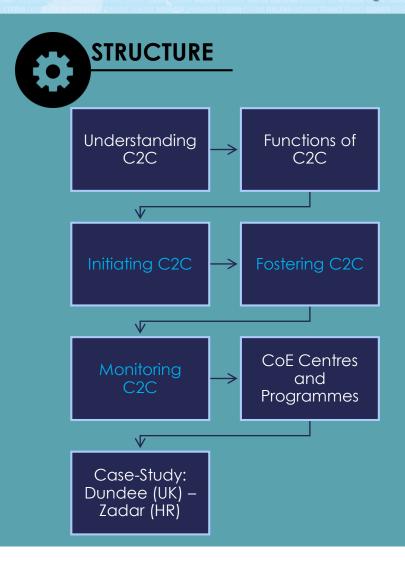
City-to-City Cooperation is the full range of processes initiated by city institutions and civil society organisations engaging in international relations with the aim of representing themselves and their interests to one another.



#### **OBJECTIVE**

To provide a step-by-step guide on how to initiate and develop cooperative actions to the mutual benefit of the cities engaged in the process.

It support cities to identify the operative framework within which C2C action can originate, develop and be assessed from a goal-oriented perspective.



## LAP for CBC Toolkit (2017)



#### **DEFINITION**

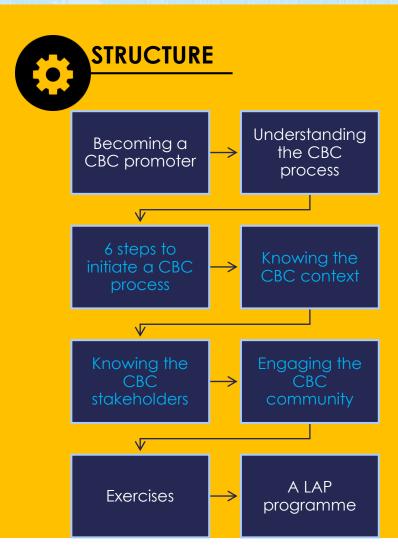
Training tool providing trainers and trainees with knowledge, case-studies and exercises focusing on CBC. The Leadership Academy Programme (LAP) is a learning and action course targeting senior officials and elected representatives of public organisation.



## **OBJECTIVE**

To provide an overview of existing tools and frameworks, while enriching them with new methods and instruments with a specific focus on training. The toolkit structure allows practitioners to better "decode" existing materials and stimulates them to improve their leadership skills in order to ensure efficient and sustainable CBC processes.

**Projects:** Croatia, Hungary, Serbia, BiH, Montenegro, **Proposals:** Greece, Ukraine, Lithuania, Slovakia, Slovenia









## CBC for LEADERSHIP

Toolkit for CBC Practitioners (2016) Leadership Academy Programme (LAP) for CBC (2016)



## **Cultural challenge**



Leadership - delivers and tackles change by giving purpose. Leadership is about taking risks and crossing boundaries both organizational and personal

Leadership vs. Management



Management - coordination of available resources so to achieve set goals and objectives. Management is about following a schedule of known tasks, minimizing risks, pursuing efficiency and effectiveness.

Leadership vs. Authority

Leadership - relates to the "living" mechanisms of an organization. It is about stimulating the "informal" elements in the organizations, such as staff motivation and commitment.



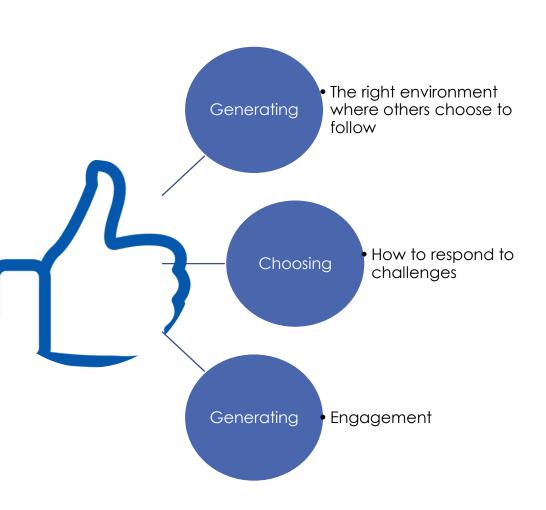
Authority - relates to the formal mechanism of power. It is about giving directions on how to achieve set objectives and deadlines, thus relating to formal mechanisms in an organization.





### **CBC** leadership challenge

- CBC is about horizontal. nonhierarchical relationships among local authorities. A key stimulus to CBC is competent local authority leadership that can see the opportunities that CBC provides and will use influence, conviction and commitment to bring on-side other local authorities from both sides of the border.
- Such leadership will take the time to:
  - Explain the benefits of CBC.
  - Acknowledge the different interests of potential partners.
  - Seek a 'win-win' solution to challenges faced or opportunities to be exploited.
  - Prepare staff and elected representatives to welcome and sustain cooperation.
  - Mobilise all efforts in a common purpose.





# Key principles of CBC leadership

#### Small steps approach

• change occurs when you undertake small initiatives and achieve specific objectives

#### Organisation iceberg

• give motivation to the actors engaged in CBC, do not concentrate only on the "tip of the iceberg". Importance of CBC for the community development – do not approach CBC by tasks

#### Listening

• a CBC champion is required to perform active listening

#### Team-working

• CBC is about team-work, a CBC champion must inspire and coordinate, but the process is developed by the team as a whole

#### Strategic thinking

a CBC actor should share the priorities with his/her team

#### Managing criticism

• a CBC champion should take responsibility of his/her actions

#### Managing risk

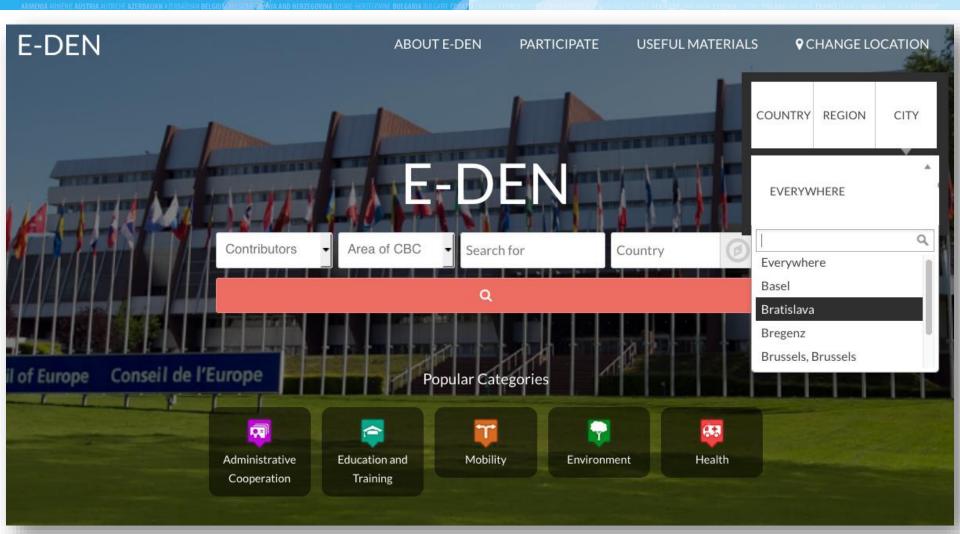
• a CBC champion does not avoid risk, but exercises caution





#### **EDEN**

(https://www.coe.int/en/web/good-governance/eden)





#### The main objectives of EDEN are:

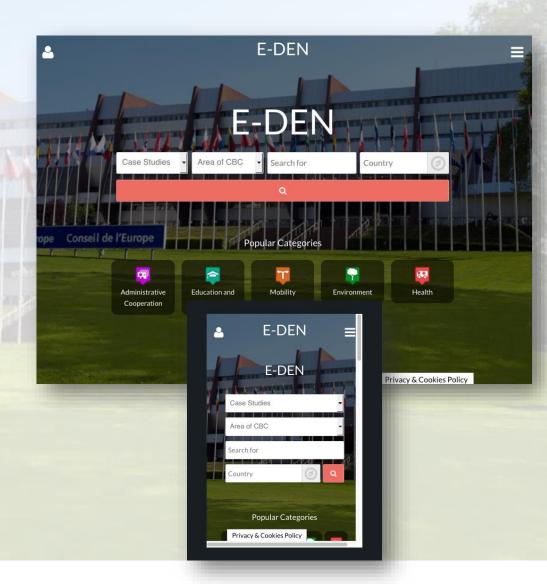
- To serve practitioners and institutional actors by providing the CBC experiences and good practices developed by their colleagues in the 47 CoE Member States.
- To develop a network of knowledge that may evolve in networks of partners for project making across the Council of Europe Member States
- In order to do so, from September 2017 EDEN is hosted on an upgraded platform and benefits of new specific features to bring users a cleaner, more intuitive, and simpler approach to its content.



### EDEN 2017 Accessibility

A new interactive tool, easy-to-access from all devices

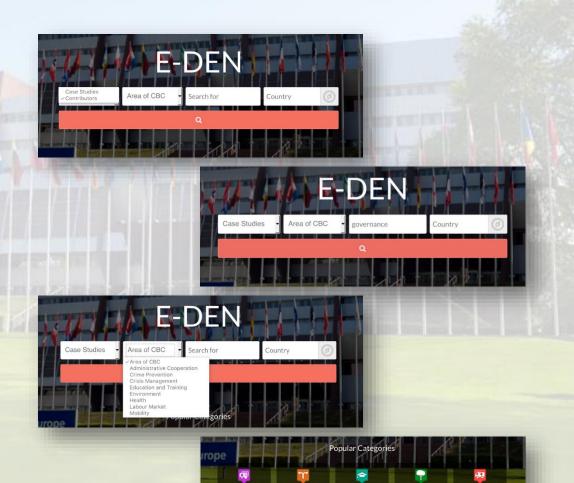
EDEN 2017 has a specific mobile-friendly design, looking its best and conserving its new features on computers, smartphones and tablets



### EDEN 2017 Multiple Homepage/1

# Enhanced search functionalities and interoperability between contributors and case study

The first section of the HP gives access to an evolved search mask allowing the user to browse the website directly – by freely inputting a search word – as well as by cross-referencing it with different variables (i.e. CBC areas, geographic location of the case study) or sorting it out using the categorization system







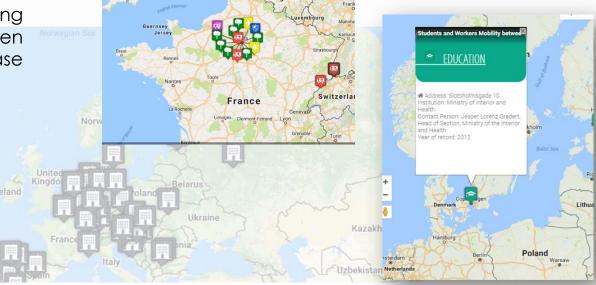
### EDEN 2017 Multiple Homepage/2

# Geo-localisation and intuitive thematic marking system

The second section of the HP brings the user directly to an interactive map where an intuitive markina system distinguishes thematically the different studies case accessible specific in a geographic space. By clicking on the markers, the user is given basic information on the case study or the contributor. Iceland



earn more...







#### EDEN 2017 Geo-localisation

# In-depth focus on specific geographical areas

EDEN 2017 improved geolocalization system allows her to browse the data spatially through a specific Location Selection System (Country-Region-City) redirecting to a geographically-dedicated search interface.









### EDEN 2017 Case studies/1

# E-DE Enhanced data organisation and accessibility

Case Studies - Area of CBC -

The information stored in EDEN 2017 are organized in case studies. For each case study, the user can easily access:

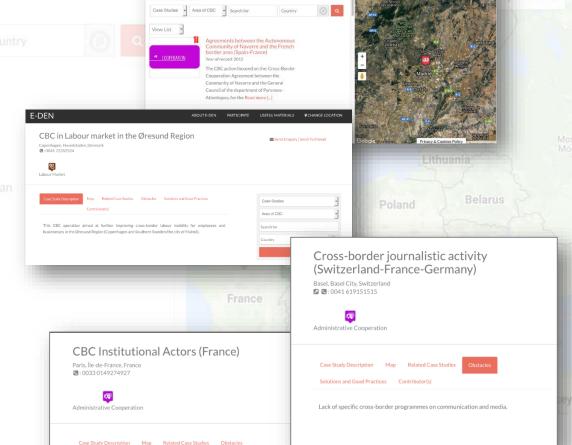
a brief description of the CBC issue at stake;

the obstacles faced by the actor during her action;

the solutions/good practices implemented to overcome them.

cross-border journalistic activity.

Cross-border Mobility and Public



E-DEN

Search Case Studies :

The Keller/Blanc report suggest some insights on how to improve governance on these

issues. The inputs are being tested.



### EDEN 2017 Case studies/1

# Improved horizontal navigation an interconnection between case studies and contributors

From each case study pages, the user can easily access:

all the case studies uploaded by the same contributor

All the case studies of the same thematic area (i.e. mobility, education, etc.)

All the case studies pertaining to the same specific geographic area

#### ABOUT E-DEN PARTICIPA

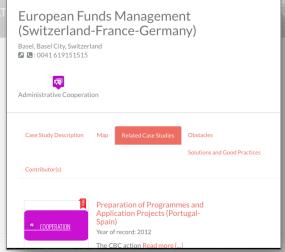
#### <u>Establishment of a Bilateral</u> <u>Agreement (Hungary – Slovakia)</u>

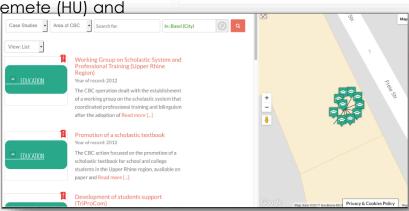
The CBC action aimed to establish a Bilateral Agreement between Hungary and Slovakia on the implementation of different cross-border cooperation projects.

#### <u>Implementation of Cross-border</u> <u>Mobility Project (Hungary –</u> Slovakia)

The CBC action aimed to implement the cross-border project "Connecting touristic centres and roads along the Danube via ferry connection between Dunaremete (HU) and

Bős









#### EDEN 2017 Contributor

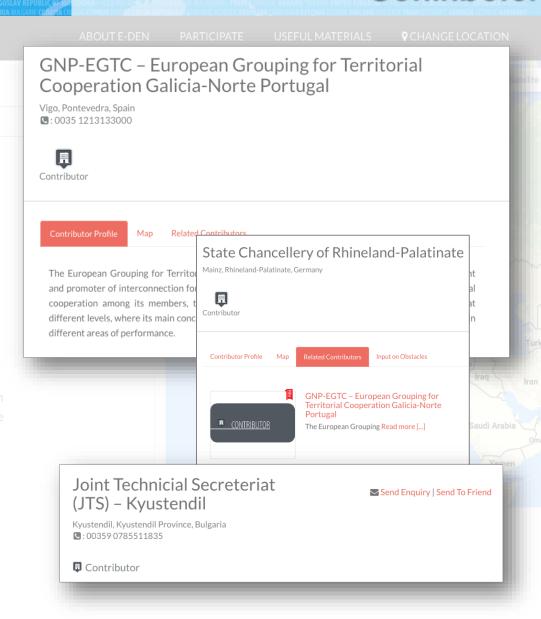
# Upgraded networking possibilities

From each EDEN contributor page, the users may

exhaustive description of the institution's goals, activity and specific CBC actions Norte de Portugal (GNP)

Easily get in touch with the contact person to ask for more information or explore the possibility to develop a partnership or a network

Share all this information with a friend/colleague at despressions educatifs







### THANK YOU

#### **Alina TATARENKO**

Head of the Centre of Expertise

Directorate General II 
Democracy Council of Europe,

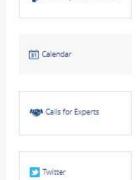
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2 12 Principles and ELoGE



