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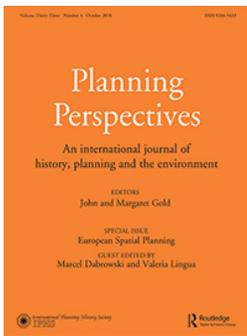
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# A historical institutionalist account of European spatial planning

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## ABSTRACT

This paper explains the limited success of the European Spatial Development Perspective pointing to fault lines in the institutional architecture of European integration and the view that the EU has no business in national spatial planning. So, along with the experts at the Commission, the EU has been sidelined. Spending departments at both national as well as at EU level have more clout than planning anyhow. Later, the EU did obtain a competence, if not for spatial planning, then for territorial cohesion. In anticipation, member states adopted their own Territorial Agenda of the European Union. Neither it, nor EU territorial cohesion policy proper went far. Part of EU Cohesion policy, European Territorial Cooperation serves as a substitute. The continuing primacy which the EU institutional architecture gives to member states explains why. But this implies that European space is conceptualized as the sum of state jurisdiction, a view challenged by a fluid, dynamic spatial reality.

## KEYWORDS

Historical institutionalism;  
European spatial planning;  
territorial cohesion

We should not assume that a democratic Europe would merely be a replication on the continental level of institutional patterns that are characteristic of nation states.<sup>1</sup>

## Introduction

A Dutch national planning director of the early 1990s thought it unthinkable for ‘Brussels’, shorthand for the European Union (EU) to have say over the planned expansion of the Port of Rotterdam. Never mind that its potential impact may be felt all over Europe. EU initiatives, also and particularly in matters of spatial planning, evoke assertions of national sovereignty. This is above all the case where the nation state as an institution manifests itself, at its borders. They ‘... express sovereignty as a power to attach populations to territories ... , to “administrate” the territory through the control of population, and, conversely, to govern the population through the division and the survey of the territory’.<sup>2</sup> The reason is that any nation is an ‘... ideal community ... whose durability rests on the State’s ability to demarcate ... its physical and symbolic boundaries’.<sup>3</sup> Taking a broader view, European planning challenges the boundedness of state territories and with it a core assumption of statehood. The paper discusses the, as it happens unsuccessful case of designing proper European spatial planning institutions.

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<sup>1</sup>Wheale, “Government by Committee,” 164.

<sup>2</sup>Balibar, “Europe as Borderland,” 192.

<sup>3</sup>Blanc, *Histoire environnementale comparée de la nation*, 280.

If the EU were a federation with sovereignty of its own, then objections might perhaps be more mooted. But it is not. But does federation and its alternative, an intergovernmental EU, exhaust the options? Scholars also invoke the idea of the EU being a 'sui generis' construct. Former European Commission President Jacques Delors spoke about it as an 'unknown political object'.<sup>4</sup> But such musings evoke uncertainty, leading to the reassertions of the role of the state as the trusted institutional actor. This is particularly so where it comes to spatial planning. Spatial planning stands for methods used by the public sector to influence the distribution of people and activities in spaces of various scales.<sup>5</sup> So, national spatial planning is about influencing the distribution of people and activities within the national space.<sup>6</sup> So, European spatial planning would concern the distribution of people and activities in the European space. This would require member states entrusting the EU with performing this task. Only then the European Commission could take relevant initiatives, always subject to final member state approval. But if the EU were a federation proper, there would be a prima facie case. The practicality and desirability of European planning would remain to be proven, but this is a different matter. Lastly, what spatial planning would mean if the EU were the unknown political object invoked by Delors remains an open question. Such is the importance of institutional constructs.

Fulfilling an old ambition which Wil Zonneveld describes elsewhere in this issue, Dutch spatial planners in cahoots with French colleagues took initiatives to bring planning to the then European Community. This was in the late 1980s. This paper revisits their subsequent campaign. If nothing else, it resulted in mutual learning.<sup>7</sup> Prospects of a revival are, however, poor. Be that as it may, to make planners savvier about institutional matters, this paper first revisits previous academic works<sup>8</sup> on the making of a European Spatial Development Perspective, henceforth ESDP. Then comes a discussion of the Territorial Agenda of the European Union. The battleground is the flagship EU Cohesion policy.<sup>9</sup> First, the paper presents the theoretical framework.

## Historical institutionalism

European integration is often discussed in terms of institutional architecture.<sup>10</sup> Architecture is a good metaphor. After all, institutions '... are created and changed by human action either through evolutionary processes of mutual adaptation or through purposive design'.<sup>11</sup> Institutions here refer to the system of formal, as well as informal rules that structure actions. Actors generally accept them because violating them evokes sanctions.

Some early work of mine on European spatial planning drawing on Scharpf refers to his notion that policy actors engage in modes of interaction against a backdrop of what he calls institutional settings.<sup>12</sup> Constellations of such settings range from so-called anarchic fields over networks to associations and finally organizations. Each one allows for a different mode of operation, from unilateral action over negotiating agreements to majority voting and finally the issuing of directives.

<sup>4</sup>Ross, *Jacques Delors and European Integration*; Schmitter, "Examining the Present Euro-polity with the Help of Past Theories."

<sup>5</sup>Commission of the European Communities, *The EU Compendium of Spatial Planning Systems and Policies*; Nadin, "The Emergence of the Spatial Planning Approach in England," 43.

<sup>6</sup>Needham, "The National Spatial Strategy for the Netherlands," 297.

<sup>7</sup>Dühr, Stead, and Zonneveld, "The Europeanization of Spatial Planning"; Faludi, "The Learning Machine."

<sup>8</sup>Dühr, Colomb, and Nadin, *European Spatial Planning and Territorial Cooperation*; Faludi and Waterhout, *The Making of the European Spatial Development Perspective*; Faludi, "Territorial Cohesion"; Faludi, "From European Spatial Development"; Faludi, "A Turning Point in the Development"; and Faludi, *Cohesion, Coherence, Cooperation*.

<sup>9</sup>Faludi, "The Territoriality of EU Cohesion Policy," 491.

<sup>10</sup>Ross, *Jacques Delors and European Integration*, 6.

<sup>11</sup>Scharpf, *Games Real Actors Play*, 41.

<sup>12</sup>Faludi, "Strategic Planning in Europe," 245.

Applying these notions, I concluded then that the institutional setting of European spatial planning has never gone beyond an expert network.<sup>13</sup>

Historical institutionalism focuses more on the actual decision-making processes. Sorensen<sup>14</sup> invokes it to address the lack of theory-driven planning history. Like Scharpf, he treats institutions as regularized practices with a rule-like quality structuring the behaviour of political and economic actors.<sup>15</sup> Their maintenance, and challenging them even more so, requires the application of power. Historical institutionalism elucidates how institutions shape long-term political, economic, and social behaviour, thus generating self-reinforcing dynamics.

‘Critical junctures’ are when institutions change. Applying this to urban planning, Sorensen<sup>16</sup> focuses on (a) urban land parcels with property on them; (b) relevant public and private infrastructure; (c) governance systems. In European planning, for land parcels read (a) the territories of member state with their endowments; (b) transnational infrastructure in a wide sense of the word; (c) the EU system of governance.

For European spatial planning to negotiate a critical junction would mean for it to become what Richardson<sup>17</sup> calls the EU ‘policy-making state’. This starts with ‘agenda-building’ in policy networks. Issues may then move on to the ‘governmental agenda’ involving Ministerial Conferences, meetings of EU policy-makers, member state civil servants, and interest group representatives, perhaps with Green Papers and White Papers being published. The issue may finally reach the EU’s ‘decision agenda’ where there may be opposition from those who ‘... favour the status quo ... Another type of opposition occurs when member state governments are unwilling to cede authority over an issue’.<sup>18</sup> Throughout, those involved will make their own estimates of this to happen.

Importantly, the EU policy-making state can only act where an EU treaty defines an objective and a competence, more in particular – there being only a few, so-called exclusive competences – a shared one. There is no competence for spatial planning but, for reasons to be discussed, the current Treaty of Lisbon identifies one for what is called ‘territorial cohesion’.

What this means is that the Commission can make proposals for a directive or regulation for the Council of the European Union, commonly called the Council of Ministers to promulgate. Importantly, once the Council of Ministers agrees, the matter becomes a responsibility of the Commission. The critical junction in the way of European spatial planning would have been passed.

The agreement is often slow in coming. As indicated, there is institutional inertia and concern over losing sovereignty. But there may be the occasional ‘seismic event’ prompting faster change. More generally, there are ‘tectonic movements’:

The inexorable march of problems ... will sooner or later generate a crisis of some sort ... At some point a favourable window of opportunity will arise. As is nearly always the case in the EU, there will be an advocacy coalition hanging around in the EU garbage can ... ready with (Europeanization) solutions ... Those policy-makers who seek more Europeanization simply need to be patient.<sup>19</sup>

So, even where they do occur, critical junctures may not lead to change, or at least not immediately. Sorensen<sup>20</sup> recalls Mahoney and Thelen<sup>21</sup> saying that, where it can be observed, continuity comes

<sup>13</sup>Faludi, “Strategic Planning in Europe,” 251.

<sup>14</sup>Sorensen, “Taking Path Dependence Seriously.”

<sup>15</sup>Hall, “Historical Institutionalism in Rationalist,” 204.

<sup>16</sup>Sorensen, “Institutions in Urban Space.”

<sup>17</sup>Richardson, “Supranational State Building in the European Union.”

<sup>18</sup>Princen, “Agenda-Setting and the Formation,” 36.

<sup>19</sup>Richardson, “The Onward March of Europeanization,” 350.

<sup>20</sup>Sorensen, “Taking Path Dependence Seriously.”

<sup>21</sup>Mahoney and Thelen, *Explaining Institutional Change*.

from the ongoing mobilization of, and by, those benefiting from the status quo. Cappocia and Kelemen<sup>22</sup> warn, therefore, not to equate critical junctures and change.

Contingency implies that ... re-equilibration is not excluded. If an institution enters a critical juncture, in which several options are possible, the outcome may involve the restoration of the pre-critical juncture status quo. Hence, change is not a necessary element of a critical juncture. If change was possible and plausible, considered, and ultimately rejected ... then there is no reason to discard these cases as 'non-critical' junctures.

For instance, in European spatial planning member states maintain, as the Dutch planning director quoted above suggested, control over their national territories.

This relates to the first of three fault lines in the institutional architecture of European spatial planning and at the same time the deepest one. It is the fault line between member states and the EU. The second, less marked fault line – they after all share a commitment to finding solutions to issues – is between national and European Commission experts. The third fault line runs through government bureaucracies much as the Commission services. It is that between planning, being about spatial coordination, and spending departments – sectors in planning jargon – pursuing specific policies. The discussion starts with explaining in general terms the cleavage between member states and the EU.

States have territory, people, and a government.<sup>23</sup> Likewise, Shaw<sup>24</sup> notes they have a permanent population living in a defined territory with a government enjoying a monopoly on managing international relations. Without controlling their territory, states are not sovereign. Which is why the suggestion that the EU might engage in spatial planning prompts them to defend their territoriality.<sup>25</sup> Territoriality means the exercise of control over resources and people by controlling area.<sup>26</sup> State boundaries more in particular '... indicate territorial control and, hence, power over prescribed space'.<sup>27</sup> The ideal being one of a homogenous territory and people, the French Republic replaced historic provinces with *départements* more or less of equal size.<sup>28</sup> Likewise, the people were considered equal.<sup>29</sup> With compulsory education stamping out local patois,<sup>30</sup> the Third Republic homogenized the people further. Travelogues like *Le tour de la France par deux enfants* (Two Children's Tour of France)<sup>31</sup> encouraging the French to take virtual possession of their territory enforced national identity. Europe bears the marks of the imposition of national languages and narratives of nationhood and territory.<sup>32</sup>

It was only logical for states to map their territories and compile demographic and other statistics, ensuring what Michael Foucault describes as governability.<sup>33</sup> This led to 'methodological territorialism'<sup>34</sup> erecting barriers in the way of transnational and European research and planning. Compiling European databases, the European Spatial Planning Observation Network, better known by its acronym ESPON, makes efforts to overcome it.

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<sup>22</sup>Cappocia and Kelemen, "The Study of Critical Junctures," 352.

<sup>23</sup>Fowler and Bunck, "What Constitutes the Sovereign State?"

<sup>24</sup>Shaw, *International Law*, 178.

<sup>25</sup>Delaney, "Territory and Territoriality," 196.

<sup>26</sup>Sack, *Human Territoriality*.

<sup>27</sup>Storey, *Territories*, 20.

<sup>28</sup>Loriaux, *European Union and the Deconstruction of the Rhineland Frontier*.

<sup>29</sup>Rosanvallon, *Le peuple introuvable*.

<sup>30</sup>Weber, *Peasants into Frenchmen*.

<sup>31</sup>Bruni, *La tour de la France par deux enfants*.

<sup>32</sup>Thiesse, *La Création des identités nationales*.

<sup>33</sup>Elden, "Rethinking Governmentality."

<sup>34</sup>Delanty and Rumford, *Rethinking Europe*.

With states being all-important, European space comes to be thought of as the quilt of national territories as which it is often represented. But Badie<sup>35</sup> has talked already about ‘*La fin des territoires*’ (The End of Territories) due to globalization, the end of the Cold War and the crisis of the welfare state. At the same time, there is a real issue. In France, even more so than elsewhere, services delivered equitably throughout the territory have become part of national identity.<sup>36</sup> This while, as with communes of which Estèbe<sup>37</sup> says that they can no longer govern themselves as rural communities once could, so with states: there is a mismatch between citizens, residents, and other stakeholders. The calling of the EU being to create a Single Market makes this even more evident. But there would be a mismatch even without the EU. Even so, states claim control over their territories. Caught in what Agnew<sup>38</sup> has famously called the territorial trap, member states keep the EU therefore at bay.

Even the most clear-sighted elected officials are hamstrung by their accountability to their voters, said Monnet.<sup>39</sup> About the democracies which EU member states are, Balibar says that the ‘... absolutization and sacralization of borders is perhaps even greater ... precisely because it expresses the fact that the state is ideally the people’s property ... [But – AF] the constitutive relationship between territory, population and sovereignty is no longer taken for granted ...’<sup>40</sup> At the same time, an ‘... architectural vision of a territory conceived of as a total body, always pursuing harmony, coherence and equilibrium ceased to inspire all those who, as analysts (penseurs) or practitioners, wish to control, organise, remodel this territory’.<sup>41</sup>

So, this has been the first fault line. The second one is between national planners and the detached expertise of the European Commission and its services. Being nominated by member state governments, Commissioners come from the ranks of national politicians. At hearings before the European Parliament, they are grilled, nonetheless, on their expertise. In the European Commission modelled on the French higher civil service, expertise counts for even more.

The Commission as an expert body derives from the Schuman Declaration of 9 May 1950, regarded as the foundational moment of the EU. This is the French initiative to bring coal and steel production in Western Europe under joint control. Schuman was guided by Jean Monnet in charge of French *planification* involving experts and stakeholders in managing French industry.<sup>42</sup> The High Authority of the European Coal and Steel Community, the predecessor of the European Commission, was conceived in such terms. But the governments of the prospective members, France, Germany, Italy, and the Benelux countries, insisted on a Council of Ministers ratifying proposals.

Of course, Monnet’s ideas and the ways in which they have been institutionalized smack of technocracy. But remember that the Fourth Republic was at the mercy of feuding political parties. It is pertinent to know also that the divisive parliamentary politics of the Third Republic was held responsible for the defeat at the hands of the Germans. An author with impeccable democratic credentials, Rosanvallon,<sup>43</sup> points out also that, where politicians need to worry about elections, expert authorities can safeguard what he calls ‘generality’. Faludi<sup>44</sup> holds that this includes, not only long

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<sup>35</sup>Badie, *La fin des territoires*.

<sup>36</sup>Chevallier, *Le Service Public*; Peyrony, “La ‘modernisation de l’action publique territoriale’ en perspective européenne et transfrontalière.”

<sup>37</sup>Estèbe, *Gouverner la ville mobile*.

<sup>38</sup>Agnew, “The Territorial Trap.”

<sup>39</sup>Monnet, *Mémoires*; see Faludi, “European Integration and the Territorial-Administrative Complex.”

<sup>40</sup>Balibar, “Europe as Borderland,” 193.

<sup>41</sup>Veltz, *Des lieux et des liens*, 8.

<sup>42</sup>Cohen, *De Vichy à la Communauté Européenne*.

<sup>43</sup>Rosanvallon, *Democratic Legitimacy*.

<sup>44</sup>Faludi, “European Integration and the Territorial-Administrative Complex.”

term, but also broad spatial concerns transcending administrative boundaries. This can put planners at loggerheads with democratic representatives constrained, as they are, to do the bidding of constituencies. So, perhaps expertise should be brought to bear, and this also in European planning. Bringing expertise to bear has been the inspiration of Jean Monnet, hailed by Duchêne<sup>45</sup> as the ‘statesman of interdependence’.

There is a difference, though, between Commission and national experts. They may have similar outlooks and be oriented to finding solutions. National planners represent national positions. Commission experts articulate overall points of view, leading to the second fault line, running in parallel to the first one, in the institutional architecture.

The third and last is not unique to the EU. As any large bureaucracy, government departments suffer from silo mentality. It is the planners’ calling to break through this, making sure that spatial development takes account of the impact of their actions on other, existing and future activities in space and to pursue synergies between them. At times, French *aménagement du territoire* has been well positioned to do so. But generally, planners are in a weak position to bring their influence to bear.

So far for the three fault lines in the institutional architecture of European integration (a) between states seeking to maintain their integrity as institutions and the EU looking after common concerns; (b) between government planners and Commission experts; (3) between planners and spending departments. The paper now looks at the history of European spatial planning.

## The making of the ESDP

The occasion for starting deliberations was the 1987 Single European Act, the first major overhaul of the foundational Treaty of Rome of 1956. The new act foresaw in the completion of the Single Market and in a, much enhanced European Regional Development Fund (ERDF). National planners from France and the Netherlands eyed the renewed dynamism of European integration, not only for opportunities and threats to their countries but also for bringing their expertise to bear – as the Commission services had no comparable expertise available – in formulating an overall strategy. Thus, there was the prospect of a critical juncture in the development of European planning which, as Zonneveld has shown elsewhere in this issue, some of the planning elite had been looking for since the end of World War II.

Liaising with the Commission services, the small group concerned engineered an informal meeting of planning ministers of the, at that time 12 members of the European Community. It was the origin of the ESDP, as will become evident a stand-in for truly European planning. Looking at its history, one must bear in mind, not just what states in general are but also the institutional positions of planning in member states. Dutch and French planning are miles apart, but the initiators from these countries not only knew and appreciated each other, they had reason each to be concerned about the effects of European integration on their country: Dutch planners looked at the effects of the Single Market on the position of the Netherlands as a trading nation; French planners were apprehensive about the position of some of its regions. It was no accident that the French calling the meeting during their Presidency of the Council chose Nantes as the venue for the first meeting of ministers. Fearing the west of France with Nantes being marginalized, they wanted to draw attention to the ‘Atlantic Arc’.<sup>46</sup> In terms of regional-economic strength not particularly, as EU jargon would have it, ‘defavorized’, it should nonetheless receive assistance. The French also perceived

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<sup>45</sup>Duchêne, *Jean Monnet*.

<sup>46</sup>Poussard, *L’Arc Atlantique*.

a threat from the polycentric urban network along the Rhine Axis barely straddling their eastern border outperforming their territory centring as the latter did on Paris.<sup>47</sup> With the Netherlands being firmly within this, the core axis of Europe, the Dutch did not share this concern. But they were not generally averse to a federal Europe. For different reasons, since Mitterrand had become President, neither were the French. Their regional planners were confident also that they would become the linchpin with EU regional policy modelled on French *aménagement du territoire*.

Pursuing his 'European model of society'<sup>48</sup> implying spatially balanced development,<sup>49</sup> Delors attended the meeting at Nantes. His officials present included the French former deputy director of his cabinet who had been responsible for formulating Delors' new regional policy and would shape it until after the ESDP was completed. He embodied the idea of a rightful place for the Commission as the initiator of policy, an attitude which put him frequently at loggerheads with national planners. After some initial flirting with the idea of European planning, the brief of the latter quickly became to pursue the interests of member states, meaning that fault line one between the EU and member states and two between Commission officials and national planners coincided. In their hearts, of course, on occasions, national planners may have agreed with pursuing truly joint planning.

Particularly the fault line between the Commission and member states became immediately evident. In an impromptu speech, Delors complained that the Council of Ministers – not the same as the planning ministers assembled at Nantes – had imposed themselves on Cohesion policy. The reader must appreciate that Nantes had no direct bearing on Community decision-making. In the EU cosmos, it did not even exist. The ERDF – which is where the money was – was dealt with by the Council of Minister proper and sometimes by the summit meetings, now the European Council of Heads of States and Governments. Neither was particularly concerned with regional issues let alone spatial planning. The concern was a 'fair return' for member states from the EU budget, fed by their own contributions as it was. Prime Minister Margaret Thatcher would bring this once to the point by saying: I want my money back. So, these ministers had insisted on national shares of the ERDF to be negotiated by them, with no concern for planning and little appetite for the Commission being able to pursue policies, let alone any kind of spatial vision of its own, using their money. To the extent that they were thinking about space and territory at all, they viewed the territory covered by the European treaties as the mosaic of their own territories. They were not at the disposal of Brussels.

Had the ministers at Nantes had some clout with their governments, they might have convinced their colleagues on the Council of the merits of a common vision. As indicated, in their hearts some planners did see it this way. But here the third fault between planning and spending departments becomes relevant. With no Council formation arguing its case, planning is non-existent in Brussels. Nor is its national position always strong. Other than their French colleagues, Dutch planners were not dealing with ERDF allocations in their country, but at least at the time, national spatial planning was serious business in the Netherlands<sup>50</sup> and, as already indicated, national planners were considering promoting European planning. Which is why they, together with their French colleagues, had taken the initiative to launch the discussions in the first instance.

Crucially, the situation in Germany was different. The federal level was constrained to defining a few spatial planning principles. The German *Länder*, each with its own planning law and institution,

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<sup>47</sup>Brunet, *Les Villes européennes*; Faludi, "The 'Blue Banana' Revisited."

<sup>48</sup>Ross, *Jacques Delors and European Integration*.

<sup>49</sup>Faludi, *Territorial Cohesion Policy and the European Model of Society*.

<sup>50</sup>Faludi and Van der Valk, *Rule and Order*.

were responsible for spatial planning. To prevent Brussels from interfering with this delicate set-up, German federal planners argued that the member states should be responsible for a common spatial perspective. And, as it would turn out, they were willing to put their money where their mouth is. Indeed, it is hard to overestimate the importance of the German contribution to such intergovernmental European spatial planning as there is, or rather has been, because intergovernmental European planning is as good as dead.

Soon other member states, including the Netherlands, were swayed to the German position. The mantra became that spatial development, as it was beginning to be called, should be the joint concern of member states. The first critical juncture, where European planning within the framework of the EU proper could have been considered had quickly disappeared before it could even be considered seriously.

The Commission bided its time, mounting studies to strengthen its case. Now a Commission expert, the French planner who had initiated Nantes, together with his Dutch colleague who had joined him as a 'seconded national expert' at Brussels where working on this. Indeed, not all national planners were completely sold on keeping spatial planning out of the clutches of the Commission.

As an aside, how spatial planning became spatial development is interesting in itself because of the illustration it provides of how, in an intergovernmental and thus consensual setting, individual member states can shape common policy. Identified by the Commission as the common denominator of terms used in the various Community languages, to German and Dutch ears spatial planning as a term was unexceptional. But to the UK Conservative government planning smacked of socialism. It insisted on spatial development becoming the term used forthwith. The Dutch and the Germans were not at all unhappy. To them, spatial development implied more of a justification of including regional-economic policy within their purview.

The making of the intergovernmental ESDP was punctuated by many more informal ministerial meetings prepared by an equally informal Committee on Spatial Development, both chaired by the country holding the rotating Presidency of the Council of Ministers. Procedures were agreed at a meeting at Corfu, hence 'Corfu Method'. Institutionalization does not always come under the law.

Still convinced that some form of European planning would come its way, to generate goodwill, the Commission services supported the Committee on Spatial Development as if it were on Commission business. In the end, they were disenchanted by the persistent denial of their due role as initiators of Community policy. All support was ended, causing a hiatus of several years in the work. In terms of Sorensen's critical junctures, the first juncture in the path of truly European planning had in fact evaporated much earlier, around the first ministerial meeting at Nantes. Invoking legalistic arguments, those advantaged by the current position, the planners from member states who could have been inconvenienced by a European policy led by the Commission had prevailed. For their ambition to take a leading role, the Commission services concerned got support neither from member states nor from the higher echelons of the Commission. The Director-general For Regional Policy spoke of advocates of European planning in his service as 'dreamers'.

The ESDP<sup>51</sup> which the member states negotiated over many years has its merits. But, whilst drawing inspiration from its propagating polycentric development,<sup>52</sup> once completed, even those member states that had been closely involved paid little attention. For a while, Commission documents and regulations did refer to the ESDP, but its real achievement is having initiated support for

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<sup>51</sup>Commission of the European Communities, *European Spatial Development Perspective*.

<sup>52</sup>Waterhout, "Polycentric Development"; ESPON, *Application and Effects of the ESDP in the Member States*.

transnational cooperation under the INTERREG programme, including the setting up of the ESPON, the most enduring institutional provision for attending to spatial or territorial matters.

No critical juncture having been reached, and none appearing on the horizon, all this may still be to good effect in the long run. If so, then this would be an example of incremental institutional change. The territoriality of member states – their control over their territory – proved unassailable. It was interpreted in terms of what in EU jargon is called a competence, specifically to regulate land use and development. This had never been what Commission experts steamed in French *aménagement du territoire* had in mind. *Aménagement* is not about land use. It rather coordinates state investments. The case for coordinating them seems unexceptional but, if at all, member states wanted to be able to coordinate the use of EU funds in their territory themselves.

Not all member states did, though. At least not as far as the spatial impacts of investments were concerned. Where they did not, their failure to do so was due, once again, to the institutional set-ups. More powerful ministries than planning showed more concern for funding issues and the conditions attached<sup>53</sup> than for their spatial effects. In principle, state authorities should of course always take a careful look at their territories, also in their wider European and global context. But, to repeat, administrations suffer from silo mentality. Where they are concerned about, or stand to benefit from Community policies, ministries, the likes of agriculture, industry, and transport, including ministries responsible for regional policy, prefer planners not to be looking over their shoulders. The same silo mentality creating the third, all-pervasive institutional fault line as identified prevents the Commission from formulating a spatial strategy for coordinating its own policies with spatial impact. Member states would not savour it if it did. It would give the Commission an edge over them. But they could hardly object. Fortunately for member states, respectively for their line ministries, this fault line also exists within the Commission, respectively between its directorates-general.<sup>54</sup>

Germany made an interesting foray in the opposite direction: Its brainchild, the intergovernmental ESDP, should be a mandatory framework for Community policies. In the German institutional set-up, this is common: Ideas and practices of the *Länder* filter up to the federal level. Germans call this the *Gegenstromprinzip*, or counter-current principle. But the Commission cherishes its right of initiative. Allowing itself to be guided by, as was the Germans proposal, a strategy formulated by a Council working group representing member states would endanger this privilege. Another critical juncture which could have been reached during negotiations in the mid-1990s leading to the Treaty of Amsterdam, which was when the Germans made this proposal, never came even close.

## The Territorial Agenda process

During the ESDP process, planners from the member states applied an institutional logic under which integration was based on specific competences of the EU. Since there was no such competence, they did the ESDP themselves. But as soon as the ESDP was, literally speaking, on the books, published as it had been in 1999 by the Commission in all Community languages, applying the very same logic, the Commission withdrew its operational support. Now the mantra of the Commission services is that the EU has no competence for spatial planning. In lieu, when the opportunity came, the Commission proposed a competence for ‘territorial cohesion’ in the early 2000s, when the, ultimately ill-fated Treaty establishing a Constitution for Europe was in the making. In France and

<sup>53</sup>Drevet, *Histoire de la politique régionale de l'Union européenne*; Bachtler, Mendez, and Wislade, *EU Cohesion Policy and European Integration*.

<sup>54</sup>Hooghe, *The European Commission and the Integration of Europe*.

maybe also in circles of the Community services, the notion of territorial cohesion had been floating around already. One of its French promoters, Robert Savy, President of the Limousin Region had persuaded a lobby group, the Assembly of European Regions, to embrace it. The story, and that of the role of French Commissioner for regional policy, Michel Barnier, has been told before.<sup>55</sup> Briefly, French regions had perceived EU liberalization policies as a threat to state service provisions. So, territorial cohesion popped up for the first time in the Treaty of Amsterdam where it dealt with so-called services of general economic interest.<sup>56</sup> Making it part of the rationale of Cohesion policy proper had also been discussed when Barnier had been French state secretary for European Affairs. As Commissioner, he allowed himself to be advised in this sense by DATAR, and DATAR in turn by Savy. An adviser of Savy had published a book on why territory and territorial cohesion had been sorely neglected in the EU.<sup>57</sup>

Representing the Commission on the Presidency of the Convention on the Future of Europe, Barnier's presence there might have helped. Anyhow, there is no suggestion of territorial cohesion having been a controversial issue.<sup>58</sup> The Treaty establishing a Constitution for Europe, as eventually adopted by the European Council, duly mentioned territorial cohesion as a so-called shared competence. But, due to negative outcomes of referenda in France and the Netherlands, it was never ratified. So, for reasons having nothing to do with planning, yet another critical juncture in the history of European did not materialize. In 2009, when the Treaty of Lisbon came into operation, territorial cohesion would finally be on the books. As will be explained, by that time though, attention had shifted to other matters.

First, though, I turn to what has happened in the expectation that the Constitution with territorial cohesion in it would be ratified. This could have meant a critical juncture in the development, albeit under a different flag, of European spatial planning. So, on the initiative of the old hands, the Dutch, the practice of informal ministerial meetings was resumed, the aim being to discuss attitudes towards EU territorial cohesion policy. The expectation was that the Commission would take the initiative in the matter, so planners who previously had developed the ESDP wanted to be prepared. The format – the Corfu Method previously institutionalized, albeit informally – was readily available.

The planners were not all alarmed by the prospect. Not all may have been averse to European spatial planning. Also, evidence expected from ESPON research would allow them to demonstrate that policies like agriculture, environment, transport, and also mainstream regional development policy had real, and sometimes detrimental spatial or territorial – terminology began to shift – impacts. Using this evidence, and with territorial cohesion being in the treaty, they might be able to bridge the third fault line above, seeing to it that spending departments coordinated investments. Had the Constitutional Treaty come into operation as expected, in 2006, a critical juncture might indeed have been reached, leading to constructive cooperation with the Commission.

Emulating new terminology, meetings were restyled as meetings, this time without Commission support, of ministers responsible for territorial cohesion. Liaising with the French, the Dutch called the first one in late-2004. Under the Corfu Method, directors-general of the member states resumed their practice of deciding on issues to be put before ministers, and there were ad-hoc working groups.

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<sup>55</sup>Faludi, "Territorial Cohesion"; Faludi, "From European Spatial Development to Territorial Cohesion Policy"; Faludi, *Cohesion, Coherence, Cooperation*; and Faludi, "EU territorial Cohesion."

<sup>56</sup>Milstein, "The Legal Aspects of SGI."

<sup>57</sup>Husson, *L'Europe sans territoire*.

<sup>58</sup>Zonneveld and Waterhout, "Visions on Territorial Cohesion."

Following Hall,<sup>59</sup> in the absence of legal obligations, practices with a rule-like quality can structure behaviour, so this is what happened.

In May 2005, days before the French and the Dutch referenda would sink the immediate prospect of territorial cohesion becoming an EU competence, a further ministerial meeting in Luxembourg agreed to work on a new document, the ‘Territorial Agenda of the European Union’.

Two years down the line, whilst negotiations seeking to rescue key elements of the Constitutional Treaty approached their conclusion, the same ministers adopted the Territorial Agenda<sup>60</sup> together with the Leipzig Declaration on Sustainable Urban Development, not to be discussed here. The Commissioner responsible – the Commission continued to follow the proceedings – announced the coming of what would become the Green Paper on Territorial Cohesion.<sup>61</sup>

Having been agreed shortly after the Territorial Agenda, the Green Paper came out before the 2009 Lisbon Treaty (which replaced the Constitution) was on the books, in November 2009. Maybe the Green Paper did not want to rock the boat before that treaty was home and dry, but at least some of the close to 400 reactions asked for precisely this: legislative proposals. But, invoking the subsidiarity principle, the UK and Germany objected, and the Commission abstained from making a move.

The Treaty of Lisbon (the current Treaty at the time of writing) duly identifies territorial cohesion as an objective of the Union and a competence shared between it and the member states. As mentioned, in the early 2000s, this would have meant a critical juncture in the development of European spatial planning under the territorial cohesion flag. By the end of the decade, neither the French Commissioner nor the key French expert who between them had been instrumental in bringing this about – and who would no doubt have seen to it that this new competence would be acted upon – were still in office.

In view of territorial cohesion now being in the EU treaty, is it possible for it not to become a serious business? People tend to think that this is not so; that an objective of the Union as defined in the EU treaty must be acted upon. Two points already mentioned are relevant here: what a shared competence means and the implications of EU territorial cohesion policy, if any, in terms of the sovereignty and territoriality of member states. Recall that sovereignty and territoriality are key concerns for any state.

Recall also that a shared competence means that, if it so chooses, the Commission may make legislative proposals, but that it will always consider whether Council agreement would be forthcoming. Now, reactions to the Green Paper had made it plain that this was unlikely. Not having been involved, like her predecessor Michael Barnier had been, in initiating the discussion on territorial cohesion, Danuta Hübner, the Polish Commissioner who had prepared the Green Paper may have wanted to pursue the matter. But towards the end of her term, she resigned and stood to be elected as a Member of the European Parliament. Her successors appear never to have considered pursuing the matter further. Anyhow, if they would have, the College of Commissioners in turn might have refused to spend political capital on the matter.

The reason is that EU discourse has shifted. Investing, primarily in infrastructure in the least developed regions in Central and Eastern and in Southern Europe has made room for pursuing smart, sustainable, and inclusive growth. So, the new master strategy Europe 2020<sup>62</sup> makes only oblique references to the territory. An update to the Territorial Agenda, the Territorial Agenda 2020,<sup>63</sup>

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<sup>59</sup>Hall, “Historical Institutionalism in Rationalist.”

<sup>60</sup>*Territorial Agenda of the European Union*.

<sup>61</sup>Commission of the European Community, *Green Paper on Territorial Cohesion*.

<sup>62</sup>Commission of the European Community, *Europe 2020*.

<sup>63</sup>*Territorial Agenda of the European Union 2020*.

making the case for more importance attached to territorial cohesion had no noticeable effect. Apart from continuing to pursue European Territorial Cooperation as an objective, Cohesion policy 2014–2020 merely makes Integrated Territorial Investments, Community-Led Local Development and Sustainable Urban Development available as new instruments. Spending at least 5% of funding on the latter is mandatory, but invoking the other two instruments is facultative. So, not all member states do this. Being able to integrate, as these instruments allow, EU funding does not always weigh up against the hassle of having to negotiate integrated packages with all the stakeholders concerned.

Meanwhile, with National Territorial Cohesion Contact Points, albeit on a low key, intergovernmental cooperation has become routine. The Commission has had a permanent Territorial Cohesion and Urban Matters working group for quite some time. Financed and administered jointly, ESPON is also a going concern. If only no longer under the flag of spatial planning, it keeps churning out European-wide research on territorial issues and policies. Albeit irregularly, informal ministerial meetings continue, always depending on the interest taken by the rotating Presidency of the Council of Ministers. At the time of writing, the last has been in Luxembourg in December 2015. If the intention to revise the Territorial Agenda in time for influencing the Financial Framework 2021–2027 comes to fruition, more such meetings are sure to follow. And there is the intellectual capital built up through international contacts. European Territorial Cooperation has involved tens of thousands of experts, hailed as the Europeanization rather than the EUropeanization of planning.<sup>64</sup> National and international contact points service, and give direction to these widespread, ongoing activities.

## Conclusion

European spatial planning never reaching critical junctures teaches us, firstly, that institutions do matter. Secondly it shows historical institutionalism helping to understand why. Thirdly, it underscores the need for those involved to understand what relevant institutions are like, as well as the perspectives of and the power constellations between main actors. It is also necessary to understand what EU shared competences really mean.

One can also learn that not all is doom and gloom, neither in European spatial planning nor in European integration generally. There is, albeit low-level informal, ongoing institutionalization. If only state authorities saw European planning, rather than being about fixing on one desirable future to be written into law, being about creating spatial visions exploring alternative futures, they should not feel compelled to object to this being done at EU level.

But this evokes the more general issue of how to view the EU as an institution. Here the uncertainty invoked at the beginning remains: Is it something like a federation with a mandate to deal with common issues, or a collection of states whose sovereignty remains supreme, terms in which the euro-crisis and the refugee crisis, too, are being discussed? To illustrate, there is the talk of strengthening bank supervision, the oversight of budgetary policies, the control of external borders and the like, but also about reducing EU powers and maybe rescinding the common currency.

Maybe the EU as an institution must be fundamentally rethought, but not in the way of those wishing to return to national rule. The introduction has hinted at alternative notions of what the EU is, or might be. These notions transcend the talk exclusively in terms of sovereignty. There has not yet been much discussion of what this would mean for European spatial planning, but maybe reality gives us some hints. Much planning in fact overlaps sovereign realms, leading to a jumble of informal understandings, agreements, and spatial visions. The resulting complexity and

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<sup>64</sup>Faludi, "Europeanisation or Europeisation of Spatial Planning?"

uncertainty are typical for ‘post-modern’ statehood which some say the EU is heading towards. Unfortunately, adequate conceptualizations of its institutional shape are still lacking, which is also true for planning.

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