

EMERGING SPACES: Governance after the Re-organisation of Spatial Scales and Role for the Strategic Environmental Assessment (SEA)¹

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ABSTRACT

The first objective of the present paper is to draw an attention towards innovative governance practices emerging out of the territorial (spatial) re-scaling. The territorial re-scaling is conceptualised and put into practice once the 'governance functions [are placed] at a scale that is different from where they were previously situated' (Perkmann, 2007: 8). In order to try and capture momentum where the territorially re-scaled *space*³ has given birth to the innovative governance model we use the Øresund Region bridging Denmark and Sweden. The conceptual target in this work lies in the understanding of governance related outcomes arising particularly from the designation of cross-border spatial structures. The above described scenario will lead us towards the second objective that is deliberating upon the capacity of Strategic Environmental Assessment (SEA) when designation of such spaces occurs. The territorial re-scaling could be considered the context in which the SEA is used, being most advanced, if not the only, assessment instrument for cross-border public thinking at the level of plans, programmes and policies (PPP). In order to do justice to the concepts we need to re-entangle these issues gradually, at a slower pace, which indeed is to follow.

INTRODUCTORY NOTES⁴

The notion of territorial (spatial) re-scaling could sound rather puzzling to the reader as perceptions of the space are often static. At times they are determined following the political division of space under the nation-state brand, and at others the urban planning prescribes rigid space zoning, or even architecture shapes physical forms favouring less dynamic and interactive ways of relating in the space. This perhaps is a way to perceive conceptual and physical space in a static way, its functions, potentials and limitations. By engaging with the territorial re-scaling the politics, planning, architecture, even socio-economic elements start talking a different language. The territorial re-scaling is a conceptual and practical realm used so that new spatial structures emerge along with the new forms of governance.

The concept and the practice of territorial re-scaling emerges when the 'governance functions [are placed] at the scale that is different from where they were previously situated' (Perkmann, 2007: 8). The mainstream political systems of governance follow the Westphalian model of sovereign states⁵ with all consequential implications for national and international spatial organisation. The trial that is brought about with the territorial re-scaling is the launching of a new *politics of scale* influencing agendas and creating new landmarks in the European political geography (Brenner (1998) in Jensen & Richardson, 2001: 704; Markus &

¹ The early draft of this paper was presented at conference under the topic stream on SEA, within the session on *Exploring Governance and Institutional Aspects of Impact Assessment*. The author is grateful to editor and two peer-reviewers for their valuable comments and suggestions.

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³ The author refers to these spaces as *emerging spaces* and they are being considered living labs for the innovative governance models and place where contributions coming from the new physical and conceptual spatial structures can be analysed. Due to the space limitations we are not to engage in more profound analysis of cross-border metropolitan areas (CBMA) which have particular value under the present urbanisation rates. We can also consider other spatial structures as sub-urban constellations, peri-urban zones, clusters, enclaves, archipelagos, power corridors, science parks, even networks, often being part of CBMA. For further reference please see Petti, A. (2007), Florida, R. (2006).

⁴ The present work is part of larger PhD project conducted under the working title: *EMERGING SPACES: Governance after the Re-organisation of Spatial Scales - Cross-border Metropolitan Areas (Øresund and ETB)* conducted at the LUISS University of Roma under the supervision of Prof. Stefano Moroni.

⁵ For more information on Westphalian system of sovereign states see, <http://plato.stanford.edu/entries/sovereignty/>

Emmelin, 2003:113-114). The emerging spatial structures often follow a cross-border pattern, which is also the case of Øresund region, thus 'producing more or less durable transnational configurations' (Perkmann 2002(a):4). One of the objectives of this work is to place those findings into the wider context by understanding the practice of territorial re-scaling beyond the mere regional development or cross-border cooperation but understanding it as a mechanism determining the new patterns of governance.

The importance of understanding re-scaling despite its rather political nature, while addressing the role of Strategic Environmental Assessment (SEA), is significant due to the SEA's instrumental capacity to act in a transboundary context. The described cross-border initiatives have opened up space for addressing the capacity of SEA when designation of transboundary constellations occurs as it is among the most advanced assessment instruments for the public thinking at the level of plans, programmes and policies. This could prove to be an important exercise for enhancing SEA and respectively governance practices. This places SEA beyond the strict conceptual understandings of the environmental management tool and gives it wider jurisdiction to become responsive towards the changing politico-social conditions. In order to try and visualise emerging spaces and role of SEA in the process when the new transboundary territorial scale is being formed, we focus on living practices established in the Øresund region.

ØRESUND FORMULA

Re-organisation of spatial scales and governance of Øresund region

The spatial re-scaling within the European Union (EU) has a long history dating back to the 1950's driven by the post World War II rebuilding targeting enhancement of the physical infrastructure and increasing the employment rates (Perkmann, 2007:18). These programmes have developed under the label of regional development or cross-border cooperation. The main actors channelling the EU funding in this process, which attracted a number of novel institutional settings, were and still are regional-local governments. Despite the fact that the driving force behind the territorial re-scaling is largely economic, this phenomenon has been developing under different labels in Europe and elsewhere. The cooperation among Euroregions and more recently the Cross-border Regions (CBRs) is common across the European Union, while similarly conceptualised spatial developments are the Greater China (China, Hong Kong, Taiwan) or Maputo Development Corridor Initiative (South Africa, Mozambique), arguably also is the designation of large cross-border metropolitan areas (Copenhagen-Øresund region, Basel-ETB district). These territorial developments become a significant spatial practice and reality, offering new modes for understanding the art of planning and governance.

Despite that the very idea of the Øresund region unification was not new, during the 1990's Sweden and Denmark started working towards establishing a metropolitan cross-border region. This vision was fuelled by the area's high potential to stimulate growth and development while offering qualified human resources and harmonised taxation, social security, transport and telecommunication facilities among the two countries involved. Under this attractive setting a variety of international companies decided to place their activities related to Life Sciences, Information Technologies (IT), Research and Development (R&D), environment, or food sectors in the region surrounding the Copenhagen/Malmö-Lund areas⁶. Besides the fact that both Danish and Swedish governments supported the integration efforts and have agreed upon a set of common principles reflecting the mutual economic concerns, in an OECD 2003 report 'Øresund's focus on market integration [has been viewed as an] innovative governance system [which in light of] numerous cross-border institutions makes the region a particularly interesting test bench for the processes of regional integration within the EU'.⁷ Despite adding

⁶ For more information on the investment climate in Denmark (ref. Øresund region) please see the Danish Ministry of Foreign Affairs (MFA) Homepage considering that presented news date back to 2004 where also new and updated information is available <http://www.investindk.com/default.asp?artikelID=9664>

⁷ For more information and electronic version of the OECD 2003 Report see,

the EU integrationist spirit, the inspiration coming from these recent spatial arrangements has introduced a peculiar conceptual seed. This seed, where the innovative forms of governance resulting in the transboundary spill-over effects, in the case of the European Union is not only encouraged but often prescribed by the joint EU spatial development strategies.⁸ Ultimately, the Øresund region developed, and it is still developing, as a peculiar example where the governance has developed a cross-border administrative structure spreading over the nation state frontiers following the *governance without government* model (OECD, 2003:7). The *Øresund formula*, rightly perceived as a work in progress, is perhaps moving towards a cross-border governance benchmarking example, as the region is not only a new investment area but it is also one of the top four European metropolitan areas⁹.

IMPACT ASSESSMENT TOOLBOX

Environmental Assessment practice used in the Øresund initiative and role for the SEA

Legal context

Hoping that we managed to capture the momentum where the territorial re-scaling has given birth to the innovative governance model - Øresund Region - we should be moving towards the second objective which is deliberating upon the capacity of Strategic Environmental Assessment (SEA) when designation of such spaces occur. The main elements where Environmental Assessment (EA) mechanisms were triggered in the Øresund initiative, were related to the Øresund bridge project linking the Copenhagen and Malmö-Lund areas. From the EA instruments in the case of Øresund bridge project an appeal was made to the Environmental Impact Assessment (EIA) in transboundary context. The cases related to the large cross-border infrastructural enterprises are covered under the EIA Espoo Convention 1991 where one could argue that the public participation and community impact remain the challenging side of the process. The procedure offers public consultations that are to avoid often mentioned democratic deficits which at times are encouraged by the presence of strong, perhaps even pre-determined, political will favouring certain project alternatives.

The Øresund bridge project, where the very idea of linking two territories was sketched even a hundred years ago, is an example of how difficult it is to perform the environmental assessment in the transboundary context, involving different legislations and attempting to pursue synergetic political objectives. Considering also that SEA has evolved out of the EIA in relation to plans, programmes and policies, the adoption of the Espoo Convention 1991 and consequent Protocol 2003 empower SEA to find its role, assuming it is being conducted early enough in the process. During the Øresund project implementation, this element would have been particularly important as Denmark has adopted EIA legislation in 1989 while 'at the time of planning and decision-making on the Øresund Bridge no national legislation relating planning or environmental assessment to the international practice of EIA existed in Sweden' (Markus & Emmelin, 2003:108). This has also played an essential role in the Swedish response to the

http://www.oecd.org/document/0/0,3343,en_33873108_33873309_5592704_1_1_1_1,00.html

⁸ The first spatial vision covering the whole of the EU is European Spatial Development Perspective (ESPD), known as Potsdam Document. NorVISION is part of the spatial development strategy related to the North Sea Region (NSR) (Jensen & Richardson, 2001:705).

⁹ The debate related to the spatiality created by the new technological developments should not go unnoticed for its governance, social and economic aspects yet it is larger debate that would not be able to address here. Related to the features and the size of the region it 'will be surpassed only by London, Paris and the Amsterdam/Rotterdam area. The region's force lies in scientific, technical and health science areas - not only at universities (about 7.000 researchers and 120.000 students), but also in the business community (60% of Scandinavia's pharmaceutical industry lies within the region). Since the first science parks were started in the early 1980s, they have proved to be successful areas of location for fast growing companies, and the source of world-leading technology and breakthrough products. Since the early 1980s, Danish and Swedish science parks have grown both in number and size, supported and often initiated by local and regional authorities'. From the Øresund Homepage considering that presented news date back to 2004 where also new and updated information is available see, <http://www.oresund.com/oresund/opportunities/rd.htm>

Øresund Bridge project while elaborating required positions from the procedures embedded in the national environmental acts.¹⁰

The Espoo Convention in the transboundary context, together with the Protocol on SEA, are the guiding frameworks for the cases as Øresund where large infrastructural projects match the territorial re-scaling initiatives or vice versa. The Protocol, which is the more recent legislation operating in a new cross-national context, seeks to incorporate health and environmental considerations with the reference to the well being of the present and future generations and sustainable development (Protocol, 2003: *Acknowledgments*, Annex III (Art.1, 7)). In the context of this work Protocol's Annex IV (Art.5) is of particular relevance as it refers to '[t]he environmental, including health, objectives established at international, national and *other levels* which are relevant to the plan or programme' allowing space for deliberation on territorial re-scaling practices and new forms of governance to be considered. The SEA as an environmental management tool referring to the policies, plans and programmes, and incorporating both environmental and sustainability concerns could thus become one of the main arbitration tools when facing new administrative spatial structures (Jones & eds.), 2005:6).

Methodological questions

The role of SEA prior to these land-surgeries could prove crucial, furthermore if performed in the transboundary politico-social context. Indeed, SEA as an environmental management tool can also be perceived as a decision-making tool entering into the normative role embracing more than the mere environmental context. 'In most cases, however, difficulties seem to derive from the uncertainty and vagueness associated with SEA, and form its potential role in environmental decision making [where] [p]roblems felt include a lack of guidance and training, lack of clear accountability and responsibility, lack of resources and unknown or untested methodologies' (Thérivel & Partidário, 2002:18). It is justly claimed that SEA not only legally but methodologically vague yet it can be considered that in this instrument lies potential and strength. The SEA practice is not to operate following established EIA practices as they operate on two different conceptual levels and require different methodologies. The SEA needs a case oriented approach allowing certain flexibility and responsiveness towards environmental but also politico-social circumstances in the field. Throughout the paper we tried to underline its capacities to act as an assessment instrument on the level of PPP in the transboundary context, which perhaps is the most methodologically challenging aspect. Due to the cross-border nature emerging out of the territorial re-scaling practice the interdisciplinary approach is to become an essential ingredient for conducting an effective SEA. The point of departure when designing assessment methodology can find its roots in the existing EA practice, political-social organisation of territory and community, economic and technological developments, which ultimately requires a separate analysis, a task beyond this work.

CONCLUDING NOTES

The changes in the world's political geography require us to deliberate upon the functioning of governance mechanisms and results of plans, programmes and policies that our societies commit to. The practice of cross-border governance since the 1960s has been actively gathering human knowledge and acted as a space of production influencing the patterns of governance. The emerging spaces, as cross-border metropolitan areas are born out of the re-scaled spatial horizons, resulting in new concepts, actions and understandings of territorial governance, urban planning and community dynamics. The deliberation related to the SEA in transboundary context could be approached by adopting new sets of legislation and by acknowledging the exiting practices responsive to the social aspects of governance and planning but also remaining open to testing and innovation. These cross-border areas, due to their flexible legally non-binding but administratively existing structure, have a great potential

¹⁰ In relation to the history of Øresund Bridge developments (Markus & Emmelin, 2003:109).

to respond to environmental challenges faced by the global commons nowadays, but also when tackling issues of energy efficiency, migratory flows, sound urban management and so forth.

The territorial re-scaling brings about emerging spaces where the notion of *governance without government* appears as one of the innovative scenarios. The development that needs response beyond the hesitant opinions derived exclusively from the national legislation or transboundary EIA, which at times are doomed to follow prefabricated political aspirations. There is also a strong environmental argument underlying that 'the intractability of many environmental problems, and the scarcity of meaningful solutions to them, make environmental management tools such as strategic environmental assessment (SEA), [...], particularly important' (Jones & eds., 2005:1). Under the present day movements of people, capital, goods, technology and ideas, SEA attributes a new spatial outlook to the present governance mechanisms.

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