



CROSS-BORDER URBAN PLANNING: A PARTICIPATORY APPROACH

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INTRODUCTION

In a context where cross-border issues are gaining **more and more** importance, participatory urban planning has become an essential tool for addressing the needs of border territories. These **open and interdependent areas are facing** specific challenges stemming from their dual political and administrative identity. However, public involvement in cross-border urban planning decisions remains insufficient, reflecting legal, administrative, and political limitations.

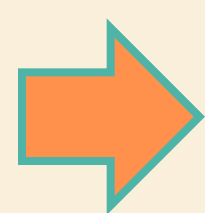
In French law, citizen participation in urban planning relies on mechanisms such as **public consultations** and neighborhood committees. Yet, when it comes to border territories, these mechanisms proves themselves to be inadequate. **Moreover, they are facing** additional obstacles : state sovereignty, regulatory divergences, and the absence of a common framework.

These challenges are **heightened** by technical barriers (**differences in infrastructure, disparities in natural resource management**) and fragmented political calendars, hindering the stability and effectiveness of projects.

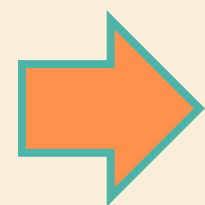
ISSUE

Today, citizens are demanding greater involvement in political decision-making, particularly in the field of urban planning. Recently, the Conseil d'Etat (the main administrative jurisdiction in France) emphasized “**the dangerous gap widening between government policy and users.**”^{*} Yet, despite the proliferation of bilateral cross-border cooperation treaties, **citizens are still the ones who are left behind.** Neither the State nor local authorities truly allow citizens to participate in decision-making processes that affect their cross-border living areas.

RESEARCH HYPOTHESES



Neither international law, nor European law, nor domestic law **are establishing** a legal framework, specific to cross-border participatory urban-planning. It appears to be organized around mechanisms—of domestic law—related to citizen participation and cross-border cooperation. Moreover, this legal framework is bound to face an extrajudicial context that is not conducive to its development.



Due to these particularities, a specific methodology **based on a multidisciplinary approach** (in law, geography, and urban planning) **has been chosen** to analyze the **available tools** and the obstacles faced by local elected officials.



^{*} Conseil d'État, *Annual Report of 2023. The User from the First to the Last Mile of Public Action*, Paris, p. 191.

SUMMARY

I. A deficient legal framework

A) A partially participative cooperative framework

B) A partially cooperative participatory framework

II. An impeding extra-legal context

A) Political sticking points

B) Administrative obstacles



I. A DEFICIENT LEGAL FRAMEWORK

A) A partially participative cooperative framework

ZOAST (Organized Zones for Cross-Border Healthcare Access):

Example: ZOAST Luxlor (Franco-Belgian cooperation)

Objective: To improve access to healthcare for cross-border populations

- Seven ZOASTs are located along the Franco-Belgian border



An Alternative to EGTCs: Local Groupings for Territorial Cooperation (GLCTs):

Description: An older mechanism with objectives similar to those of EGTCs

Advantages:

- Acts as an alternative to EGTCs for more specific and concrete projects
- Operates with a narrower scope of competences
- Facilitates simplified cooperation with non-EU states

Example: The GLCT of Greater Geneva between France and Switzerland

General Observation:

- **Services** (e.g. transport, healthcare, etc.) encourage passive engagement of populations in participative urban-planning
- **Political mechanisms**, which are scarce in practice, often **restrict citizens** to a consultative role with no real decision-making power
- **Example:** “Consideration reports” which perfectly illustrate the limited importance given to the citizens’ role in these mechanisms



Geographical Scope of the EGTC Euroregion Alpes-Méditerranée:
It includes local authorities from both France and Italy

I. A DEFICIENT LEGAL FRAMEWORK

A) A partially participative cooperative framework

2. Attempts to Implement Cross-Border Citizen Participation

Workshop No. 2 of **the Cross-Border Deal** by the MOT (December 2024): “Cross-border citizen participation: illusion or evidence?”

- Another call for a greater participation
 - However, public opinion is still confined to a mere consideration by the public authorities

Rare Examples of Participatory Mechanisms :

- Consultation for the “**Luxembourg in Transition**” process (2020) which brought together international experts and a citizens’ committee comprising individuals from Luxembourg’s neighboring countries
- Consultation by the Franco-German-Swiss Upper Rhine Conference: planned for projects with significant environmental impacts



Schedule of the “Borders Forum” by the MOT on December 2-3, 2024

I. A DEFICIENT LEGAL FRAMEWORK

B) A partially cooperative participatory framework

1. Limitations of Cross-Border Participatory Urban Planning

Main Limitations:

Internal Vision and Citizenship:

- Mechanisms are often limited to the concept of “citizen”
 - Cross-border populations are frequently excluded from projects, which reduces their coherence



State Sovereignty:

- Barriers related to national frameworks and the preservation of national sovereignty
- Indirect participation of foreign citizens



Gaps in the Current Framework:

- A gap between stated objectives and insufficient implementation

Low Integration of Cross-Border Citizens:

- The concept of citizenship in treaties remains marginal (e.g. **Article 3.4 of the Quirinal Treaty**: “The Parties promote joint initiatives aimed at promoting transparency and citizen participation in the decision-making process...”)
- Consultation is limited to specific aspects, whereas a global harmonization is needed (e.g. use of neighboring lands)



I. A DEFICIENT LEGAL FRAMEWORK

B) A partially cooperative participatory framework

2. Cross-Border Cooperation and the Role of the Citizen

Inadequate Implementation of Citizen Participation:

- There is a need for a widely recognized cross-border participative urban planning, but the legal framework is lacking
- Legal texts and agreements (e.g. Aix-la-Chapelle, Quirinal, Barcelona) are more focused on economic cooperation than on social or participative aspects

The mechanism of consulting associations is an advanced step in cross-border participatory urban planning:

Article R. 132-5, para. 1 of the French Urban Planning Code (C. Urba.):

“The municipalities [...] **may** collect the opinion of any organization or association competent in matters of territorial planning, urban planning, the environment, architecture, housing, and mobility”

The opinion gathered may be that of a cross-border association that incorporates the issues of cross-border participatory urban planning

The members of the consulted associations may include cross-border residents from foreign countries



I. A DEFICIENT LEGAL FRAMEWORK

B) A partially cooperative participatory framework

Article R. 132-5, para. 2 of the French Urban Planning Code (C. Urba.):

“Municipalities may consult the local authorities of neighboring states, as well as any foreign organization competent in matters of territorial planning, urban planning, the environment, architecture, housing, and mobility”



The foreign citizen is indirectly involved through their local representatives



The consulted organization, which is involved in political decision-making regarding urban planning, can be cross-border

Objectives of Cross-Border Cooperation:

Forming partnerships with local authorities and institutions to:

- Gain more visibility and funding for projects
- Develop cross-border public policies that meet the needs of citizens

General Observation:

- Role of citizens is underestimated: Few mechanisms involve them directly in decision-making
- Cross-border cooperation is dominated by institutional actors, **whereas a better citizen participation is needed**



II. AN IMPEDING EXTRA-LEGAL CONTEXT

A) Political STICKING POINTS

1. Obstacles and Challenges of Cross-Border Participatory Urban Planning

Political Obstacles:

Limited citizen participation mechanisms:

- Political will is necessary for local referendums, consultations, or neighborhood committees
- Dependence on the goodwill of local politicians to expand public consultations



Simple Ability to Involve Foreign Authorities:

- **Article R. 132-5, para. 2 of the Urban Planning Code:** Consultation of foreign authorities is not mandatory
- It is only mandatory if an urban planning document has significant impacts on the environment of another EU Member State (**Articles L. 104-7 and R. 104-26**)

Asymmetric Timelines:

- Short local political timelines
- The multiplicity of cross-border electoral frameworks increases political blockages

Illustration: The “Neighborhood Committees” (NC), L. 2143-1 of the French General Code of Local Authorities (CGCT)

Some municipalities in Lorraine (Longwy, Saint-Avold, Jarny, etc.) **are multiplying NC without even meeting the threshold of 20,000 inhabitants**

A threshold of 20,000 inhabitants is required to create a NC

Some important municipalities (up to 79 999 inhabitants) **can lawfully do without a neighborhood committee**

A population threshold of 80,000 inhabitants makes the creation of a Neighborhood Committee (NC) mandatory

II. AN IMPEDING EXTRA-LEGAL CONTEXT

A) Political sticking points

2. Perspectives and Solutions:

Towards an Effective Cooperative Framework

Importance of an Enhanced Dialogue Framework:

- Involve local stakeholders and public authorities to address the needs of cross-border citizens
- More exchanges through **EGTCs** (European Groupings of Territorial Cooperation) and their partners

Develop mutual understanding among cross-border elected officials:

- Meetings are necessary to overcome administrative and legal divergences, particularly regarding land use rules for the implementation of certain projects

Example: Meetings of the Eurometropolis Lille-Kortrijk-Tournai

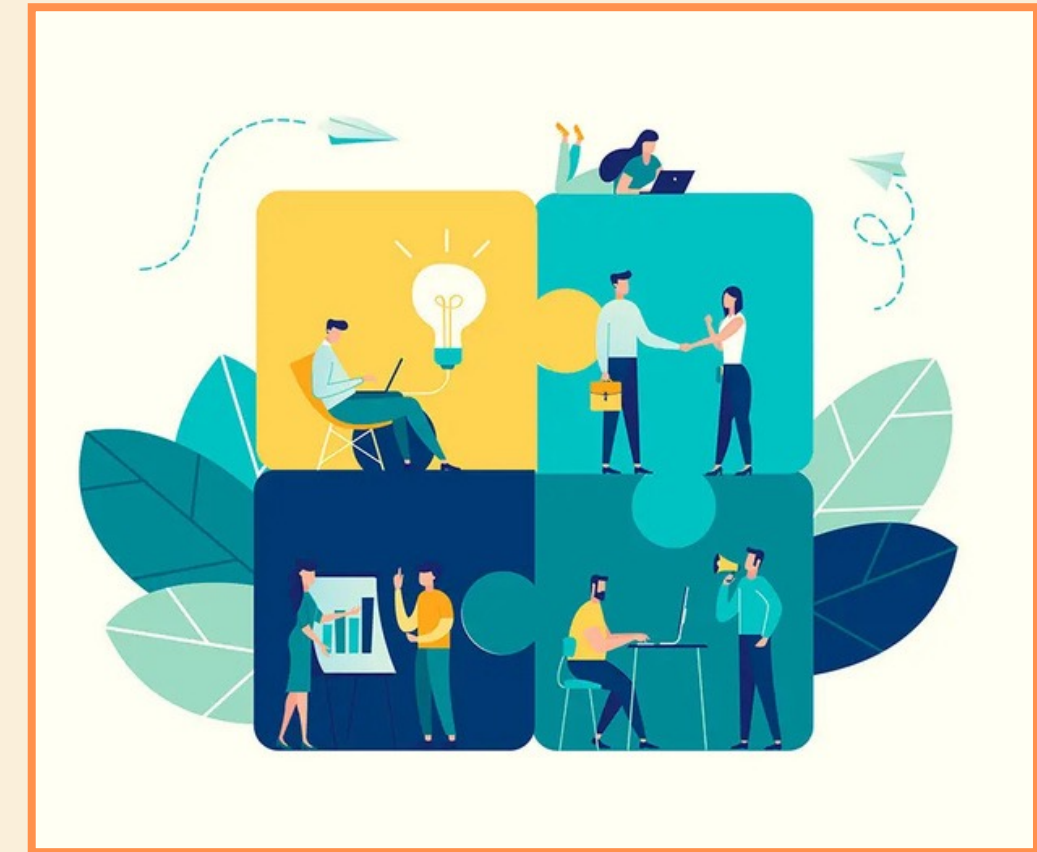


II. AN IMPEDING EXTRA-LEGAL CONTEXT

A) Political sticking points

Challenges Related to Public Opinion:

- Participative and cooperative dynamics are dependent on local and cross-border political orientations
- The COVID-19 pandemic highlighted the persistence of borders as a political and administrative obstacle



“Local actors are essential sources in identifying legal and administrative blockages related to borders. (...) EGTCs and their partners serve as facilitation tools that unite the active forces of the territory and spark debate on cross-border issues.” (Wallonia Picardy 2040 Project)

II. AN IMPEDING EXTRA-LEGAL CONTEXT

B) Administrative obstacles

1. Obstacles to Cross-Border Participatory Urban Planning

Technical Obstacles:

Railway Infrastructure:

- Offloadings (Ventimiglia station)
- Differences in rail widths (France-Spain, France-Italy)
- Differences in electrical voltage systems (France-Germany)

Difficulties in
mutual
understanding



Difficulties in
understanding the
surplus of
regulations



cross-border
citizen
participation
hampered



Examples:

- The need for adaptation stations or chassis change systems
- Delays due to technical incompatibilities and high costs

II. AN IMPEDING EXTRA-LEGAL CONTEXT

B) Administrative obstacles

Administrative Blockages

Flagship and Illustrative Projects:

- **Strasbourg-Kehl Tram (France-Germany):**

Divergences over financing and maintenance (perceived imbalances)

- **Lyon-Turin Rail Link:** Several disagreements on:

- Environmental standards
 - Costs
 - Financing
 - Protected natural areas (e.g. in the French-Italian Alps)
- ==> Divergences in wildlife regulations, with **a strict approach** in France vs. **a more flexible** approach in Spain

Management of Cross-Border Basins:

- Rhine and Danube Basins (France, Germany, The Netherlands, Austria)
- Divergences over ecological priorities (ecosystem preservation vs. agricultural/industrial regulation)

Lack of Harmonization of Regulations:

- *Divergences in legal frameworks*
- *Contrasts in ecological and architectural requirements*
- *Difficulty in mutual understanding due to specific legal terminologies (e.g. the concept of “community interest area” or “zone d’intérêt communautaire” in French)*



II. AN IMPEDING EXTRA-LEGAL CONTEXT

B) Administrative obstacles

Harmonization of Technical and Legal Standards:

- Bilateral/Multilateral Agreements:

Creation of common standards for infrastructure and environmental regulations

- European Directives:

Alignment of legal frameworks between states

Creation of Collaborative Platforms Using Digital Tools:

- Glossaries, shared methodologies, guides for cross-border projects

- Dialogue between administrative levels:

Local, national, and European



Simplification of Administrative Procedures Using Single-Window Services:

- Reduction of bureaucratic formalities
- Encouragement of citizen participation:

Simplified procedures for local organizations

Strengthening Cross-Border Bodies:

• Development of EGTCs:

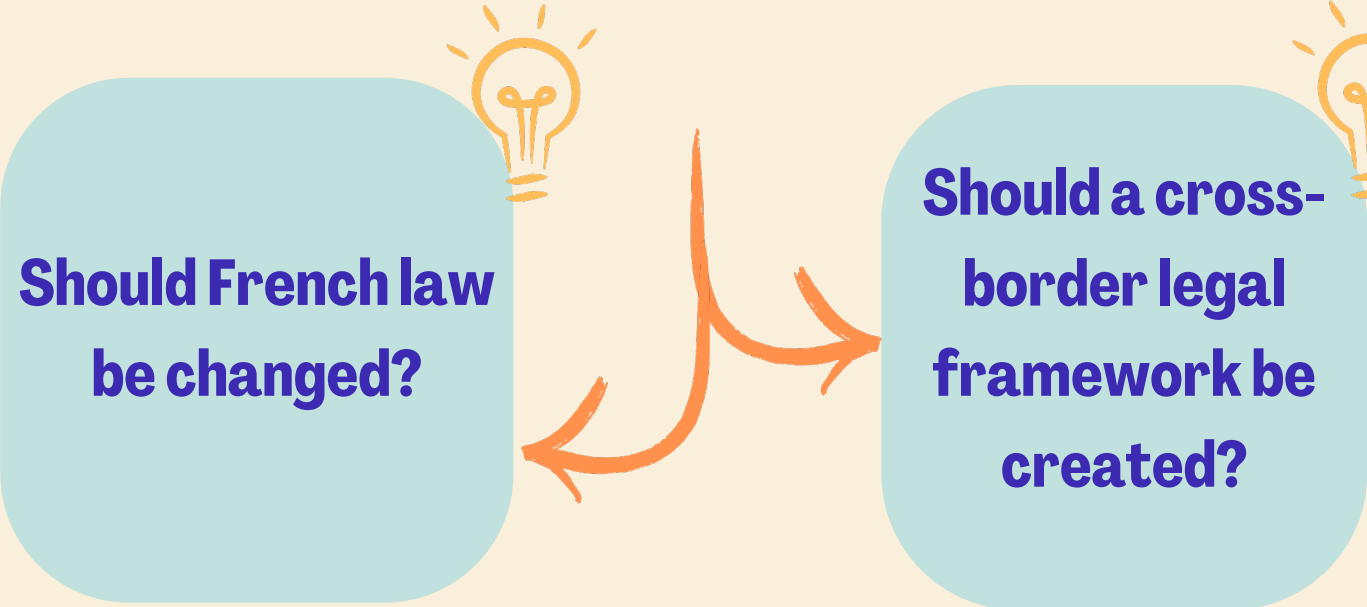
- Coordination of participatory projects and conflict resolution

• Interstate Mediation:

- Mechanisms to overcome normative and technical divergences

CONCLUSION

At first glance, the involvement of the local public in cross-border urban planning presents many shortcomings...



Is it even possible?



... But is it relevant to involve the local public in all planning projects along the border?

A modernized legal framework will therefore require balancing sovereignty and the inclusion of citizens, or even of the public concerned, for sustainable and coherent projects

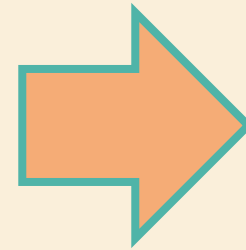
Between the concepts of **cross-border local interest** and **general/public interest**

Between the desire of cross-border residents to have influence in political decisions beyond the border and the foreign public authority

CONCLUSION

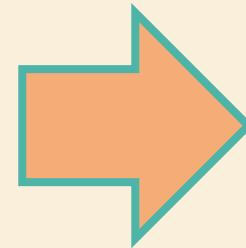
What proposals for tomorrow ?

Allow space for the EU in the creation of this legal framework



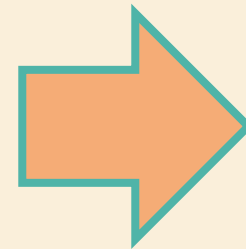
- Defining a European land-use policy
- Strengthening the status of European citizen
- Harmonization of standards
- Cross-border planning schemes in the Union
- Developing European planning institutions

Adapt national law



- Redefining the concept of citizenship
- Mechanism for considering cross-border documents in domestic law
- Right to experimentation and territorial differentiation

Continue the development of cooperation treaties



- Generalization of references to “cross-border citizens” in these treaties
- Establishing a harmonious framework for the joint development of coherent documents