

Transnational Cooperation Activities through the Experience of the LexALP Project

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Transnational cooperation activities are particularly relevant to the European territorial context. Against the background of the experience within the LexALP project, this paper focuses on how the principle of 'horizontal subsidiarity' can be enacted as well as on the role of territorial partnerships in Europe.

1. Applying the principle of 'horizontal subsidiarity' in the European territory

Article 158 (former article 130A) of the EC Treaty underlines the intent to support a balanced development of the European territory by reducing the “disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, including rural areas”¹.

Starting from the Eighties, community policies have been more and more directed towards development dynamics leading to the construction of a 'Europe of Regions' (cf. Caciagli 2006, Sharpe 1993). This was typically characterised by the upcoming of several forms of regionalisation for territories intending to locally enhance their endogenous potential, together with the cooperation instruments needed to implement this.

Following the European trend toward the realisation of a truly common space, in recent times the role of the meso-government levels² has been reformed. The reforms of Part II, *Title V* of the Italian Constitution in 2001 (cf. Bartole et al. 2003:65 ff.), of *Title XII* of the French Constitution in 2003 (cf. Calamo Specchia 2005) and of several provisions of the German Constitution in 2006 (cf. Schefold 2006) represent only the most recent examples of an internal reforming tendency. These efforts aimed at increasing the value of national territories in compliance with the asset of internal regulations as well as with the general trend toward implementation and development at supranational level (cf. Miglio

1 The concept of 'Region' generally considered in the European space refers to areas with common characteristics (i.e. the cross-border allocation or the territorial morphology).

2 The sub-national levels of government.

1988, Bifulco 1995, Cassese 2002). In fact, only when starting from the 'bottom-up' needs it is possible to evaluate the functional problems related to a given territory and to create a common cooperation network within the European space for the identification of the most proper instruments and juridical processes to reach an adequate solution.

Such perspectives express the principle of subsidiarity, object of the well-known article 5 (former article 3B) of the EC Treaty and of article 2 of the EU Treaty (cf. Bin & Caretti 2005:107-112). The principle of subsidiarity was made more explicit in 1997 by the Protocol on the application of the principles of subsidiarity and proportionality appended to the Amsterdam Treaty³. This principle is intended to ensure that decisions are taken at a level as close as possible to the citizens and that constant checks are made as to whether action at Community level is taken only considering the possibilities available within the Member States. In particular, the principle of 'horizontal subsidiarity' concerns the regional level involving public and private institutions in the evaluation of the concrete needs concerning the local dimension. The 'horizontal subsidiarity' *ratio* is based on the elaboration of different solutions in compliance with the territorial needs and problems (cf. Antonini 2000: 64-72, 76). It allows concrete interaction between players involved in the management of the territory, thus supporting the exploitation of local resources (cf. Cosulich 2006 on the introduction of a horizontal subsidiarity concept in Italy).

Against this background, the Interreg III programmes are one of the most useful instruments to implement Article 158 and the application of the principle of subsidiarity in its horizontal meaning. Interreg III programmes concern specific transeuropean forms of cooperation approved by the European Commission to support the Member States and the sub-national institutions in solving the territorial problems that impair European integration (cf. Mascali 2001:1104 ff.). In particular, its 'B' string addresses transnational cooperation among national, regional and local authorities in order to sustain the development of specific European areas. The European Interreg IIIB 'Alpine Space' Programme⁴ may represent a tool for the resolution of common problems in order to create cohesion in meeting the needs of border areas in the Alpine region.

In this context the LexALP Project has created a network of institutions and other players allowing them to work together, analyse given issues and provide adequate solutions. LexALP is based on the observations made by legal experts and skilled translators dealing with the Alpine Convention on the difficulties encountered in translating a great part of the legal terminology used within Alpine Convention texts into four languages. The common efforts of players coming from areas in which the Convention is applied allowed an evaluation of these legal provisions with a view to harmonising them. The work was strongly linked to the real territorial needs of each country and the solutions provided

3 We remind that the Italian Constitution expresses the principle of subsidiarity in the reformed article 118.

4 See <http://www.alpinespace.org> for more information.

permit to uniformly apply the Convention in the four languages used for the analysis (cf. Strassoldo 1973:14 ff.).

With respect to subsidiarity, the contribution of each partner gave a full overview of the issues related to the use of a particular legal term in the different territorial areas of the Alpine Space. LexALP developed a useful model to apply the horizontal subsidiarity among players acting in the common space of the Alpine Convention.

2. The significance of the LexALP territorial partnership

The 2001 White Paper on European Governance and the 2003 Communication of the European Commission concern the establishment of a systematic dialogue with the associations of regional and local authorities in defining the territorial policies of the European Union.⁵ These documents highlight the significance of territorial transnational networks in Europe and reflect the Union's will to support cooperation procedures and integration processes in the common space. They identify the typology of the involved actors through the role they play in managing territorial resources and participating in political relations with players of the border areas. In particular, the dialogue among territorial actors and institutions follows the so called 'two way approach', that is an action supporting, through the partnership, territorial initiatives and a wider involvement of local, national and supranational authorities assuring an adequate representation of the involved areas (Stocchiero 2003:15). A useful reflection linked to the LexALP experience arises from the particular composition of the partnership and of its representation within a common body called Harmonising Group.

The involvement of border Regions in the LexALP partnership stressed the importance of creating a cooperative network among territorial players, because these areas (in fact all Alpine areas) are characterised by profound relations, closely connected with the territorial peculiarities, affecting the meaning that every single legal term can assume in these contexts. The Project partnership corresponds to these requirements with substantial and functional criteria and was able to involve actors characterised by particular competences and expertise (Sivini 2003, Stocchiero 2004:11).

The LexALP partnership and is composed of institutional authorities:

- Dipartimento Affari Regionali e Autonomie Locali – Presidenza del Consiglio dei Ministri, Rome;
- Direzione per la Ricerca ambientale e lo sviluppo – Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Rome;
- Direzione generale, Servizio legislativo – Regione Autonoma Friuli Venezia Giulia, Trieste;

⁵ See COM(2001) 428 definitive /2 and COM(2003) 811 definitive.

- Sektion Terminologie der Schweizerischen Bundeskanzlei, Bern;

Other subjects with specific linguistic and terminological skills are also part of the partnership:

- Institute for Specialised Communication and Multilingualism – European Academy of Bolzano (Lead Partner);
- Sprachen & Dolmetscher Institut, Munich;
- Research groups GREMUTS and LIDILEM – Université Stendhal, Grenoble.

The computational support is provided by the Laboratoire Communication Langagière et Interaction Personne Système of the Université Joseph Fourier in Grenoble. Moreover, a group of prestigious institutions constantly and closely observes project activities to further guarantee the quality and wide applicability of results:

- Permanent Secretariat of the Alpine Convention;
- Délégation générale à la langue française et aux langues de France – Ministère de la Culture et de la Communication;
- Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft (Lebensministerium);
- Direzione Ambiente – Regione Autonoma Valle d’Aosta;
- Office for Language Issues – Autonomous Province of Bolzano/Bozen.

The creation of a partnership able to involve territorial areas within the Alpine Convention has been realised in the Harmonising Group. This Group, which is regulated by internally approved rules of procedure, is a forum where all actors can discuss the harmonisation of terms in order to reach common solutions and shared results. The Harmonising Group therefore represents a useful example on how to solve the problems faced by the project objective. This aspect is a feature that has never been found in an Interreg IIIB transnational cooperation project⁶ (cf. Delli Zotti 1983:113 ff.). Its structure allows the Harmonising Group to define its own rules of procedure and the multidisciplinary approach (legal and terminological) needed to produce useful outcomes for all operators working daily with the multilingual documents of the Alpine Convention.

In conclusion, it is important to note that the significance of the LexALP Project is not just based on the practicability of the achieved goals (harmonisation of legal terms made freely available through an on-line term bank⁷), but also on its capacity to create an organisational structure reflecting the principle of subsidiarity and co-operation that is essential for increasing the value of the territories in the European Space.

6 Especially for intermediate groups the need to evaluate the cooperation results is a well-known issue of these forms of integration.

7 See <http://www.eurac.edu/lexalp>, link TERM BANK.

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