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Summary

**Protection of waters of the Lake Constance: subject of
interregional co-operation**

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1. Introduction

In 2000, the European Union adopted the Water Framework Directive. It advises to manage water is management by river basin, perception on water is changer from a resource to a heritage to protection and Member States should reach a good ecological status of waters by 2015. Yet on 6th July 2018, Le Monde ran as a headline « Les lacs et les rivières d'Europe sont en mauvais état écologique ¹».

Water's uses are diverse. Drink, used for agriculture, support for tourism, these multiform uses define different users, with different needs regarding water quality and different influence on it. This can lead to conflict. Furthermore, water is also a milieu to protect. Between use and protection, the balance has to be found. Cooperation appears to be the most efficient tool to guarantee water protection. In the EU, another difficulty appears: nearly 60% of waters are in international river basin. How to insure the effective protection of water? A common management is encouraged, but then, can't we believe that cooperation extends to other fields?

The Lake Constance represents a model in this link between protection and cooperation. It is located at the Austrian, German, Swiss borders, between six Länder and cantons. All of them do not have the same access to the Lake: while 173 kilometres are located in Baden-Württemberg, only 28 kilometres are in Vorarlberg. Moreover, the border is not clearly established between these three countries.

In a bad ecological status in the 1970s, it is today a drinking water reservoir, as well as an important touristic destination. As a result, is water protection the only topic of cooperation? Cooperation between different levels of administration, States and Länder and cantons will be studied. The term of region may be used for convenience. More specifically, the Internationale Gewässerschutz für den Bodensee (IGKB) and the Internationale Bodensee Konferenz (IBK) will be studied, as well as the Interreg Alpenrhein-Bodensee-Hochrhein, in order to analyse to what extent is the protection of Lake Constance's water a cause and a consequence of cooperation?

Studying these three entities will highlight the ambivalent place Lake Constance has in cooperation. As a driving force of cooperation, Lake Constance is a cause, but it

¹Lakes and rivers of Europe are in a poor ecological status

has then become a topic among others, and as a result is now a consequence of cooperation, which is reinforced by its use as an element of identification.

A literature review will be conducted to highlight research on the link between borders, cooperation and environment, as well as the work done on Lake Constance and the global context. Then, the method will be briefly presented. Then the IGKB, the IBK and the Alpenrhein-Bodensee-Hochrhein will be studied and analysed before eventually discussing the findings and the method's choice.

2. Literature

2.1. Border, environment, cooperation

2.1.1. Defining the border

Border is an ambivalent object. It is most often perceived as a line which limits the sovereignty and state's competences (Groupe Frontière, 2004). Therefore, borders divide territory. It is the physical representation of difference in legal and fiscal systems (Lévy, 2003). Yet borders are established by political decisions (Anderson, 1997; Raffestin, 1986) and can thus evolve in time and space. As a result of the evolution of communication and transport tools, borders tend to ease. In Europe, this is reinforced by the European Union's policies. Borders become place of flows and exchanges. First barriers, borders are now interface and create transborder territory (Lévy, 2003).

2.1.2. One cooperation, multiple cooperation?

Built on the definition from Larousse (s.d), Wickermann (2005) and de Sousa (2012), cooperation can be summarised both as a joint action to achieve common goals and as a voluntary process.

It is difficult to have a single definition of cooperation, and this can illustrate the diversity of cooperation. For example, Scherer and Zumbusch (2011) coin three types of cooperation: intranational cooperation, interregional and cross-border cooperation (2011: 103). The last one is also presented as neighbouring relations maintenance between

regions of neighbouring states (MOT, 2006). Yet, the diversity of cooperation is also a result of the administrative level of partners involved in the cooperation, or the level of institutionalisation (Poussard, 1996).

2.1.3. Environment as a driving force for cooperation

Cooperation is established to reach common objectives. One of this first objective has been environmental protection. Since 1970s, environmental problems have become a major topic of concern at an international level, which is amplified by the interdependency of countries. Indeed, an economic activity in a country can damage the environment of another country. Yet, it is important to raise that some study show that cooperation is not always beneficial for partners countries (Rotillon & Tarik, 2003).

2.1.4. Cooperating when environment is the border

Natural borders do not exist (Géoconfluences, 2010), but it is a social and political construct. Having a border on a natural element, such as a river is thus a choice. Marie-Christine Fourny (2005) studied the place of nature in cross-border cooperation. On the one side, environment can be perceived as a condition that create peculiar and shared behaviours on both side of the border. In this case, environment is used to create a *natural and cultural region*. On the other side, environment can be something to protect. As a result, it becomes a « *shared natural problem* » (Fourny, 2005: 13). Environmental issues lead to cooperation because there is a perceived common need to protect it. It becomes a common good. In the first case, the natural region leads to the creation of a transborder territory, while in the second case the activities performed to deal with the problem create it.

2.2. The Lake Constance, subject of study

2.2.1. A surprising cooperation

Regions often cooperate because they share common problems. Yet, it appears that this is not the case in the Lake Constance region (Blatter, 2001). The pollution of the water is a shared problem but not a common problem, which hinders the cooperation process (Blatter, 2009). Moreover, there is an asymmetry of interests. If Baden-Württemberg is highly dependent on Lake Constance for drinking water, this is not the case of the Swiss cantons (Scherer & Zumbush, 2011).

Yet cooperation has occurred and is successful. This can be explained by various factors. Water has a highly symbolic function in the region. « The water of Lake Constance is used here as an identifying symbol for the building of cross-border communities and institutions » (Blatter, 2001:102). The Lake is perceived as a common good between Austria, Germany and Switzerland, with shared responsibilities to ensure its protection (Scherer & Schnell, 2002). In 1973, penalising boats to protect water was decided in a context of redistributive policies (Blatter, 2001). It also targeted people coming from regional centres –Munich, Stuttgart, Berlin or Vienna, thus re-appropriating the lake for the inhabitants. Furthermore, the implementation of programmes such as Interreg has favoured the development of cross-border cooperation. Last but not least, citizens share the same language, which is an obstacle less.

2.2.2. The principles which have guided the cooperation from 1950s to 2018

The first principle was enacted thanks to the work of the German-Swiss and German-Austrian Commissions of territorial planning. This first guideline is distinguished by the importance of the lake's protection. The second guideline is the one of the Internationale Bodensee Konferenz, drafted in 1994. The perspective was changed, and interregional cooperation became a tool for regional development. Eventually the last guideline presented by Blatter and Scherer (2006) is not written but is influenced on the one hand by the Bodensee Agenda 21, which sets rules and objectives for the sustainable development of the region. On the other hand, the Interreg Alpenrhein-Bodensee-Hochrhein has played an important role and has contributed to the increase of organisations involved in cooperation and to broaden the fields of cooperation.

2.2.3. Chronology of the cooperation

Scherer et Schnell (2006) established a chronology of the cooperation in the lake Constance region. The first phase they identify goes from 1850 to 1918. It is characterised by the regulation of boats navigation as well as agreements on fishery. The second phase occurred in 1950 till 1970. It is the “phase of environment” (Scherer & Zumbusch, 2011: 109). With the massive pollution of the lake Constance, cross-border institutions were created to face this challenge, such as the IGKB. This phase is followed by the “phase of planning” (Scherer & Zumbusch, 2011: 109) from 1970 to 1990, whose starting point is the Ministers of territorial planning's conference. The strengthening of the cross-border

cooperation thanks to the European initiative Interreg from 1990 explained the delimitation of the fourth period from 1990 to 2000, named the Interreg phase. Eventually, Scherer and Zumbush added a fifth phase (2011), the networking phase, characterised by the broadening of the cooperation in terms of field and actors involved.

2.3. Overview of the international and European context

2.3.1. Environmental questions on the global agenda

Since 1970s international relations are marked by a growing interest for environmental issue (Gemenne, 2014). The United Nations Conference on the Human Environment held in Stockholm in 1972 is said to have made environmental issue an international political topic (Lerin & Tubiana, 2005). The following years have distinguished themselves with major agreements and texts, such as the Brundtland report. Yet changes happen. From a logic of environmental protection, international cooperation tries nowadays to balance it with economic growth while other topics of concern have emerged since the end of 1990s (Lerin & Tubiana, 2005).

Water is also directly targeted by cooperation. For example, in 1992 is signed the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, which defines transboundary watercourses as well as what is expected from bordering countries. The European Union feels also concerned by this topic. Therefore, in 2000, the Water Framework Directive was adopted. It sets a general goal -good ecological status by 2015 and persuade Member States to cooperate with one another (Bouleau, 2008)

2.3.2. Interregional cooperation, a European objective

First of all, we need to acknowledge the growing number of lake protection organisations (Zilov, 2013), such as the International Commission for the Protection of Lake Geneva, founded in 1963).

In addition, the role of the European Union has to be mentioned. Cooperation are encouraged and made easier by institutions, through programmes. « Interreg is one of the key instruments of the European Union (EU) supporting cooperation across borders through project funding » (Interreg, s.d). It has been instituted in 1990 and it is now its fifth programming period. This programme is appreciated even though it only favours certain types of cooperation (Bolgherini & Roux, 2008). Moreover, cooperation is driven

by grants in two ways. On the one hand, financing help developing more projects, which can also lead to the involvement of more actors. On the other side, organisations may be created to deal with these funds (Sousa, 2012). Last but not least, outside the EU, the Council of Europe is also promoting interregional cooperation.

3. Method

3.1. Mapping organisations

Before selecting organisations, it was important to have an overview of the organisations existing in the region. This was made through internet research and literature review and the results are compiled in appendix 1.

3.2. Three organisations to study: IGKB, IBK and the Interreg Alpenrhein-Bodensee-Hochrhein programmes

IGKB is a quite old institution, whose name reveals the weight of water protection in its activities. The choice of IBK is the result of the literature review. Last but not least, given the importance of the European context, studying the Interreg appears to be important.

I studied the internet websites of these organisations as well as important documents. The official reports for the IGKB have been analysed and compared, and I did similarly with the guidelines of the IBK. Concerning the Interreg, the objectives of three programming periods and then projects have been deeply studied.

4. Study and analysis

4.1. 4.1 Internationale Gewässerschutzkommission für den Bodensee

The IGKB was founded in 1960. Its objectives are to monitor waters of Lake Constance, determine the causes of pollution.

4.1.1. The official reports of 1958 and 1959: what type of cooperation to protect the waters of Lake Constance?

The first official reports summarised the conference held in Vienna from the 14 to the 16 January 1958. The second is the result of the meeting which took place in St Gallen, from the 5 to the 6 November 1959. The studies highlight three main points.

The first one is the stated need for cooperation, despite asymmetric interests. For the different representatives, cooperation is the most efficient way to protect the waters. Yet, Baden-Württemberg and Switzerland cantons have a stronger interest than Bavaria.

Negotiations is not about whether to cooperate or not. It is rather about how to cooperate. Some representatives advocated for a loose cooperation, while others believe the foundation of a common institution to be the most efficient way. By the end of the conference, they all agree on the second option. The second aspect raised throughout the conferences is the financial concern shared by all representatives. „Die Durchführung ist kein rechtliches, sondern ein finanzielles Problem.“ (Kumpf, Allemagne), 15 janvier 1958).

Last but not least, the official reports show that the national and regional context is already favourable both legally and materially speaking. Various regions highlighted their efforts in better sewage system.

4.1.2. The official report of 2018: IGKB, a scientific work to protect the lake

The first part of the report is the status of the various projects while the second, and the major part is the scientific report. This shows the importance of the scientific work of the IGKB to protect waters. Moreover, the conclusion recalls the importance of the IGKB, even though the quality of the lake is now good. “Der starke Nutzungsdruck auf den See,

die Einflüsse des Klimawandels und die Neozoeninvasionen rechtfertigen nach wie vor die hohen Anforderungen der IGKB an den Gewässerschutz.“

4.1.3. IGKB, a Commission whose first mission is still on the agenda

IGKB has been founded to protect the waters of the Lake Constance. Cooperation was perceived as the only way to adopt an efficient action. Seventy years after its foundation is still a fundamental mission of the organisation.

IGKB was founded because the waters were in a poor status. Yet, in 2018, they have a good ecological status, thus confirming the success of the organisation. Its success and the current monitoring of the Lake Constance are made possible by its scientific work.

4.2. Internationale Bodensee Konferenz, a multiple perspective on the lake

The IBK was founded in 1979 and is made of regions bordering Lake Constance but also slightly further, such as Liechtenstein.

4.2.1. Presentation of the three guidelines

The first guideline was adopted in 1994. The second, adopted in 2008 is completed by a document published in 2013 with the measures to be taken in the second half of the strategic period. The last strategy has been decided in 2017, to be implemented till 2030.

4.2.2. The need to cooperate

First, cooperating was a tool for regional development but also to achieve objectives, such as in environmental field. This idea can be found in 2008 and 2017 with an extension. Promoting cooperation has become part of the IBK work and is inherent to it, as the preamble states: „Die Internationale Bodensee-Konferenz (IBK) vereinigt als politisches Dach die grenzüberschreitende Zusammenarbeit der Regierungen der Länder und Kantone in der Bodeeseeregion.“ (Leitbild, 2017 : 3).

4.2.3. The protection of waters, objective of the IBK

This is a really important objective in 1994, for which the first part of the topic „environment and nature” is devoted to. It is still an important issue in 2013 and is once again the first measure mentioned. Yet the protection is requisite to fulfil lake's quality as a resource, not only for the sake of the lake.

4.2.4. The Lake, medium for building a regional identity

The Lake has been used by the IBK as a way to unify the region. “Das überragende Strukturmerkmal dieser Region ist der See und seine Landschaft “(IBK, 1994). Presented as a central element of the region in 1994, which structures the region and thus would gather people and make them share a sense of belonging. In the two last guidelines, the lake, nor the regional identity is not so much highlighted, which could confirm that it has worked to a certain extent.

4.3. Interreg Alpenrhein-Bodensee-Hochrhein, three programming period to reinforce cooperation

4.3.1. The first programming period, 2000-2006

Four priorities have been financed during this programming period: economic development, regional and environmental development, social and cultural development and special support for border regions. Within this period, out of 129 projects financed, seven concerned the protection of Lake Constance.

4.3.2. The second programming period, 2007-2013

Within this programme, the protection of the Lake is clearly stated within the objective that needed to be achieved. Three projects financed directly concerned the protection of Lake Constance, on a total of 96 projects.

4.3.3. The third programming period, 2014-2020

Three main objectives are financed, and one of them is dedicated to environment. The pressure Lake Constance face is acknowledged in the programme description. The programme period is not over, so more projects might be financed. So far, a total of sixty projects were financed, and among them one concerned the protection of the Lake Constance.

4.3.4. Comparison

From a financial perspective, there is a global increase of the funding of 35% throughout the period. This shows both the political will to increase cooperation, especially coming from the European Union and the actual capacity to develop more projects and thus involve extra actors.

At first glance, the protection of Lake Constance seems to be less and less important throughout the programming periods, because the number of projects financed has decreased. It is interesting to note that IGKB is often a partner, which highlights its expertise on this topic but also the interest of other organisations to get involved in the protection of Lake Constance.

Yet, analysing financial data highlights that actually the financing dedicated to this topic has increased. The amount allocated has increased as well as the share of this amount in the total budget of the programme.

5. Discussion

5.1. Lake's role in cooperation

5.1.1. Protecting the lake, driving force then subject of cooperation

Protecting the waters of lake Constance was the first reason why regional representatives got together and despite asymmetric interests started to cooperate, for instance through the foundation of the IGKB. Yet, when one looks at the various organisations, the field of cooperation has extended. Nowadays the protection of Lake Constance's waters is one topic cooperation among others.

Moreover, while the IGKB's mission is to protect the lake for itself, the IBK protects the lake to ensure other activities which pollute but use the lake's waters. Its objective follows closely the definition of sustainable development as conceived with the Brundtland report.

5.1.2. Is cooperation the result of external influence?

Driven by the protection of Lake Constance, cooperation in the Lake Constance region followed a similar pattern to the international context described by Lerin and Tubiana (2005). This does not prove that this local situation has been influenced by the global context or if, after all, the global context as described is the result of combining local phenomena. Nevertheless, the creation of the IGKB was not influenced by global procedures, since it happened before the Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

Even though the cooperation process has strengthened, I was expecting a wider and stronger increase of cooperation, based on my readings. The EU policies certainly did not hinder the cooperation, yet it existed before and did not get stronger after the implementation of Interreg programmes for example.

5.1.3. The Lake Constance, common natural problem or natural region?

Following Fourny's work (2005), Lake Constance is first a common natural problem. Indeed, cooperation has been driven by the need to protect it from pollution sources. Yet, in 1994, the IBK also used the Lake as a central element in the region to foster the regional identity. The Lake as such is not mentioned afterwards, which can be a sign of success. Even though strengthening regional identity is still an objective of the IBK, henceforth landscape is the tool to promote that. As a result, Lake Constance might become a natural region, as a unifying element and source of identification for the inhabitants living around.

5.2. The study of official and public data in a foreign language, a limited method

5.2.1. Linguistics limits and bias in the study

All sources used were in German, which I don't perfectly handle. As a result, I was not able to perform a thorough analysis by analysing languages subtleties for example. Moreover, I lack some deep cultural knowledge. This would have been useful to see if after fifty years, the Commissions especially developed a common language, freeing themselves from national codes.

Furthermore, the topic of this work has been studied multiple times. Reading these studies helped me to better understand the situation, yet my analysing of the sources has been strongly influenced by them, as well as the design of my research.

5.2.2. A limited access to information

Deciding to study only sources available on line, and especially official documents means that I was able to work only on what institutions want to widely share. This shows what they wish citizens would see but it might have hindered my understanding. For instance, it would have been interesting to have the minutes of the meeting presented within the official report of 1958 to better understand the negotiations. The documents are accessible, but no information is given on the way they have been compiled. Choices made to draft the official reports, projects submitted but not granted will remain unknown, even though useful information might have been available thanks to such explanation.

6. Conclusion

Environmental problems cross borders and are one of the first element of cooperation. From its beginning to now on, cooperation was perceived as the most effective tool to protect Lake Constance's waters. Yet, at its beginning, protection Lake Constance was the driving force of cooperation. It was the reason why IGKB was created.

Lake Constance has joined together the regions that border it, especially because it is a common resource. Therefore, protecting it is including to ensure its use. It also has a double role. The common problem it was impelled cooperation, but the Lake Constance is also a central which has been displayed by IBK as a unifying element. Nowadays, landscape is playing this role.

If it is not anymore, a driving force of cooperation, the protection of Lake Constance is still a topic on the agenda of cross-border cooperation in the region of Lake Constance. Not only, it is still the core activity of the IGKB, but it is also an aspect of the various IBK's guidelines and the three programming period of the Interreg Alpenrhein-Bodensee-Hochrhein have funded ten projects.

Simultaneously, cooperation intensified. More organisations have been created, and they cover broader field. The increase of the Interreg budget might have influence it, unless it is a indication of the regional will to cooperation.

The results of this research confirm Blatter (2009) and Scherer's work (2006), especially regarding the evolution of the role played by Lake Constance's protection in the setting of cooperation. Yet, this evolution raises question. Why is lake Constance a topic among other and not anymore a driving force of cooperation? New topics of concern might be an explanation. Furthermore, its development might have had a snowball effect. Nevertheless, a deeper sty would allow to fill the gaps. For instance, is there less formalised cooperation, such as the exchange between two cities or associations? Specifically, it would be useful to study to which extent is this cooperation is offered and embodied by citizens. Is civil society engaged in cooperation, including in the field of water protection? This is particularly relevant, as the Lake Constance and its protection have been used as a unifying element to create a regional identity. Water protection in a transborder region, as a fundamental issue, has made regions unite. Does it make citizens joint together as well?