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***The list of phone numbers and the paradox of representation. Reflections on resilience in a cross-border context<sup>9</sup>***

*The COVID-19 pandemic has generated unharmonised measures on behalf of the national governments without communicating with the local actors of the border areas, the representatives of the existing cross-border structures included. Against the conclusions of several studies discussing the topic, the author claims that, notwithstanding a few exceptions, the cross-border structures established so far all over Europe were not involved in the management of the extreme situation. Instead, these were the interpersonal contacts of border citizens and informal channels through which derogations of strict measures were achieved at the regional and national governments. The author finds the reason of this phenomenon in the 'paradox of representation' meaning the controversial procedure through which border areas gradually obtain the legal entity status but they lose their societal basis. To illustrate this procedure, the study refers to three communities of experts of network governance, and, through their theoretical models, it argues that in parallel with the institutionalisation of cross-border cooperation, its participative aspects gradually weaken. The COVID-19 pandemic clearly showed in practice, how this process stabilised the territorial representation status of the cross-border structures while it emptied the participative platforms of the citizens therein.*

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## **Introduction**

The COVID-19 pandemic and its effects to the relations between the EU member states shocked the EU citizens, especially those living in border areas (Coatleven et al. 2020; Albers et al. 2021; Giacometti and Meijer 2021; Opiłowska 2021) as "the negative impacts of the crisis [were] disproportionately more severe in border regions than in non-border regions" (Peyrony et al. 2021, 147). The measures adapted by the central governments which "after thirty to seventy years of open borders, were probably not fully aware of the consequences of such action" (Coatleven et al. 2020, 20) radically reduced the rights of "border residents to live similar lives to those residing further from the border" (Giacometti and Meijer 2021, 7). What was even worse, the member states introduced their provisions without coordinating them with their neighbours, nor the European Commission (Albers et al. 2021; EC 2021; ECA 2022). This unilateralism (Böhm 2020; Carrera and Luk 2020; Coatleven et al. 2020; Giacometti and Meijer 2021; Hennig 2021; Weber 2022), the "state-centric, inward-looking responses" (Giacometti and Meijer 2021, 12) not only facilitated the "renationalization of the border regions" (Coatleven et al. 2020, 17) but, in a certain way, they also brought back the past, as several border citizens mentioned (Beylier 2020; Böhm 2020; Buko 2020; CESCO 2021; Giacometti and Meijer 2021; Peyrony et al. 2021).

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Especially since the adoption of the Schengen Agreement, cross-border integration has become a label of the European project (Popescu 2012) where the freedom of cross-border movement was seen as “taken for granted” (Giacometti and Meijer 2021, 50; see also Radil et al. 2021) and in the most integrated parts of the Continent, through their daily practices, border people even experienced the abolition of these borders (Albers et al. 2021, 5). On the contrary, these achievements suddenly became questioned as a result of the measures of “covidfencing” (Medeiros et al. 2021), and events took place in the border areas which previously were considered impossible. Authors of the proliferating COVID-19 literature account many measures making border citizens’ lives difficult. French nurses working in Germany could cross the border but they were banned to take their children attending the kindergarten or the school in Germany with them; a Belgian woman was not allowed to say goodbye to her dying mother in Aachen, the Netherlands (Coatleven et al. 2020, 18); it was a common provision in many countries that cross-border workers were banned to go to shopping after their working hours ended: they had to immediately return home (Unfried 2020; Albers et al. 2021; CESCOI 2021); key services like cross-border rescue were suspended (Klatt 2020); a border fence blocking free movement was established at the Victoria square between Tornio (FI) and Haparanda (SE) considered earlier as pioneers of cross-border urban integration (Giacometti and Meijer 2021). The most shocking phenomena are the examples of ethnic resentment stemming from the threat from persons coming from the other, the infectious side of the border. French citizens were insulted in Germany (Albers et al. 2021), Bavarians were handled with hostility in Western Czechia during the school holidays (Coatleven et al. 2020), Swedish cars were vandalised in Finland (Giacometti and Meijer 2021), Hungarian persons avoided from afar the Ukrainian cross-border commuters in the shops (CESCOI 2021). Blaming (Buko 2020) and “corona shaming” (Giacometti and Meijer 2021) was further fuelled by lurid articles in media and adverse posts in social media (Giacometti and Meijer 2021; Weber 2022). As a result, mutual trust which had been the engine of both cross-border cooperation and European integration has been dramatically injured re-generating social and ethnic boundaries and restrengthening administrative borders separating EU citizens from each other (Böhm 2020; Coatleven et al. 2020; Fellner 2020).

The frustration experienced during the pandemic will have long-term effects: the emerging mistrust rendered many people to conclude that they should re-organise their lives within the national confines while the borderland authorities revised their so-far followed cross-border integration policies – especially with regard to cross-border public services (Giacometti and Meijer 2021). In a world where everyone is suspicious who comes from abroad and potentially infectious, even the European project is questioned – or “undermined” (Coatleven et al. 2020, 6). It is palpable how the most integrated regions of Europe, namely the Benelux and the Nordic states have estranged – as Unfried (2020) and Giacometti and Meijer (2021) highlight it. As a litmus test, the pandemic revealed the shortcomings of the Benelux Union and the Nordic Council which had created exemplary structures and procedures facilitating cross-border integration that they failed to use during the crisis...

This study investigates the role of cross-border structures during the pandemic and points at one potential reason of their failure, namely the paradox of representation which cannot be overcome but by another paradoxical step. The analysis is based on the international literature of COVID-19 and the testimonies of 19 interviews conducted in 2020 and 2021 along the Hungarian borders within the framework of the 5<sup>th</sup> Legal Accessibility project<sup>10</sup>.

### **The role of cross-border structures during the pandemic**

It is a common observation of the researchers that the measures against the spread of COVID-19 have been introduced in a centralised, nationalistic manner neglecting the existing frameworks

<sup>10</sup> See: <https://legalaccess.cesci-net.eu/en/milestones/milestone-no-5/>

of bi- and multilateral cooperation, as well as, the operational cross-border structures. As Giacometti and Meijer (2021, 13) underline: “In the retreat from international collaborative structures, the committees and councils established to facilitate cross-border collaboration have been virtually forgotten.” Similar examples of negligence can be shown all over Europe. At the French-German border, seen as the laboratory of the European integration, “cross-border cooperation instances such as eurodistricts, the Upper Rhine Conference which still includes the working groups of ‘Health Policy’ (the Epi-Rhin network) and the ‘mutual aid of catastrophes’, the TRISAN competence centre, etc. are widely missing during the crisis” (Albers et al. 2021, 21). The Germany-Luxembourg border became closed in spite of the explicit disagreement of the border municipalities (Coatleven et al. 2020, 13). “Multi-level governance, and particularly paradiplomacy, the region-to-region perspective, and municipality-to-municipality relations have been largely underestimated as mechanisms for addressing the effects of the pandemic locally” (Giacometti and Meijer 2021, 51).

The centralised decision-making model partly adapted also by decentralised states like Switzerland, Spain and Germany prevented the introduction of tailor-made solutions respecting regional differences, especially during the first wave. Under these conditions, the existing cross-border structures could not fulfil their mission of integration. However, numerous examples are known, how they tried to facilitate cross-border mobility.

Typical reaction was the organisation of protests at the border crossings, e.g. in Luxembourg (Coatleven et al. 2020), at the German-Polish (Hennig 2021; Opiłowska 2021), the German-French (Wille 2020), the Slovak-Hungarian borders (CESCI 2021) and in the Nordic countries where the citizens even triggered legal actions against the border guards breaching the citizens’ constitutional right to free movement (Giacometti and Meijer 2021).

If not protesting, local and regional actors from either side of the border reclaimed re-opening of the crossings and lobbied for alleviating measures together (Coatleven et al. 2020; Klatt 2020; Medeiros et al. 2021; Opiłowska 2021; Weber 2022). Many of existing cross-border structures (e.g. the PAMINA, the Pyrénées-Méditerranée, the Gate to Europe and the Tyrol-South Tyrol-Trentino EGTCs, the Euroregions Nouvelle Aquitaine-Euskadi-Navarre and Meuse-Rhine, and instances like the Euro-Institut in Kehl or the Greater Copenhagen cooperation and Info Norden offices, etc.) collected and shared information in all relevant languages through their own instances and social media platforms (Coatleven et al. 2020; CESCI 2021; Peyrony et al 2021).

Task forces designed to coordinate the steps to be taken and to guarantee the exchange of information were set up, especially along the borders of federal states (Germany, Belgium, Switzerland, Austria) and Luxembourg (Coatleven et al. 2020).

The euroregions and similar cooperation bodies could be used as institutions of medical aid. The Eurodistrict Saar-Moselle facilitated the delivery of masks from Saarland to Moselle (Weber 2022); the BTC EGTC transported masks and fertilisers from Hungary to the Romanian member municipalities of the grouping during the first wave, when these types of equipment were missing there; the Tisza EGTC facilitated the transport of ventilators to its Ukrainian member region’s hospitals (CESCI 2021). The Greater Region and the Eurodistrict Saar-Moselle played decisive role in transporting French patients to Germany and in setting up a joint testing centre at the border (Albers et al. 2021; Weber 2022).

Nevertheless, despite the empowering examples of solidarity, the leeway for action of these structures was very limited and it was rather based on interpersonal contacts than the competences of the structures themselves. “As we could see during the management of the COVID-19 crisis, cross-border cooperation mainly depended on the good relations between the individuals who had created the necessary trust for cooperation” (Albers et al. 2021, 47).

According to Horobets and Shaban (2020) everyday people gained the most reliable information through their social networks and at the social media platforms. Several ones of our interviewees confirmed that instead of following the official sights with their always-changing and sometimes controversial information, the friends and the Facebook groups provided up-dated information on the conditions of border crossing (CESCI 2021). Albers et al. (2021, 35) characterise this

situation with the importance of the address books and the lists of phone numbers: “Although it might seem trivial, in reality, it is simpler to pick up the phone to get important information if the partner on the other side is well-known. On the contrary, the over-institutionalised, sometimes complicated and too long procedures might mean an obstacle in times of crises.”

Giacometti and Meijer (2021, 28) give the example of the mayor of Tornio who lobbied by himself at his colleagues to let the health workers cross the border. In the context of France and Germany, it was not the Cross-border Cooperation Committee (CCT) established by the Aachen Treaty (signed one year before the breakout of the pandemic) which played an intermediary role between the two governments – regardless of the fact that it had been set up for managing similar situations: it was the French-German inter-parliamentary group (APFA) whose members knew each other since long-time and had built up steady background for mutual trust. What is more, the transport of French patients to Germany was also initiated by doctors who were in contact with each other from the very beginning of the pandemic (Albers et al. 2021). The Greater Region has been providing well-based frames for integration around Luxembourg since many years which facilitated better coordination between the authorities. However, as Weber (2022) highlights: the informal contacts of the regional actors were as important in these processes as the formal ones.

To sum up, as the above examples show, these were not the existing cross-border structures that managed the best the crisis as their competences were paralysed by centrally defined policies and measures, but the individuals having the phone numbers of their counterparts and the relevant authorities on the other side of the border. Subsequently, this is the point where the paradox of representation comes into play.

### **The paradox of representation**

By the concept on the *paradox of representation* the author refers to the double-faceted process within which, under the roof of the multi-level governance (MLG) model of the EU, partners cooperating across the borders are enabled to represent their border area through legally protected independent entities displayed on maps (territorial representation). At the same time, as a result of an evolving process, the same structures are losing their inclusive nature and their direct contact with the population living in the borderland (deficit of democratic representation). In order to clarify the concept, we need to identify the double-faceted and gradual process of cross-border institutionalisation (Durand 2014; Lange and Pires 2018).

The first, *informal level* is characterised with strong interpersonal ties; the initiatives which are fuelled by the geographic, cultural, historic similarity and territorial proximity (Medve-Bálint and Svensson 2012; Svensson 2013; Engl 2016). This level is generated by the leaders of local institutions and associations. The cooperation has neither a steady institutional background nor a fixed agenda, but it is rather spontaneous, where the partners can involve large groups of the local society in the cooperation, hence creating its social base.

In parallel with the intensification of the encounters, the partners get to better know each other and each other’s capacities so that they recognise the potentials of a more integrated form of collaboration. They can share their assets through cross-border health, social, emergency, education, etc. services. This is the second, the *functional-territorial level* of cooperation. This level requires coordinated efforts, fixed agendas and procedures defined in common, as well as institutions or inter-institutional agreements guaranteeing the equal access to the services. Very often, the functional level presupposes the existence of joint cross-border territorial development strategies.

Strengthened functional integration then generates the need for joint management of the territory: the establishment of a permanent institution which is responsible for the cross-border realisation of the development plans. As the joint institutions presuppose the fixed legal background, the third level of cooperation can be named as *normative* one: here the conditions of cooperation are ruled by international (Madrid Outline Convention) or Community

(Regulations) law. In the first case, bi- or multilateral agreements facilitate the establishment and operation of cross-border structures, such as euroregions, eurodistricts, working communities, etc. In the latter one, the mandatory EU legislation (the 1082/2006/EC regulation, its amendment carried out in 2013 and the relevant national provisions) defines the frames for cross-border governance (i.e. the European Grouping of Territorial Cooperation, EGTC). As a result of the above evolution, cross-border initiatives gain visibility, stability and a certain level of competences. They can be displayed on maps so that these structures can *represent* a geographic area across state borders. As being permanent institutions, these entities are able to implement cross-border investments, to manage programmes, to maintain the results of cross-border projects, to provide services through their own institutions.

The “gradual institutionalisation of cross-border living areas” (Coatleven et al. 2020, 30) which cannot be separated from the Europeanisation (i.e. regionalisation and decentralisation) of spaces (Hennig 2021; Weber 2022) has a paradoxical character: in the very beginning, at the phase of informality, many citizens take part in the joint activities, and the interpersonal ties are very strong; at the final, normative phase, the cross-border structures take on a professional, managerial, sometimes elitist character, and, with a few exceptions, lose their socially inclusive features.

The theoretical frames of this double phenomenon are given by network governance theory. During the 20<sup>th</sup> century, based on the Weberian model of government political theorists shared the view that it is the state which owns the exceptional right to exercise power on its territory and to promote the well-being of its citizens within the frames provided by a (democratic) constitution (Peters 2014; Somlyódyné Pfeil 2019). According to this concept, the hierarchically constructed bureaucracy is the instance to guarantee the enforcement of the above principles within the confines of the so-called Westphalian state borders. The Westphalian Treaty making an end to the Thirty Years War in 1648 is considered the symbolic event which created the modern nation state borders in the West (Diener and Hagen 2012; Popescu 2012).

The widely-shared concept of the modern bureaucratic nation states confronted with a seismic crisis at the end of the last century, due to the parallel developments of globalisation and democratisation (Chhotray and Stoker 2009). In that period, the rise of the global market and the international companies challenged the monopolistic economic management role of the states (Virtanen 2004; Bevir 2013); today these are no longer the national governments but the key actors of the market who rule the global economic processes (Björk and Johansson 1999). Thanks to the achievements of communication, the feeling of mutual dependence of people and peoples has been strengthening contributing to the internationalisation of the civil society and the development of cross-border networks (Scott 2004; Levi-Faur 2014). More and more phenomena emerged whose handling exceeded the competences of the nation states and this resulted in the proliferation of supra- and subnational governance models, neglecting the traditional administrative borders (Allmendinger et al. 2015; Telle 2017; Ulrich 2021). The complexity of the contemporary challenges from climate change to globalisation of the economy and the use of ICT tools, etc. favoured for the recognition that the capacities and the resources of a state apparatus are insufficient to tackle them: the responsibility of the government must spread out both vertically and horizontally (Chhotray and Stoker 2009; Ansell and Torfing 2016).

In parallel with, and not independently from the above process, the spread of the principles of democratisation has generated new forms of interest representation (Chhotray and Stoker 2009), active citizenship (Ansell and Torfing 2016), participative-deliberative decision making (Levi-Faur 2014) and the evoking of the values of pluralism and differentiation (Ulrich 2016).

The governance literature shares the view that the European Union is the most advanced alternative of the Weberian model (Levi-Faur 2014; Ansell and Torfing 2016; Ulrich 2016), especially thanks to its multi-level governance solutions (Marks 1993; Hooghe and Marks 2003). The principle of subsidiarity created the model of shared competences between the state and the Union level institutions while the paradigm of regionalisation favoured for subnational

(territorial-statistical regions), supranational (macro-regions) and cross-border (euroregions, EGTCs) forms of governance. These achievements challenge the modernist state-centred governance practices when creating new scenes of policy-making.

The euroregions and other similar cross-border structures are considered as examples of horizontally organised network governance (Lissandrello 2004; Veggeland 2004; Medve-Bálint 2013) whose institutionalisation (stabilisation) is characterised by the above-mentioned paradoxical feature. In order to explain this paradox, let's cite here the outcomes of three author communities' works.

Zumbusch and Scherer (2015) make a difference between weak and strong institutionalisation (*See Table 1*) where the first form is rather flexible, its decision-making procedures are simple and the decisions have neither a mandatory character nor a strategic perspective as the network lacks the appropriate competences and capacities to realise far-reaching goals. On the contrary, networks of strong institutionalisation develop their stricter internal rules and procedures, and a hierarchical structure implementing the organisational strategy. Unlike the weak model, strongly institutionalised structures can guarantee the stability and reliability which are necessary for the realisation of long-term visions. These organisations (e.g. the EGTCs) "are able to offer a stable framework for long lasting continuity, for simplified decision making processes and for an enhanced potential to deal also with conflict-driven issues in the region" (Zumbusch and Scherer 2015, 516.).

**Table 1 – Comparison of weak and strong institutionalisation**

	<b>Strong</b>	<b>Weak</b>
<b>Membership</b>	closed, defined representatives	open, flexible
<b>Legal form</b>	defined legal form (public law)	loose network arrangements (private law)
<b>Organisational structure</b>	existence of several bodies, complex	simple structure, modest complexity
<b>Decision-making</b>	majority voting	consensus, unanimous votes
<b>Character of decisions</b>	binding character, mandatory	non-binding, without obligation
<b>Political involvement</b>	political as well as sectoral expertise	various experts, administration
<b>Time perspective</b>	long term perspective	short- or medium-term perspective

Source: Zumbusch and Scherer 2015, 505

In their model, Provan and Kenis (2008) differentiate between three forms of network governance (*See Table 2*).

**Table 2 – Network governance models of Provan and Kenis**

<b>Governance forms</b>	<b>Trust</b>	<b>Number of participants</b>	<b>Goal Consensus</b>	<b>Need for network-level competences</b>
<b>Shared governance</b>	High density	Few	High	Low
<b>Lead organisation</b>	Low density, highly centralised	Moderate number	Moderately low	Moderate
<b>Network Administrative Organisation (NAO)</b>	Moderate density, NAO monitored by members	Moderate to many	Moderately high	High

Source: Provan and Kenis 2008, 237

'*Shared governance*' is the most democratic form which lacks a ruling centre. Cooperation is defined by domain similarity and high level of trust while the joint goals can easily be set without establishing an independent entity being in charge of managing the joint activities. This form which has an informal character confronts with difficulties if the quantity of joint tasks starts growing. As the partners have no dedicated staff to tackle the challenges, one of the partners needs to undertake the role of coordination, in the name of the network. This solution improves the effectiveness but generates extra burdens over one network member. This is the model of the '*Lead organization*' which means that instead of horizontal networking, where everyone cooperates with everyone in a democratic way, the position of one partner is strengthened. As a consequence, the leading partner acquires a central position: the other partners of the network communicate with this leading organisation while their horizontal ties start weakening which diminishes the level of mutual trust: the trust is rather enhanced toward the leading partner.

Once the hierarchical structure rises, the need for more advanced network competences may be growing which can facilitate the contracting of a '*Network Administrative Organization*' (NAO). The last model refers to the normative level of cooperation when an independent legal entity undertakes the role of coordination and management. In parallel with the development of a more effective model, the intensity of participation lessens (Ulrich 2021): the NAO manages the daily work without the direct involvement of the networking partners.

One of the main conclusions ("propositions") of the authors is that "[n]etworks face a tension between the need for administrative efficiency and inclusive decision making. In shared-governance networks, the tension will favor inclusion; in lead organization-governed networks, the tension will favor efficiency; and in NAO-governed networks, the tension will be more balanced but favor efficiency" (Provan and Kenis 2008, 245). To sum up, in parallel with the increase of the level of efficiency, inclusion is harder to be maintained in networks.

Davoudi et al. (2008) present a comprehensive picture on the different forms of cross-border cooperation and the potential ways of involvement of the citizens (See Table 3).

Limited *formal* involvement can target the organised groups such as chambers, civil associations, companies, media, etc. The joint field of interest between the network organisation and the above partners is ensured by consensus building and the provision of the access to political and financial resources.

Widespread *informal* participation is a better solution in the case of the everyday (or marginalised) citizens whose capacities for self-organisation are weak or completely missing. They can be addressed directly during a participative-deliberative planning process, for instance.

**Table 3 – Main characteristics of limited and weak participation**

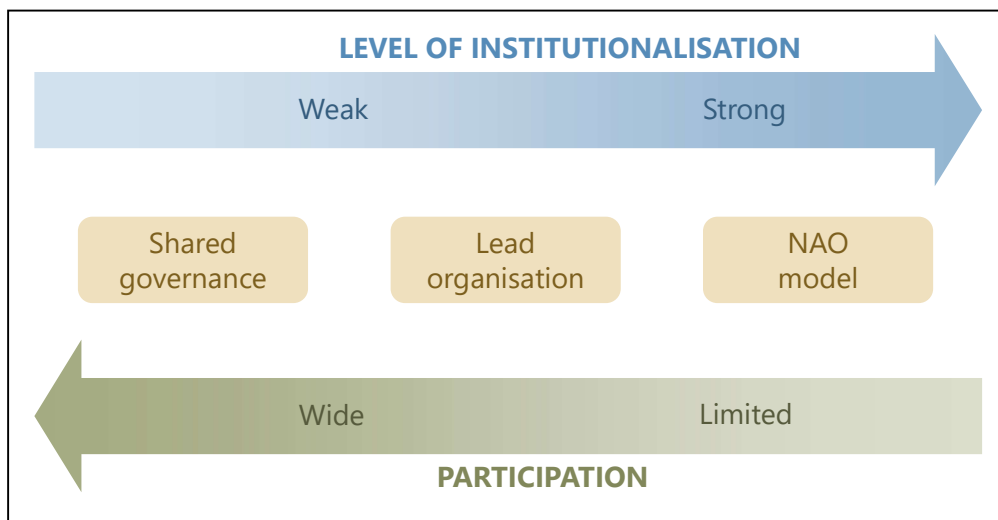
	<b>Limited participation</b>	<b>Wide participation</b>
<b>Subjects</b>	organised groups	„the citizens”
<b>Way of participation</b>	formal participation	informal participation
<b>Extension of partnership</b>	limited	unlimited
<b>Objective of cooperation</b>	consensus building	to promote the construction of deliberative democracy and territorial cooperation
<b>Form of cooperation</b>	public-private partnership	micro-decisions, consultations, sharing of information

Source: Own compilation based on Davoudi et al. 2008

There is an obvious inherent relationship between less and more formal participation and less and more formal governance models. Zumbusch and Sherer interlink the informal model of cooperation with weak, while the formal one with strong institutionalisation.

The evolution of cross-border cooperation within the European Union is characterised by gradual institutionalisation (from the weak to the strong model) during which the shared governance forms are replaced by more hierarchical and centralised structures of lead organisations and network administrative organisations. In parallel with this process, examples of wide participation are gradually disappearing and are replaced by formal and limited forms of involvement (See Figure 1).

Figure 1: Reciprocity of institutionalisation and participation in network governance models



Source: Own compilation based on Zumbusch and Scherer 2015, Provan and Kenis 2008 and Davoudi et al. 2008

To conclude, the fact that the existing supra- and subnational cross-border structures could not play a decisive role in the management of the pandemic is hardly justifiable by their neglected status against the national authorities. In compliance with the paradox of representation, the more professionalised, the more institutionalised and the more visible these structures are, the weaker their relationships are with the border people affected the most by the border regime during the pandemic. At the same time, those interpersonal ties which either have been developed during a previous level of cooperation or ensured within the framework (!) of a Network Administrative Organisation (e.g. an EGTC) proved to be much more effective and successful. Even the positive exceptions of the PAMINA and the NAEN EGTCs, the Euroregion Meuse-Rhine, etc. include the informal factor of cooperation beside the formal one: without the address books, the coordination would fail everywhere.

### The way out: more representation

When Alexis de Tocqueville visited the United States in the 1830s, he recognised those factors of the American governance model which he expected to become general in the forthcoming centuries in the Western civilisation. He also identified the main risks stemming from the enlarged freedom of the American citizens with unparalleled insight, and he concluded that these risks can be managed by providing the citizens with even more freedom (de Tocqueville 2002). This is a lesson which can be adapted to the paradox of representation: paradoxically again, the shortcomings of the operation of cross-border structures can be compensated by providing them with a higher level of representation.



The researchers of the COVID-19 pandemic concede that in similar crises, the subsidiarity principle should be applied also at the cross-border context (i.e. beyond the national confines). The recommendations formulated by them include mandatory consultations with cross-border entities before adapting national measures, as well as the territorialised, tailor-made management of the crisis which makes it necessary to empower the cross-border structures. As Coatleven et al. (2020, 12) stipulate: “nationwide approaches necessarily lead to a dilemma between disproportionality in less affected regions and inefficiency in heavily affected regions, which could easily be avoided by giving regional and local authorities more leeway”. Instead, territorial derogations designed for border areas should have been applied (Albers et al. 2021).

Territorialised solutions presuppose the adoption of cross-border crisis management or emergency plans (Coatleven et al. 2020, 27, 30; Peyrony et al. 2021, 128), as well as the equipment of cross-border structures with political competences – “place-sensitive governance approaches” (Giacometti and Meijer 2021, 7) – and financial resources needed for the implementation thereof (CoE 2021, 8; Albers et al. 2021, 37; 52; Peyrony et al. 2021, 128). Several interviewees highlighted that during the crisis border citizens did not know which authority to contact to (this also points at the above analysed shortages of embeddedness of the existing structures). Therefore, in future crises the border areas will need a “lighthouse institution” (Albers et al. 2021, 52) which can provide citizens with updated information in each relevant language and is able to manage the procedures and implement the fit-for-purpose and tailor-made measures. For this sake, these entities should be enabled to collect data and information on the processes taken place within the cross-border living areas in order to facilitate tailor-made decision-making (Peyrony et al. 2021). At the moment the information on cross-border flows and the inter-dependencies of the border areas are missing at central level (Giacometti and Meijer 2021).

The involvement of the local and regional level is in the interest of the national governments as well. As that-time Commissioner, Jacques Santer interpreted the subsidiarity principle in 1998: “to act less in order to act better” (cited by Coatleven et al. 2020, 24). Furthermore, the delegation of certain competences to the local level enhances the legitimacy and transparency of the decisions (Coatleven et al. 2020; Albers et al. 2021; CoE 2021; Ulrich 2021) and strengthens mutual trust (Peyrony et al. 2021; Weber 2022) without which there is no cooperation and which presupposes the existence of strong interpersonal ties and those address books and phone number lists facilitating the adaptation of tailor-made interventions during a future crisis.

### **Conclusion – what is at stake in this context?**

This study attempted to reveal the inherent, structural phenomenon of gradual institutionalisation of cross-border cooperation which, in parallel with the process of becoming the territorial (geographical) representative of a border area deprives these network governance structures from their social base. This phenomenon is named by the author as ‘the paradox of representation’ because it equips the border area with a representative organisation, sometimes in the form of an independent entity (an EGTC) but, at the same time, this entity fails to represent the population living in the same border area. The paradox of representation reasons the fact why not the existing supra- and subnational structures were the factors playing the most important role during the COVID-19 pandemic but those inter-personal contacts which had been established within or out of these entities and bodies, at an informal level.

The management of the pandemic has been further strengthening the re-nationalisation and re-bordering tendencies which has been more and more defining the European discourse since 2015, when the so-called migration crisis broke out. We can conclude that statism is back, borders regained their significance and we are witnessing the corruption of mutual trust between the EU Member States with such a fierce that we thought to be left behind. Indeed, this is not an age favourable for cooperation.

However, in this adverse situation, many border people and numerous cross-border initiatives set a good example of solidarity and trust. What is more, paradoxically enough, the best examples of solidarity were shown by those affected the most by the pandemic. And this phenomenon may give us the hope: the paradox of representation can be resolved by awarding more representation, more competence to the cross-border entities. To put it in practice: in order to enable the political and social representation of a borderland, the leaders of the network administrative organisations have to involve the citizens through participatory deliberative methods and procedures (Ulrich 2021; Weber 2022). As the experts of the Council of Europe underline: the “current crisis has highlighted the importance of a robust system of civil participation in public decision-making” (CoE 2021, 8). This change could be initiated and promoted by the protagonists of cross-border cooperation. The “core idea of participatory governance is giving *voice and vote* and the possibility for verification by transparent information policy to the individuals and/or the representatives of the individuals who are primarily affected by the policies that are implemented” (Ulrich 2021, 70). For this purpose, the NAO-typed organisations “need to be more inclusive of civil society, and decisions made with input from citizens need to be more binding” (Ulrich 2021, 194). Once also having a cross-border emergency plan, in the event of future crises, the euroregions, EGTCs and other forms of cross-border governance mechanisms may become the key actors of mitigation. At the same time, the stakes are much higher. Through their para-diplomatic feature, cross-border organisations can contribute to both cross-border (inter-national) confidence and the restructuring of trust in the European project itself...

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