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The EU's new Cohesion Policy and the Rationale for Regional Development

Conference Paper

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INTRODUCTION

The European Union's regional policy (cohesion policy) as well as the Instrument for Pre-accession Assistance (IPA), have recently undergone quite far reaching changes. This creates a fundamentally new framework for the countries of the Western Balkans seeking balanced socio-economic development and accession to the European Union. It also creates important new opportunities, which can only be exploited if national governments are able to define clear development policies which can be co-financed by the EU.

Lessons from the past and present of EU regional development policies offer important clues as to how national development policies could be shaped, and how local stakeholders – authorities, public bodies, the private economy as well as civil society – can be involved in a meaningful partnership to pursue the common goals. In this paper, these lessons will be examined in response to a set of questions emanating from the co-operation network of Swiss Development Co-operation Offices around the region, and discussed at their Annual Workshop in Skopje in March 2016.

- Chapter 1 provides an overview about the rationale behind development policy – first in general terms, and with a view to the EU's cohesion policy. Then, with specific regard to the countries of the Western Balkans: how should they approach the challenge of development policy, and how they could involve EU funds for that purpose?

- Chapter 2 discusses governance aspects, and the links between regional development and the development of democracy overall. First, we review the role of multi-level governance and partnership in development. Then we discuss institutional aspects, in particular at the sub-national level. Last but not least, questions of transparency and accountability are revisited.

- Finally, in Chapter 3, we summarise some recommendations to countries of the region as to how they could take their their regional development policies to the next level.

Given time and resource constraints, this paper is only a sketch of the main issues at hand. Swiss bilateral assistance projects in the region are already exploring them further, and will hopefully continue to do that over the years to come.

1 The Rationale for Development Policy

1.1 Disparities vs. Growth – European Practice

All European Countries entertain major public investment programmes. For this, there are in general two main reasons:

- Excessive regional disparities would unavoidably lead to social conflict.
- Underdevelopment also means the underuse of social and economic resources, and therefore reduces overall public wealth.

Underdevelopment may have different causes – insufficient accessibility, natural handicaps, underperforming public services and social infrastructure, lack of access to finance enterprises, demographic imbalances or the lack of skilled working-age population, etc. The state has a role to play in all of these areas. During the last six decades, the European Union and its member states have developed a range of policies that can counteract those deficiencies. Among them, cohesion policy. These can be applied also in the countries of the Western Balkans – their socio-economic challenges are not fundamentally different from those experienced by EU member countries.

The original mandate of EU regional policy – as enshrined in Articles 174-175 of the Treaty on European Union – aims at ensuring economic, social and territorial cohesion. This means: the overall harmonious development of the Union and its member states, as well as the reduction of regional disparities. The EU and national governments are obliged by the Treaty to co-ordinate their policies so as to contribute to the objective of balanced development. The EU's structural and investment funds (ESIF) are to be used to support those policies.

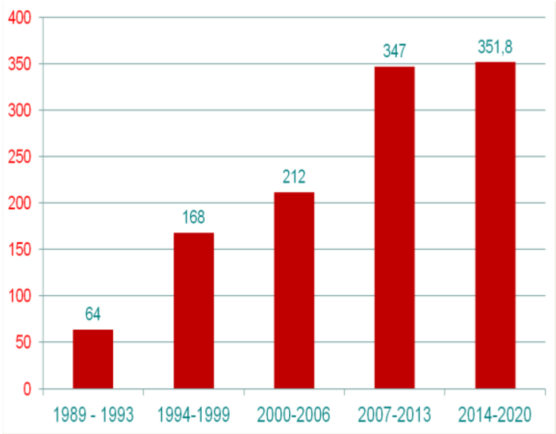


Figure 1 - EU Cohesion Policy budgets

Traditionally, EU regional policy has been most often referred to as the EU's instrument to reduce disparities. However, as its budget gradually increased – especially with the 2004 Eastern enlargement wave – its ability to live up to the expectation has been more and more debated. Scientific studies were inconclusive as to the lasting socio-economic effects – e.g. on growth – of the EU's structural investment programmes. At least some of the traditional areas suffering from lasting economic stagnation and relative poverty continued to exist. While the EU's own reports about cohesion policy have repeatedly claimed success, especially net contributor countries of the EU budget – especially Austria, Denmark, Germany, the Netherlands, Sweden and the UK – stressed the need to only fund EU policies that provided a European added value. I.e. policies, which were able to show their positive socio-economic effects, and which were better delivered at Union, rather than national level.

After the financial deal for the financial period 2007-2013 had been struck – involving a very substantial increase in cohesion policy's resources, making it the largest single expenditure item in the EU budget – member states immediately started an extensive reform debate. The question of why to spend so much money on regional policy – and if so, in what way – was up for open discussion.

The basis of the debate was provided by a scientific study prepared by an international expert team led by the Italian professor Fabrizo Barca. Barca's Report analysed the strengths and weaknesses of the policy, and came up with proposals for some fundamental changes to its approach and instruments.

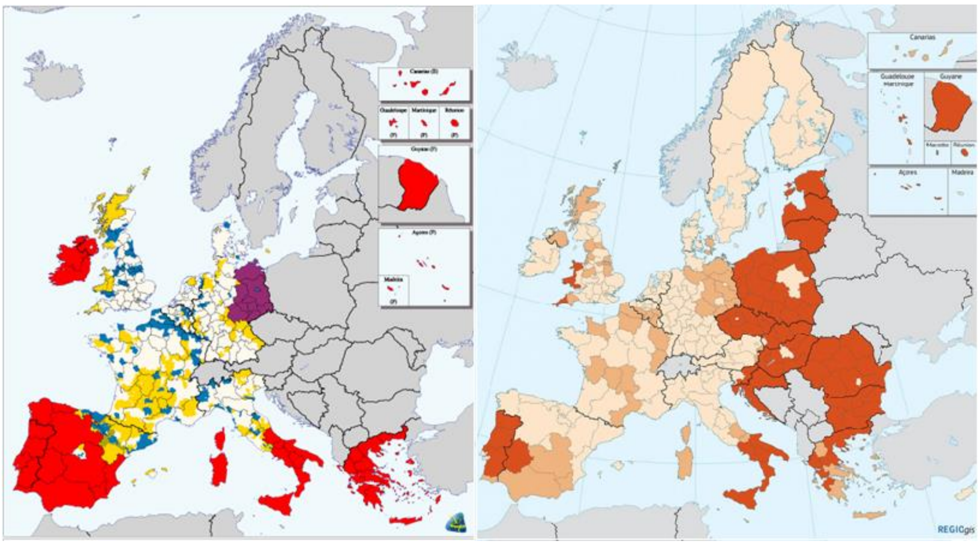
As the study claimed, the EU's regional policy was instrumental in guaranteeing the co-ordination of EU and national development resources. It strengthened multi-level governance – i.e. the co-operation of national, regional and local authorities – and contributed to the overall development of public policies and institutions, *inter alia* by fostering an exchange of experience among member countries. On the other hand, he found regional policy to be wanting as regards strategic planning, and focussing on priorities. It had not done enough to measure performance, and the debate about the policy's impact on people's lives was very much lacking. Last but not least, the policy often ignored the territorial dimension – how challenges, problems, and policies affected different territories in a different manner.

Barca's reform proposals suggested concentrating cohesion policy's resources on a maximum of 3 to 4 key priorities, in a territorially differentiated manner. In order to guarantee added value, financial support was to be made conditional on the achievement of results, in a contractual relationship – rather than being based on a logic of “entitlement” justified by underdevelopment. Member states were also to be obliged to create the necessary institutional and policy pre-conditions for an effective policy. More emphasis was to be placed on the examination of macro-economic results, in the overall context of the Union’s overall economic policy objectives, the Stability and Growth Pact.

Most of these reforms were indeed realised. The new cohesion policy requires all member states – to an extent relative to their levels of development – to concentrate a major part of their EU funds on the objectives of research and development, information technology, small enterprise development and social inclusion. New operational programmes are much more explicit about measureable targets and milestones. There is also a set of new integrated territorial instruments, partly compulsory, to address development needs in a regionally differentiated manner. The co-ordination among financial instruments, national and EU policies is to be strengthened, and the administrative burden of managing the policy reduced.

It is worth to note that in the reform debate, Barca called the objective to equalise living standards unrealistic, and suggested that instead of making disparities disappear, the policy should rather aim at creating socially acceptable conditions and development in all regions, based on their local strengths and development potentials. Despite the fact that EU statistics do show that a number of the previous target regions of the EU – in Ireland, Spain, but also in Italy, France Eastern Germany – are no longer among the poorest. Nevertheless, the principle of solidarity remains valid in cohesion policy.

Figure 2 - Cohesion policy - eligible regions 1990 vs. 2014



Accordingly, the reformed cohesion policy maintains its traditional objectives, and its significance within the Union's overall budget.[1] The Union's commitment to regional development has not diminished, nor has the principle of solidarity, with the majority of funding still going to the more underdeveloped areas of the East and the South.

At the same time, solidarity and the logic of "entitlement" is no longer sufficient to sell cohesion policy to the net contributor countries. Particular national concerns that had historically led to the creation of the structural and cohesion funds – France's fears from German industrial competition, the UK's demand for a more balanced net position towards the EU and her problems of industrial decline, Spain's, Portugal's and Greece's underdeveloped infrastructure, etc. – are no longer sufficient to claim EU support. The policy could only maintain its position by improving its capacity to serve as an effective instrument of economic and social progress, in the overall context of Economic and Monetary Union. Concentration requirements in the new legal framework position the policy as an instrument of smart, sustainable and inclusive growth for the entire EU. Member states are due to pursue their objectives of growth and equalisation togehter. In this framework, growth is not seen in contradiction to balanced regional development, but rather as a precondition to it.

To sum up: the traditional rationale for regional policy based on balanced development is still there in Europe, but it was now strongly linked to overall growth, and made conditional on the cohesion policy's actual social and economic contribution.

1.2 Challenges and Opportunities for the Western Balkans

Regional policy and the co-ordination of structural instruments – negotiation chapter 22 – is traditionally not among the protagonists in the dialogue between pre-accession countries and the European Union. The relevant chapters of national programmes for the adoption of the *acquis communautaire* are mostly filled with reports about the use of pre-accession assistance, and problems of absorption capacity. In cases, national regional development policy, or public investments are often forgotten. The link between IPA and regional development is completely missing. This is a mistake, on both sides.

For EU negotiators, regional policy is something that will apply to candidate countries "only in the longer term", upon accession. It does not figure among the priority sectors for IPA support in the Indicative Strategy Papers for 2014-2020. Cross-border

[1] Cohesion policy's budget for the period 2014-2020 is – in nominal terms – the same as in the period before In real terms, this involves a reduction of ca. 15-20% - which is the same as the reduction of the size of the EU budget overall.

co-operation programmes – which clearly belong to regional development – are discussed in the context of regional co-operation and peace-building, rather than socio-economic development. True: the Commission has no mandate from the Council to negotiate about financial transfers to candidate countries beyond those committed to IPA. And pre-accession assistance was, traditionally, first and foremost an instrument of legal harmonisation and institution building. At least until the very late stages of the accession process.

For national governments, EU assistance is important in certain sectors, but its overall amount usually seems insignificant vis-à-vis the development needs they are facing. For an "average" minister, securing investment funds from the national budget seems easier – as it involves less effort, and less administration. Domestic political power is sufficient. International negotiations are not needed, and rules on programming, monitoring – or transparency and accountability – are less stringent. The perspective of year long programming negotiations, and running international tenders based on foreign procurement rules, instead of deciding about the use of funds by a "simple" government decision, is not compelling for anyone facing new elections just around the corner.

Still, if the objective is lasting success in development policy, there is a need for regional developers to leave their comfort zone, and take up the challenge to get the EU engaged in regional development policy. Earlier candidate countries have shown that this is possible. And the EU's own rules, especially those of IPA 2, provide good arguments for that.

Contributing to the beneficiary countries' national reform policies is a traditional objective agreed by both donors and recipients worldwide under the auspices of the OECD Development Assistance Committee. IPA's rules for 2014-2020 specifically compel the EU to use pre-accession funding for the support of beneficiary-owned national reform strategies. This specifically involves using the national budget, and national delivery instruments – rather than the "Brussels-led" – management modes that IPA has been using over the last decade.[2]

This is a major opportunity because the new management approach definitely carries the chance to eliminate many of the absorption capacity problems that IPA has been suffering from in many countries, leading to substantial losses of scarce development funding. Also, taking a multi-annual perspective, IPA funding to the countries of the Western Balkans are far from being negligible. The possibility to spend money usefully on legal and institutional harmonisation is limited, even in sectors – such as phytosanitary or veterinary legislation, border management or market surveillance – where compliance with the acquis entails the creation of expensive infrastructure. In

[2] Initially, EU funds were spent in most pre-accession countries through tenders directly managed by the EU Commission. Later, after some complicated, lengthy and expensive institution building – involving also the creation of Central Finance and Contracts Units – candidate countries were allowed to run EU-projects on their own, with the EU exercising ex-ante controls at key steps in the procurement and disbursement processes. IPA 2 has changed that approach, and aims at handing over the technical control of EU support to the national governments, provided that certain criteria – related to the existence of well-defined national policies, and the transparent management of resources – are met.

other words: IPA money cannot be spent effectively without using some of it for public investment programmes related to socio-economic development. And the authorisation to do so clearly exists in the IPA regulation. Overall, there are hundreds of millions of Euros in each country's IPA budgets, which could be spent for regional development.

Naturally – just like in the case of cohesion policy – there are important pre-conditions to that. Most importantly, the EU needs to be presented with a convincing national strategy involving a multi-annual financial commitment of the beneficiary country. Furthermore, there must be clear arrangements for policy co-ordination in the sector. There must also be a strategy to ensure the transparent and accountable management of EU resources. Even so, regional development is likely to be seen by the EU – as already indicated above – as a less prominent need for support. In some cases, a mid-term revision of the IPA Indicative Strategy Papers may have to be put on the agenda. This requires a high-level political commitment and negotiation skill on the part of the beneficiary countries.

It should also be noted that the EU will only contemplate proposals to fund regional development if progress towards the "more prominent" political criteria of accession is not neglected either. It would be even better if the contribution of regional policy to these overarching objectives could be shown. And that is where the governance aspects of regional policy come into play.

2 Governance, Democracy and Regional Development

Regional policy in the EU and in Switzerland are built on some very similar principles. In terms of political democracy, it is perhaps subsidiarity, multi-level governance and partnership (participation) as well as the transparent use of public funds (accountability and non-discrimination) that should be cited most of all.

2.1 Multi-level governance and Partnership

The EU's political system as a whole is often seen – rightly or wrongly – as one that challenges national governments' authority, and in so doing, provides regions with a political boost to have interests respected by national governments. Indeed, regions and municipalities have traditionally been strong and prominent stakeholders of EU regional policy.

In reality, cohesion policy does not interfere with any country's constitutional framework. Member states are completely free to decide about the structure of their structural funds management systems. Decentralising power, or funds, to the regional or local level is generally not required (barring a few exceptions, as to be discussed later). Accordingly, regional policy does not challenge member state authority, and should not be seen as a danger to national unity. Just the contrary: by inducing socially sustainable development, it helps to stabilise every country's political democracy, society and economic growth.

The governance system of cohesion policy always follows the recipient country's public administration structure. A significant decentralisation of public investment resources only takes place where governance structures with sufficient political legitimacy and administrative capacity exist at regional and local levels. In federal systems – like Austria, Belgium and Germany this means a near 100% decentralisation of regional policy. Decentralisation may also be the main rule in non-federal member states with developed regional administrations, such as France, Italy or the UK. Poland and Portugal entertain regional policy governance systems where the national and regional levels are sharing responsibility. Bulgaria, the Baltic States, the Czech Republic, Hungary, Slovakia or Slovenia are running centralised systems, where national policies are dominant. Attempts to "overtake" the decentralisation of public administration by decentralising regional development in the absence of legitimate regional decision-making structures are unlikely to succeed.

At the same time, the new legislative and methodological framework of cohesion policy – as discussed in Chapter **Error! Reference source not found.** – does promote a territorial approach to development. It requires an analysis of challenges and development potentials in a territorial context. And, it also offers a range of instruments to promote territorial development at any level: from a city quarter, through a municipality, an agglomeration, a county, a functional or administrative region, a cross-border area or even a multi-country macro-region.

The use of territorial development instruments generally involves

- Drawing up a specific, multi-annual strategy the territory in question;
- A multi-annual financial commitment by the stakeholders concerned, with a ring-fenced budget; and
- The creation (or identification) of a governance structure based on partnership between the state, the private economy and civil society, and a vertical co-ordination between national, regional and local players involved.

Partnership and multi-level governance are thereby general requirements towards all programmes and all member states. The decentralisation of decision-making isn't, with two exceptions:

- In community-led local development programmes (CLLD) – which member states must employ for the delivery of at least 5% of their rural development budgets, but can also use under other areas of development policy – it is compulsory to set up so-called local action groups (LAGs), responsible for the definition of their strategy and the implementation of the CLLD program. In such LAGs, the representation of the public sector must be below 50%. Local private and civil society stakeholders must have the majority.

- In sustainable urban development programmes (SUD) – which member states must use to deliver at least 5% of their European Regional Development Fund credits, i.e. about 2-3% of their cohesion policy budgets – the selection of investment projects must be delegated to the local partnership.

Regional or territorial programmes involving integrated territorial investments (ITI) combining multiple financial sources can also be run under more centralised governance structures. Except that regional or local stakeholders, as well as the representatives of the private economy and civil society, must always be involved in programming and monitoring.

The IPA programme has already established the latter principles in candidate countries in EU support programmes. In the context of IPA 2's sector approach – as discussed in Chapter 1.2 – encourages pre-accession countries to extend them to all national sector reform strategies. Regional development programmes can play a special part in that process, as here the involvement of regional and local players, and social partners is perhaps more immediate than in some other areas of public policy.

In debates about regional development the question of regional or local identities is also often raised. On the one hand, the principle of partnership does entail the existence of sense of community. A committee of partners charged with the preparation and oversight of a territorial development programme is very likely to regard the interventions they created and/or follow as their own – and they exercise their representatives as a team. Targeting territorial programmes effectively also requires the deep knowledge of the local circumstances. Getting to know these during the programming process is also likely to create specific ties in all those concerned. At the same time partnership in the context of a regional development programme is not necessarily a political concept. It is not identity, but a sense of ownership by the stakeholders of the strategy that is a prerequisite of success – like it would be in the case of any sectoral strategy, too.

A bottom-up approach to development policy can also be seen as "empowering municipalities". It is true that – quite unavoidably – a serious portion of EU and national development funds is spent through municipalities. They will have to develop and implement a large number of projects, and national development policy will not work without these projects, and therefore the municipalities, being successful. In fact, they are keeping governments' promises. They can also be focal points for all kinds of local private stakeholders, encouraging them to take part in the national development effort.

Summing up: regardless of the constitutional make-up of any country, the strengthening of the local and regional levels' capacities for development policy certainly makes sense. So does the fostering of local partnerships and local communities. Their inputs are key to making the most of whatever public development resources are available.

2.2 INSTITUTIONAL STRUCTURES

Municipalities vs. Regional Development Agencies

In terms of multi-level governance, one should also address the issue of the specific institutional framework of development policy at regional or local levels. This framework should – like at national level – be in line with the structure of the programmes and measures to be managed.

As a first step, any institution building strategy should carefully consider how already existing bodies and authorities can be involved in programme design and delivery. Municipalities, which usually carry responsibilities for the provision of a wide range of public services, and the related investments, should have relevant capacities. Co-operations of municipalities, organised around a (sub-)regional centre may be well equipped to identify, develop and implement development projects. Such partnerships, or individual city councils may well be capable of running the integrated territorial investment schemes mentioned in the previous chapter.

At the same time, many countries also envisage the creation of new regional development agencies (RDA). RDAs could be regarded as *necessary*, if there are specific programmes addressing that territorial level. In such cases RDAs can be the managing authorities of the relevant programme, or implementing agencies (intermediate bodies) of a national authority having overall responsibility, and executing tasks related to that particular region.

RDAs can, however, also act as promoters of projects designed by other stakeholders in the region. Such projects may be financed by the relevant regional programme, but also by sectoral programmes, or transnational measures. In other words, RDAs can be useful also when they do not have a direct responsibility for a particular regional development programme as managing authority or intermediate body.

In a functional area-based development framework – the integrated instruments of the new cohesion policy framework qualify as such – both municipalities and regional agencies may be appropriate.

In many cases, private bodies may also be involved in programme management. For loan and equity schemes financing small and medium-sized enterprises banks are the logical first choice to channel funds. Regional development agencies themselves may also be run as enterprises – even if they are in state hands – and be employed by the national authorities via service level agreements reimbursing their costs on the basis of the actual work performed for the implementation of a regional programme.

The need for institution building

Ultimately, the decision needs to be taken on the basis of each country's specific circumstances. In any case, however, national authorities should make sure that there is ample planning and management capacity available at regional and local levels. Regional development programmes will involve hundreds, possibly thousands of development projects. If these are to be successful, and indeed contribute to the relevant national development strategies, they must be prepared and implemented on the basis of very specific methodologies. While knowledge on business planning is widely available in a market economy, it may not be present in the public administration at any level. Therefore, each country should ensure appropriate training programmes to the relevant regional and local authorities.

In the case of "traditional IPA" – before the sector approach is introduced – there will be very specific institutional requirements to satisfy by the bodies put in charge of EU funds. For instance, Central Finance and Contracts units, before they were granted the right to act as implementing agencies even under the ex-ante control of EU Delegations, had to demonstrate that their administrative structures, human resources and workflows were indeed able to guarantee a transparent and reliable management of EU support. Under the sector approach – and later on under structural policy – such requirements are not directly enforced by the EU, at least not the same way as under "traditional" IPA. Still, this is not a blank cheque. *Fail to prepare, prepare to fail* – without serious institution building efforts, be it in the framework of RDAs, or at municipality level in existing local investment departments, regional development won't work. There will be a high risk of both long delays, as well as costly administrative mistakes, even fraud. The cost of institution building is considerable – therefore, donor funds should be involved. In particular, the IPA programme should be asked to help.

2.3 Non-discrimination and Transparency vs. Clientelism and Fraud

The optimal use of public investment resources presupposes that funds are managed transparently throughout the programme cycle:

- Support measures need to be designed and projects need to be selected in a neutral, non-discriminatory way, not serving the interests of a particular interest group against others with a legitimate interest.
- Procurement processes must lead to a cost effective and fair choice of suppliers.
- Costs of development measures must be accounted for in a realistic and truthful manner, without any fraud or waste.

In cohesion policy programmes, the principles for the selection of operations are defined by the partners represented in programme monitoring committees, and national programme authorities are obliged to respect those decisions. This is both a guarantee for transparency and fairness. In addition, management bodies are obliged to maintain systems that actively work to prevent, detect and correct any irregularities, or wilful fraud. The effectiveness of such systems is regularly verified by the national financial control authorities. If they don't work, the EU may suspend or withdraw funds. The reports of the European Commission on financial controls of cohesion policy are regularly submitted to the European Parliament, which ensures political control. Still, cases of corruption do occur, and the danger of political elites misusing funds for political purposes is real, even in EU countries.

Ultimately, the transparency of managing development funds, including donor funds, depends on the quality of any given country's democracy and governance systems. That shows the importance of the political criteria of accession. Fraud, especially it is committed by members of the political elites, may well channel masses of funds to criminal groups and mafia structures which in turn may use these funds to "procure" political power and subvert democratic institutions.

This danger cannot be tackled by the institutions responsible for regional development alone. Managing authorities can hardly fight the ruling elite, if parliamentary oversight, independent justice and civil control break down. But, in a normally functioning democratic system, they also have their role to play. Preparing them for their task safeguarding the transparent management of development funding must be a key priority of all institution building programmes.

From a donor perspective, what can be done is to contribute to – and insist on – strengthening the transparency and accountability of public finance management systems, and that is precisely what the EU does. Furthermore, one can support the institution building process of regional development authorities – and one can also support them during the implementation of development policy programmes, giving advice on efficient and effective anti-fraud measures, at an acceptable level of administrative burden.

On a final note, one should also be conscious that the administrative safeguards applied to fight against fraud must be proportionate. While any level of fraud is unacceptable, one can overdo financial control. Efficiency is an aspect that must also apply to the financial management and administration of development policy. Too much administration and too much controls actually weaken the ability of the institutional system to discover and counteract fraud – not to mention its ability to deliver its job: development. Counselling and best practices from donors are also very important here.

3 Conclusions

Summing up, the new regulatory framework of IPA 2014-2020 offers the countries of the Western Balkans with significant new opportunities to use EU funds free from the constraints of the centralised and partially decentralised management modes experienced under IPA 2007-2013. At the same time, the new financing modality of "sector budget support", which uses national legal and administrative frameworks to deliver assistance programmes is available only to those countries, which are able to satisfy the pre-conditions.

Regional development policy as such is generally not foreseen as a priority sector of support in the Indicative Strategy Papers of IPA for 2014-2020, in any pre-accession country. At the same time, many of its elements are present under the headings of sector development policies, and there is previous experience with regional development programmes under IPA 1. Socio-economic development objectives are potential support priorities under the new IPA regulations, too. Accordingly, if a clear national policy and strategy exists, there is a basis for mobilising donor resources for regional development. This could boost the available budgets for regional programmes by many hundred million euros, and at the same time allow pre-accession countries to gradually prepare themselves for EU cohesion policy.

Since socio-economic challenges are in many ways similar to those in the EU, the practices of EU cohesion policy can be applied in all countries of the Western Balkans. Accordingly, cohesion policy may be seen – in the short term at least – less as an accession requirement, than a collection of best practices that can guide the reform of national development policies and contribute to an optimal use of public investment resources.

The governance rules of cohesion policy allow every country to choose institutional frameworks and decision-making rules in line with their own national constitutional rules. Regionalisation, fiscal or political decentralisation are not requirements. They are, of course possible, if a country so decides. In any case, in both centralised and decentralised administrations, the principles of multi-level governance and partnership have to be applied. I.e., there must be a meaningful dialogue between the government and other stakeholders with a legitimate stake in regional policy, including regional and local authorities.

In that sense, regional development can make an important contribution to the development of democracy in general, and that of local communities in particular. At the same time, it should not be seen as any danger to national unity. Rather the contrary, it is an instrument of social stability.

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Presentation at the Skopje Workshop

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Rationale for Regioni

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