DRAFT: FADING EUPHORIA AT THE DUTCH-GERMAN BORDER? THE CASE OF AVANTIS

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ABSTRACT

The article deals with the failure of the AVANTIS cross-border business estate. The inception of this hitherto largely undeveloped site took place in the early 1990s, a period which we suggest characterizing with the notion of EUphoria, i.e. a widely held belief in the future of a borderless Europe. EUphoria is seen as the key to bringing together otherwise separate discourses under one shared ambition of constructing a cross-border business estate. With the fading of EUphoria, however, AVANTIS resurfaces as a shared problem and appears to have been built on expectations and promises held within a discourse of European integration rather than among private investors. In retrospect, AVANTIS as a product of EUphoria remains a EUtopia, albeit with very few believers.

Key words: EUphoria, EUtopia, South Limburg, cross-border cooperation, Borderless Europe, discourse analysis

INTRODUCTION

Right on top of a southern stretch of the Dutch-German border, a 100 ha. business estate pops into view which, seen from the air, is shaped like a giant key, a key towards a borderless Europe. What can also be seen from the air is that most of these 100 ha. are still greenfields rather than office buildings. As of yet, AVANTIS has not become the European Business and Science Park that public officials had in mind during its inception in the 1990s but, rather, remains a park for walking the dog – one of the most expensive parks to do so, however. What went wrong?

There are several conventional explanations which apply to the failure of this project: time catching up with plans, differing interests of the stakeholders, and events thwarting implementation, to name but a few. These explanations are paramount in the self-interpretation of the parties involved, but are rather fragmented. Alternatively, the explanation presented in this article is ‘EUphoria’¹: a temporary condition that produced a favorable climate for cross-border policymaking and development in the context of European integration. In what follows, we will reconstruct the history of AVANTIS from the perspective of EUphoria and unmask the project’s EUtopian dimensions that had been there from the beginning.

Our reconstruction and findings are based on a case study covering a series of policy documents and consultancy reports of government agencies (referred to in the article) in the Heerlen-Aachen cross-border area, and supplemented by a series of 18 interviews with public officials of both German and Dutch affiliation. The approach that underlies this case study is a discourse analysis following Jensen and Richardson (2004, pp. 44-66), which is focused on identifying policy discourses as consisting of linguistic as well as socio-spatial or material dimensions and thus embodying a conceptualization of discourse as more than linguistic. For an analysis of spatial planning and development, this is important because each discourse ‘frames’ or constructs space in a specific way and according to specific logics, which may be potentially

at odds with alternative understandings of space, where space itself plays a crucial role in enabling and restraining a policy discourse. The framing of space may pertain to the way a region is understood from its past events, the way its present problems are framed or ignored, as well as to the way a region should develop in the future (cf. Kooij *et al.* 2012). As this case study focuses largely on the emergence of a discourse on cross-border regional development (also see Jacobs 2012) and investments of public money towards and in legitimization of that end, we adopt this discourse-analytical approach to uncover the way in which the discourse gained influence, persuasion, and became taken-for-granted (cf. Jensen and Richardson 2004, p. 56).

Even though in this text we focus mostly on the specific history of the AVANTIS cross-border business estate and try to explain its peculiar unsuccessfulness, the use of the lens of discourse analysis inevitably brings us to consider the relevance of the wider context of cross-border cooperation as part of European integration (cf. Scott 2000; Perkmann 2007). The European integration discourse, which is related to the construction of EU regional policy, off and on seems to frame regional processes of cross-border cooperation. Again, we stress the importance of a discourse-analytical approach that takes material and social-spatial dimensions into account, for the European integration discourse is fuelled by the structural funds – a material dimension – and this undeniably plays a role in cross-border cooperation projects. We therefore highlight the emergence of cross-border regions and the funding schemes for cross-border cooperation in order to understand the implications of EUphoria.

EUPHORIA

The story of AVANTIS goes back to the early 1990s, a time which we will characterize by using the notion of EUphoria, the commonly felt expectation of intensified European integration after such major events as the fall of the Berlin Wall and a series of treaties signed to foster cross-border cooperation and overcome the internal borders within the territory of the European Community's member states. Obviously, EUphoria is not the only explanation for the failure of AVANTIS – consider, for example, environmental issues, changes in the economic situation, and delays in construction – but we think that the concept of EUphoria offers a more substantial explanation, and makes our analysis relevant to the wider context of cross-border cooperation.

EUphoria characterizes the *Zeitgeist* of a shared optimism towards a borderless Europe, spurring the emergence of cross-border cooperation projects that would today be seen as overambitious. Indeed, whereas much cross-border cooperation today has a more incidental, pragmatic, and deliberative character, the 1990s saw a host of proposals for physical intervention in the borderlands, that is, strategic visions or development plans (Jacobs & Varró 2011). What presently goes under the name of AVANTIS is one such proposal that was actually realized on the Dutch-German border between the Dutch city of Heerlen and the German city of Aachen.

From the perspective of cross-border cooperation, one point in history cannot be overemphasized, namely the demise of the Iron Curtain in 1989. With all its symbolic value, the

demise of the Iron Curtain and, most obviously, the fall of the Berlin Wall, produced a general optimism towards the disappearance of (European) borders (Christiansen & Jørgensen 2000; Wilson & Donnan 1998). As indicated earlier, the expectation was commonly felt that the European Community would continue expansion and, above all, integration. At the end of the Cold War this was also the time when the ongoing construction of the European Union was globally viewed as an innovative model for peaceful integration of the economic and political systems, indeed as a novel civilian power (Nicolaidis & Howse 2002; Rifkin 2004).

Treaties and new policy arrangements played a strong role in the EUphoria of the 1990s. The Schengen Treaty, which was originally signed in 1985 between a small number of countries, following the events of 1989, was successively upgraded in 1993 to become a near to EU-wide agreement shaping the internal market. The introduction of European funding for cross-border cooperation (INTERREG) in 1990 came at a perfect moment because of the general optimism concerning the EU and the disappearance of borders – what we have named EUphoria. This funding scheme quickly became the catalyst for cross-border cooperation projects (Perkmann 2003, p. 166). AVANTIS was not the only project that so explicitly focused on the border. For example, the twin towns of Kerkrade (the Netherlands) and Herzogenrath (Germany), at a stone's throw away from AVANTIS, teamed up to form the European town of 'Eurode', epitomized by the symbolic removal in 1993 of the stone barrier in the middle of the Nieuwstraat/Neustrasse (for a critical analysis, see e.g. Ehlers 2001), and underscored by the construction of the Eurode Business Center, built on top of the Dutch-German border. With only one building, arguably, it is a miniature version of AVANTIS.

INTERREG and the emergence and shaping of EU regional policy produced a discourse that laid claim to space in the borderlands, the first step being the partition of the European territory into a series of regions, including cross-border regions (cf. Perkmann 1999). Some of these cross-border regions, such as the Euroregion Meuse-Rhine which covers our case, existed prior to this process (Knippenberg 2004) as a result of bottom-up developments. There was no EU financing and cross-border regions basically functioned as (informal) networks of cross-border cooperation, focusing mostly on practical problem-solving (cf. Perkmann 2003; Perkmann 1999). With the advent of support schemes in the context of EU regional policy, cross-border cooperation began to incorporate parts of that discourse on European integration that was connected to EU funding. With the conversion of the existing cross-border regions into Euroregions, that is, EU institutions dealing with the implementation of regional policy, a discourse of territorial rescaling emerged (e.g. Brenner 1999; Jessop 2003), touching base with the EUphoric beliefs of the eventual disappearance of the border in policy circles. On the ground, we witnessed the emergence of cross-border regional development schemes² meant to guide the attribution of the regional funds, and spurred 'experiment'-like development projects, like AVANTIS. We argue that these developments indicate a certain belief in the 'euregional' becoming a functional and political territorial scale (cf. Jacobs & Varró 2011). Subsequent experiences with EU funding indicate a degree of over-enthusiasm but we will first describe the developments taking place during that initial stage of Europeanization of cross-border regions and cross-border cooperation with regard to the case of AVANTIS.

TRIAL AREA IN BORDERLESS EUROPE OR EUTOPIA?

The fertile grounds for AVANTIS were created during Martin Bangemann's time in office. As the EU commissioner for Internal market and Industrial affairs from 1989 to 1995, and for Industrial affairs, Information & Telecommunications Technologies from 1995 to 1999, he initiated an experiment to explore the obstacles and advantages of a cross-border business and service facility. The EU held a competition and invited six research institutes, both German and Dutch affiliated, to investigate the possibilities and obstacles. The aim was to anticipate concrete situations; for example, imagine an office on the border and the refrigerator starts dripping and the liquid runs from the Dutch side towards the German side. Which insurance company would have to pay for the damage? Thus, the idea was to set up a trial area, in which such affairs could be tested and, subsequently, the outcomes could be transferred to other cases in Europe. This project was confidential, and seems to have been carried out during the first period of commissioner Bangemann.

The actual idea of a cross-border business estate originated at the beginning of the 1990s, which resulted in a declaration of intent between the Cities of Heerlen and Aachen (Gemeente Heerlen & Stadt Aachen 1992). The declaration of intent displayed a high level of detail concerning the size and location of the business estate. In addition, bilateral working groups were proposed to sort out the details of cross-border development in the fields of spatial planning, environment, economic affairs and real estate. The idea was to provide space for companies of regional and international significance, which use scientific services of the academy in Heerlen and the polytechnical academy RWTH (Rheinisch-Westfälische Technische Hochschule) in Aachen, and of "high tech" research institutes. Transport companies were explicitly ruled out (Gemeente Heerlen & Stadt Aachen 1992).

The financing of the cross-border business estate was supposed to be contributed largely through subsidies, in particular, European subsidies, such as INTERREG and EFRO. Also national financing like the Dutch programme for business environment urban junctions (bedrijfsomgeving stedelijke knooppunten), allocated 17 million guilders from 1992 to 1995 (Groene 2000).

Moreover, the idea was to create what was called an 'à la carte model' ('Zapfkrahnmodel' in German, 'tapkraanmodel' in Dutch), where companies located anywhere on the business estate could 'pick and mix' their laws in a way that would suit them best. For example, it would be possible for an entrepreneur to start a company, paying German taxes, but using public utilities from the Netherlands. This required enormous governmental efforts, resulting in a number of bilateral agreements between the Netherlands and the Federal Republic of Germany, such as the third supplementary protocol concerning double taxation (Federal Republic of Germany & United Kingdom of the Netherlands 2004).

AVANTIS was an ambitious project that aspired overcoming and even exploiting the border location by attracting high-tech firms looking to serve two markets. As we now look back on that time and see the ambitions of the project shattered, we can hardly avoid another apt wordplay, namely EUtopia³. Obviously, it was known that cross-border developments would be complex, time-consuming or, perhaps, impossible but the early 1990s offered the right climate to take on

the challenge under the legitimate label of a trial area. The developments at the European level seemed favorable and regional officials presented themselves as forerunners of a type of cooperation project that was considered to become normal in a further decade or two (cf. Christiansen & Jørgensen 2000; Wilson & Donnan 1998).

CAMPUS EUROPA: THE VIRTUAL LABORATORY OF INTEGRATION

Completely in line with their symbolic investment in AVANTIS, the parties involved tried to rub out the institutional differences between the two countries. Several working groups, both national and bi-national were initiated to coordinate between law and legislation of the two countries and the different procedures that existed on either side of the border. As a result, the zoning plan was developed according to both the German and Dutch standards, in two languages. The zoning plan was approved by the authorities in 1997 (Stadt Aachen *et al.* 1997). Additional studies also needed to be carried out such as the environmental impact assessment for both the German and Dutch sides, the 'Umwelverträglichkeitsstudien', the economic cost benefit study and market research.

Despite approval of the zoning plan, the different legal systems still made it difficult for entrepreneurs to request a building permit on the border. Therefore, a further exploration of the legal systems and its procedures was called for. Central to this exploration was the combined request for building permits, aptly called Campus Europa (CAWA n.d.). This was done in the case study of a virtual building on the border, in the framework of an INTERREG IIIA project from 2003 until 2005. A single permit procedure was impossible, due to the fact that the Netherlands had three separate procedures at that time (Bouwaanvraag, Milieuvergunning, Gebruiksvergunning), whereas Germany had only one (Bauantrag). Thus, a combined procedure was developed by bureaucrats and officials of the Stadt Aachen, Gemeente Heerlen, Provincie Limburg, Nordrhein Westfalen, Ministerie van Economische Zaken, INTERREG, Ministerie van Buitenlandse zaken, and the EU. This case, and the case of Solland Solar, a company that wanted to build their facility on both sides of the border, were processed and used for a further orchestration of the procedures (CAWA n.d.).

With all the right legal conditions in place or otherwise sorted out, there seemed to be no reason for downgrading the ambition level. In other words, the master plan would signify a borderless business estate, that is, with eradicated institutional borders and no visible border on the premises. It was developed as one site which meant, for example, that the German side of the park could only be reached over Dutch territory, that specific spot being the entrance of the estate. From the sky, the urban plan looked like a key, symbolizing a borderless and unified Europe. The urban development plan, furthermore, provided large parcels in a green setting on the border, inspired by visits that the shareholders made to Stockley Park near London. This would create the most attractive environment for large multinational businesses in the broader 'high-tech' sector. Finally, and importantly, the zoning plan managed to include a new railway connection between Heerlen and Aachen, with a regional coverage to facilitate environmentally-friendly commuting.

In sum, the whole planning process started in 1992/1993 and lasted until 1997, when the zoning plan was approved and all other studies were finished. In 1998, the public limited company GOB (grensoverschrijdend bedrijventerrein Heerlen/Aachen) was established, with the Municipality of Heerlen, the City of Aachen, LIOF (Limburgse Ontwikkelings- en Investeringsmaatschappij, Limburg Development and Investment Company) and LEG Stadtentwicklung (LEG stands for Landesentwicklungsgesellschaft, Spatial Development Company) as shareholders. In 1999, the name was changed into AVANTIS, European Business and Science Park.

THE PERSISTENT BORDER

In 2013, only a fraction of the available parcels is occupied by firms, causing great financial losses at AVANTIS N.V. (a public limited company, plc). In the self-interpretation of the shareholders, there are several causes for the failure of AVANTIS but these, in our view, obscure the fact that the border marks essential difference that cannot be rubbed out by efforts on the local scale. We will review the most common explanations before returning to the issue of EUphoria and argue for a more fundamental reason underlying the failure of AVANTIS.

First of all, during the environmental impact assessment, three abandoned hamster holes (*Cricetus cricetus*) were found. The Badger & Tree Foundation, which was specialized in legal disputes concerning nature protection, together with a local organization, challenged AVANTIS N.V. 23 times before the Dutch Council of State (Raad van State) (Vonk 2001; Beunen *et al.* 2013, p. 283). Legal proceedings were successfully finished in 2003 but, according to the shareholders, the market for business parcels had dramatically declined by then. A few companies were interested in parcels but, on account of the legal proceedings, they renounced their interest. Changes in the market implied a virtual end to the demand for these large and top-end parcels.

Secondly, instead of the expected convergence of laws and procedures, some laws and procedures in fact diverged, such as the one on energy. For example, companies on AVANTIS at the German side are unable to obtain electricity, because the estate has a Dutch electricity connection. In addition, telecommunication was simultaneously German and Dutch on AVANTIS, but the OPTA (the Dutch Independent Post and Telecommunications Authority) ruled in 2003 that this was against Dutch law. And there are more problems, such as signposting and mail delivery (Commissie Hermans 2007). In this respect, the *à la carte* model seems impossible, and will remain impossible in the near future, let alone the idea of a borderless business estate. And to the extent that there are some advantages to be gained, this proved to be possible exclusively on parcels that were located exactly on the border, leaving most part of the business estate without such advantages.

Finally, the combined zoning plan of 1997 could not be used any longer, due to national changes in legislation and procedures. So when it is even difficult to change a zoning plan in case of a purely domestic topography, changing a transnational zoning plan in order to accommodate changes in the market (in this case, an increased demand for smaller parcels) can be so time-consuming that, when done, market conditions might have changed again.

To mitigate the situation of AVANTIS, the Dutch tried to incorporate it as one of the focal points of their spatial-economic policy. In several green and white papers on spatial-economic policy of the Province of Limburg, AVANTIS was identified as one of the key areas for the Limburg economy, as an operating base for the promising cluster of 'new energy', instead of the envisioned theme of the declaration of intent in 1992 (i.e. 'automotiv'). Rather, an atmosphere of 'open innovation' should be created on the 'open campus AVANTIS'. In addition to 'new energy', AVANTIS was supposed to be the location for the cross-border European Cardiovascular Center, a joint initiative of Maastricht UMC+ (Universitair Medisch Centrum) and Klinikum Aachen (Taskforce Versnellingsagenda 2005; Raad van advies Versnellingsagenda 2008; Commissie Hermans 2007).

Whereas in the Netherlands, AVANTIS figured as a node in a discursive policy world of clusters, campuses and the knowledge economy, focused on improving Limburg's economy, in Germany AVANTIS was not considered as key to their economic structure (see Kooij *et al.* 2012 for an analysis of the Dutch campus discourse). It is true that in the beginning of the 1990s, Aachen had a lack of space for businesses, and the development of the cross-border business estate was seen as a good solution but, for the city of Aachen, it was never part of a grand scheme to attract innovative and high-tech businesses to improve the local economy. What's more, at the beginning of the 2000s when the hamster issue was still unresolved, the RWTH Aachen decided to develop two campuses of its own for its technological spin-offs and institutes. Campus Melaten and Campus West were planned to foster space for education, research, spin-offs and businesses. These plans made it even more unlikely that spin-offs would move to AVANTIS.

The economic downturn and the perception that not all cross-border issues were resolved created a standstill in the issue of parcels. Due to this standstill, AVANTIS N.V. needed re-financing of 26 million euros in 2006, of 5 million euros in 2009, and another 26 million euros in 2012 (Gemeente Heerlen 2011a; Gemeente Heerlen 2011b). These capital injections may save AVANTIS N.V. as an organization but cannot hide the divergence in national law and procedures, and will preserve the uncertainty for entrepreneurs looking for business locations on the cross-border business estate.

FADING EUPHORIA

It is clear that subsidies from the EU made the development of AVANTIS possible. Without it, and without the EUphoria of the 1990s AVANTIS would probably not have existed in its current form. However, what had been obscured by a temporary belief in diminishing European borders, is that borders persist and need to be taken seriously. EUphoria took attention away from the crucial differences between Germany and the Netherlands and switched it to the need and real possibility of overcoming the border. It was only when EUphoria began to fade that the persisting border differences resurfaced. EUphoria as a concept based in a discourse-analytical perspective (cf. Jensen & Richardson 2004), we argue, sheds new light on general disillusionment with cross-border cooperation in the context of European integration. Obviously, standard explanations that include cultural differences, differences in rules and regulations, or

differences in interests continue to be valid but the main question here is how one was able to conceive of and implement a plan that challenges these differences. Let us reconsider the case of AVANTIS in the light of EUphoria.

First, the concept of the cross-border business estate at a time of a belief in a borderless Europe functioned as a bridging concept between separate discourses, in this case cross-border cooperation, German spatial policy, and Dutch spatial policy. It glossed over the fact that these discourses had different origins and were coupled to different political and legal contexts. When the resulting discourse (or 'discursive configuration', cf. Kooij *et al.* 2012) has sufficient means to carry on and sustain itself, for example through European funding, through the lack of controversies, through favorable economic conditions, it has a real impact in physical space.

Second, when the situation sketched above is the case, there will be networks of public officials devoting relatively large parts of their time to participate in the cooperation discourse. With AVANTIS the stakeholders were in such a position. Among other things, joint visits to reference projects (e.g. Stockley Park in the UK) contributed to concretization of the common ambition. It was, so to speak, a train set in motion and almost impossible to stop. As a 'micro' discourse the participants in the project were able to develop a specific framing of borderland space (Jacobs & Varró 2011, pp. 14-15) that could be temporarily sustained through the condition of EUphoria that was generally present in the political system.

Third, the master plan for AVANTIS was strongly dependent on expectations that were directly connected to EUphoria, which implies that it was not anchored in existing realities. We have mentioned three illustrations; 1) the key selling point of the à la carte model, where firms could pick the most favorable tax system, energy supply, etc. (either Dutch or German), 2) the attractive park environment modeled after Stockley Park, and 3) the new regional railway line making AVANTIS easily accessible. None of these three points have proved to be realizable: most firms would not invest on the basis of promises but rather, on the basis of guaranteed assets. Only with EUphoria, a separate policy discourse was able to emerge which took such points as almost already real, namely with reference to the ongoing process of European integration.

In line with a number of authors (e.g. Knippenberg 2004; Knippschild 2011; Perkmann 2007; Popescu 2011) we also find evidence of a general disillusionment of cross-border cooperation within the INTERREG framework, that is, cross-border regions have not become new governance levels comparable to states or sub-state provinces, regions, counties etc. What we add to this diagnosis, however, is that the policy discourse of European integration, which includes circuits of money such as INTERREG funding, does impact upon local cooperation processes in the sense that it encourages public officials to be more progressive (i.e. more ambitious from a cross-border spatial development perspective) than would be advisable from the point of view of what is legally, politically, and economically possible. The degree to which this is the case seems to have decreased (i.e. the fading of EUphoria), but we argue that the case of AVANTIS is a good illustration of the general argument.

Not only the stakeholders of AVANTIS are forced to reconsider strategies but also in the wider context of EU funded cross-border cooperation, critical self-reflection can be observed. Borders have proven to be more persistent than expected (hoped for) and subsidies do not convincingly lead to actual integration across borders. With the discussion on how or if the INTERREG funding scheme should be continued after 2013 looming in the background, Euroregions and their constituents reconsider the options. One possibility is the adoption of a European Grouping of Territorial Cooperation (EGTC), a legal instrument which provides collaborating local or regional governments with a framework to formalize their cooperation. However, in the transboundary area of Heerlen-Aachen, this has led to an impasse because the benefits are not clear enough as long as one cannot agree on what tasks to endow EGTC with. The symbolic meaning of EGTC as the future of cooperation in transboundary regions is not readily accepted but, rather, its *real* possibilities are thoroughly evaluated before anything happens; a reality which underscores the absence of EUphoria. In the meantime, reconsidering ways in which to attribute INTERREG funds, there appears to be a move towards privileging larger projects over smaller ones, with the argument of greater impact and visibility. The case of AVANTIS, however, may serve as a critical question mark to such a strategy.

As a final note, we would like to point to the inherent logics of the discourse on cross-border cooperation. One could see it as a relic of the 1990s' EUphoria but also accept the underlying paradox, namely that one requires a border to do cross-border cooperation. And the discursive logic is that funding of cross-border cooperation, on the condition that it is done in an effective way, leads to integration/cohesion. But, taking into account the underlying paradox, what such funding actually does is the reproduction of a border.

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Notes

1. The similar notion of 'europhoria' has been coined earlier (Hospers and Groenendijk in Prinz et al., 2003) to refer to initial enthusiasm accompanying the introduction of the new European currency EURO, which was the successor of the virtual ECU.
2. In the Euroregion Meuse-Rhine, this was the MHAL (Maastricht/Heerlen, Hasselt, Aachen, Liège) Spatial Development Concept of 1994 (Peters, 1994).
3. The concept of EUtopia has been coined before (Nicolaidis and Howse, 2002) but, there, refers to the idea of Europe as a civilian power which inspires thinkers and politicians globally. In that sense, it bears more comparison with the idea of the American Dream (cf. Rifkin, 2004).

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