

TRANSNATIONAL PUBLIC ADMINISTRATION

BACKGROUND STUDY FOR
THE DEVELOPMENT OF A
COURSE AND COMPETENCE
CENTRE ON TRANSNATIONAL
PUBLIC ADMINISTRATION

Jaakko Turunen

Förvaltningsakademin

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Contents

Acknowledgements	5
Abbreviations	7
1. Introduction: Transnational public administration – governing the Baltic Sea Macro-region	9
1.1 Defining the concept “transnational public administration”	13
1.1.1 Defining the concept “transnational”	13
1.1.2 Other research paradigms on the transnational.....	17
1.2 Transnational Public Administration and Macro- region(alisation).....	24
1.3 What do we know about Cross-border Public Services and how that can help in thinking TPA?.....	28
1.4 What is Required for a Successful TPA?	30
1.5 Nordic Cooperation and Transnational Public Administration.....	31
1.6 Studying TPA empirically	34
2. Analytical Framework.....	37
2.1 Forces of institutionalisation and asymmetry in TPA	38
2.2 Level of operation and legal base.....	48
2.2.1 Multi-level Governance: Example of Barents Sea Cooperation	52
2.2.2 National level agencies with an EU regulation.....	55
2.2.3 National level agencies with bilateral treaties.....	58
2.2.4 Local/Regional level with a bilateral (state-level) treaty as the support, but main regulation at the local/regional level....	63
2.2.5 Local/Regional level with minimal bilateral state involvement, almost all regulation at the local/regional level ...	63
2.3 Summary and Trends.....	69

3. Emerging questions in the field of transnational public administration	73
3.1 The Common Pool	73
3.2 Cohesion–asymmetry; centre–periphery	74
3.3 Legal base for transnational public administration	76
3.4 Knowledge, democracy and stakeholders	76
3.5 Functional cooperation.....	78
3.6 Policy feedback.....	78
3.7 Three ‘No’s’ and the Nordic experience	79
3.8 Macro-regions and non-EU members.....	79
3.9 Summary.....	80
References	83

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Abbreviations

CBC	Cross-border cooperation (programme)
CBSS	Council of the Baltic Sea States
CPS	Cross-border Public Service
ESPN	European Observation Network for Territorial Development and Cohesion
EU	European Union
EUSBSR	European Union Strategy for the Baltic Sea Region
HAC	Horizontal Area Coordinator
HELCOM	Helsinki Commission
INTERREG	EU funded regional cooperation programme
MLG	Multi-level governance
PAC	Policy Area Coordinator
PFOA	Perfluorooctanoic acid (pollutant)
PFOS	Perfluorooctanesulfonic acid (pollutant)
SEZ	Special Economic Zone (Poland)
SVT	Sveriges television (Swedish Public Television)
TPA	Transnational Public Administration

1. Introduction: Transnational public administration – governing the Baltic Sea Macro-region

Although most Baltic Sea countries formally share open borders through Schengen agreement, their citizens enjoy freedom of movement, or labour, and goods can be traded under EU treaties, there are still significant differences in the practical *freedoms* of movement. For instance, whilst EU citizens are free to seek employment in other EU countries, Nordic citizens are free to settle (with or without employment) into another Nordic country. The EU treaties allow the police to cross a national border on a hot pursuit call, but Tornio in Finland and Haparanda in Sweden share even the same fire brigade, yet problems occur with the coordination of emergency call centres in Rovaniemi and Luleå and directions to the actual place of fire. Some talk about delays up to 15 minutes because of faulty directions from the regional emergency centres. Similarly, for historical reasons, the cities of Luleå (about 77 000 inhabitants) and Oulu (204 000 inhabitants), and only about 250 kilometres apart (considered as a no distance at all in the North), are still not connected by a train. The reason is that the gauge level in Finland and Sweden is different.

If public administration is about providing the public with public goods, then transnational public administration would imply the organisation and provision of public goods across national borders. In other words, the public goods have become transnational but also the actors providing them include many states as well as non-state actors ranging from non-governmental organisations, private business to different regional and

local administrative entities. Transnational solutions to national, regional and local problems can at times be life savers as in the case of shared emergency services. They can also significantly improve the quality of life in peripheral parts of Europe by allowing bigger and better resources to be used by a larger number of people than just one country can afford. However, transnational solutions also often face unexpected difficulties, such as different gauges in two neighbouring countries. Transnational solutions are also often the only viable solution, for instance in case of environmental management and hence a necessary step to take. The purpose of this report is to develop an analytical framework for the analysis of different transnational public administration processes, and map a number of cases to illustrate the analytical framework. To do so, the report will first develop a working definition for transnational public administration (hereafter TPA), discuss some methodological aspects in the study of TPA, and elucidate some of the central dynamics behind TPA. Together these can yield a tentative analytical framework for the study of TPA. Finally, the report aims to discuss a few areas of growing interest in the study of TPA from a democratic point of view.

Concrete examples of TPA are included as illustrations of different aspects of the analytical framework and the dynamics of TPA. The examples are loosely chosen to reflect three broad policy areas where different dynamics of TPA could be expected. First, environment and energy as closely connected fields where – at least in the field of environment – much advances have been taken. Although cross-sectoral conflicts could be expected in these fields, not that many concrete examples could be found where the conflict between clean environment and secure energy would be in the core of the related area of TPA. The second policy area concerns law enforcement and security. Both represent areas where the state's sovereignty is directly at stake and therefore TPA in these areas can be seen as encroaching on state sovereignty. Yet, at the same time, states have come to realise that cooperation across borders may be necessary in order to manage new threats that have a transnational character. Finally,

education, culture and tourism represent “soft” policy areas. The idea of crossing the border has been central to education, culture and tourism for a long time, and often welcomed. However, new challenges have emerged when these areas have been subjected to transnational (public) administration. The choice of cases reflects the theoretical premise of multi-level governance, where different territorial and functional actors come together to implement and produce policies.

The first part of this report will clarify and define the term “transnational public administration” (TPA) and specify the focus of this study and situate it among related concepts. This section also includes some methodological reflections on how to best approach TPA. The second part will outline a tentative analytical framework of different processes that characterise transnational public administration and present selected individual cases in short. The third part will draw up tentative themes that have emerged so far and which future studies should address.

Throughout this report, I have tried to emphasise that TPA cannot be approached purely as a technocratic (or bureaucratic) question of organising administration in different, “transnational” ways. At question is a more fundamental shift in the way how policy emerges, and how it can be administered. At times the impetus for transnationalisation is purely external, but at other times it is also driven by endogenous factors. For these reasons, this report is essentially looking at the conditions in which the organising for TPA takes place as much as it tries to enter the organisation itself and capture some of the processes that can characterise TPA. This focus on the “environment” and its effects upon the organisation is also partly due to the limitations set for this study, namely the aim to map broad trends rather than conduct qualitative inquiries into the practices of organising itself.

The study of transnational public administration is an emerging field of academic interest. Much of the material used here comes from closely related fields of study, such as border studies, EU studies as well as studies and reports from practitioners. The

reason for this is two-fold. On the one hand, there is still not so much academic publications on just transnational public administration. In fact, as I was finishing this report Oxford University Press published a handbook *Global Policy and Transnational Administration* (Stone and Moloney eds, 2019), which is the first collection of separate studies under the title transnational administration. The brevity of the academic fame of TPA does not mean that the actual practice of TPA would be something new. In fact, there are good examples that were created decades ago and are still working. For instance, the shared fire-brigade between Tornio and Haparanda was formalised in 1993; but for instance a shared water treatment plant was opened already in 1972. The second reason is that related fields such as EU-studies or border studies are invaluable for understanding just those conditions under which transnational public administration takes place. Similarly, reports from practitioners – in the absence of interview material – can give some insights into how different state agencies and public authorities view and work with transnational public administration.

However, there is a perceivable gap in different literatures: reports from stakeholders tend to be optimistic and highlight the advances taken. For instance, the Swedish EUSBSR coordinator Tillväxtverket report that EUSBSR works well in Sweden, that “organisations contribute to the implementation of the strategy in Sweden in their specific areas of expertise” (Tillväxtverket 2018, 11). At the same time, a number of scientific studies concur that “despite the wide-spread agreement among scholars and practitioners alike that transnational cooperation and coordination are pivotal in making marine spatial planning and the Ecosystem Approach into more effective policy instruments, there are few concrete examples of successful policy coordination initiatives” (Hassler et al. 2018). Such a difference may result from the different perspective to TPA. It may be so that member states and national agencies contribute well, but within their own sectors leaving the overall picture unaddressed. Agencies have also their vested interests in reporting on self-declared

advances. The scientific community, on the other hand, often looks at the overall picture and reports on the achieved results including the potential complications brought about by cross-sectoral conflicts. To make use of data from varied sources requires source criticism.

1.1 Defining the concept “transnational public administration”

In thinking about Transnational Public Administration one is faced with a number definitional issues. At present there is no agreed-on definition of any “Transnational Public Administration”. The problem lies in the first word: how to understand what is “transnational”. This is as much a question of defining a concept as that of needing to approach the concept from different research paradigms. Below, I will outline three different ways of understanding “transnational” and how they all contribute to the definition of TPA.

1.1.1 Defining the concept “transnational”

This report follows the convention(s) that dominate in the study of governance in the European Union or in connection to the European Union. At the conceptual level, “transnational” refers to interaction between sub-state and non-state entities such as regions, communes or agencies responsible for the implementation of policies or private and civil society actors contracted in the implementation of policy. Transnational thus takes place between practitioners of policy rather than among the political decision-takers. This can be contrasted to “bi-lateral” or “inter-governmental”, which refer to interaction between the political representatives of the states. In some countries, state agencies in charge of implementing policy have great(er) autonomy (e.g. Sweden, Norway), whilst in other the ministerial control over the state agencies is stronger. In Finland, for instance, the ministerial control over state agencies is greater than in other Nordic coun-

tries; in Poland, even if territorial administrative units have a great share in providing public services and broad formal competences, their autonomy is still curtailed by prevailing legal culture (Kaczmarek 2016). Less discretion at the state level also means that public administration must be anchored more closely to legal paragraphs and consequently, as one commentator put it, much of public administration is about drafting new legislation (Zybała 2015). In the Nordic cases, the clear boundary between “transnational” and “bi-lateral” may at times appear blurred because of the greater autonomy of agencies and regional administrative units; in the more “continental” cases the distinction often appears clearer. The first aspect of “transnational” is thus that it, in distinction to bilateral, implies a lower and a more practical *level of agency*.

Transnational can also refer to actors “in between” the states and their public administration. More and more policy creation is delegated to different, non-national, expert units that draft new policy propositions that may enter into practice directly at the sub-state level, that is, without parliamentary approval. An example of such an actor could be HELCOM – an intergovernmental organisation that works for the protection of the Baltic Sea marine environment – but equally important can be other transnational actors such as cities (Kern 2019), or the Council of Baltic Sea States (Dangerfield 2016). In practice, the nation state alone is no longer the sole source or the implementer of policy. It is complemented by a number of non-state actors ranging from experts to civil society, and from formal international actors to commercial interests that can all have impact on the nation state itself. In this sense, transnational refers to the inclusion of a number of *new actors* and *new directions of (un)accountability* in both drafting and implementing policy. An analogy with information systems can illustrate this: most of us are familiar with the event that a new information system introduced to an organisation also necessitates a major revision of existing practices – to make them line up with the limitations of the system. Similarly, in the case of transnational public administration, the content of

the policy and the practices created to administer it are never limited to the transnational arena only, but increasingly come to affect the nation state and its “national” organisations. The second aspect of “transnational” is that it includes, in addition to state-actors, *a variety of actors that are not state- or public actors.*

In the case of the EU, the policy pursued in many policy domains is revised incrementally based on the experiences drawn from concrete praxis (Zeitlin 2015) and pooled jointly (Warning 2009). This implies that transnational refers to the process through which more praxis generated principles or habits acquire a more institutionalised and legalised form. In other words, transnational refers also to the *sources of policy.* In contrast to a democratic state, where – at least in principle – laws originate from the political will of the people conveyed by their (state) representatives in the legislature, in the transnational case, new “laws” emerge from a smaller group of practitioners, stakeholders and experts, those with interest and possibility of influence, and then enter the processes of institutionalisation and formalisation.

From the administrative perspective, the difference, then, lies in the degree to which policy implementation as such can directly (i.e. without control of democratically elected parliament and normal legislative process) feed into legislation of new, transnational, policy. As a consequence, the transnational implies also that the policy that emerges cannot claim to represent the common good, but should be seen rather as the particular good (which nevertheless can be good for all). Much of this discussion has emerged in the context of EU integration, and hence the transition from the international as the sole prerogative of the state to include actors that represent sub-state units has been significant and introduced new actors to international relations. With time, however, the fact that non-state actors claim their place in the international field is less of a novelty. What remains, however, is the fact that increasing transnational administration has brought into the policy process particular interests emanating from specific communities not necessarily those of the nation state as a whole. In the EU studies, this trend has been

studied as multi-level governance (MLG). This will be discussed in more detail below. The third aspect of “transnational” – and now more in connection to the EU – is that it opens up for the possibility of (local) *praxis generated sources of policy* rather than (supranational) legislative creation of policy. This in turn means that actors that create policy in the transnational field cannot be held accountable in the same manner as democratically elected state-actors.

Upon the publication of *Oxford Handbook of Global Policy and Transnational Administration* (2019) it is now necessary to discuss the differences between the book’s “transnational administration” and this report’s “transnational *public* administration”. As the title of the book indicates, transnational administration is linked to *global* policy. By this, the editors refer to global trends in e.g. standardisation, economic coordination and norms organising different fields of public life that often necessitate expert knowledge not always available at the central state level (see also Djelic and Sahlin-Andersson 2006). As a result of the increasing global regulation, the state has devolved more power to expert and local units who engage in direct contact with other similar agencies in other countries (Stone and Moloney 2019). In principle, the definition of “transnational public administration” is in line with this definition. Importantly, they both highlight the interdependent nexus between policy, or problem driven nature of transnational administrative practices, and those very practices as sources of new policy. The difference lies in the scale of the issue. Much of transnational public administration that has grown in the Baltic Sea can hardly be considered results of “global policy”; rather, often the concern has been very local, like a shared firefighting brigade. In this sense, the definition of transnational public administration is broader than that proposed in the *Handbook*, including both local and global sources of policy problems. Similarly, by insisting on the word *public*, this report wants to highlight that although this administration at times is far from public in practice, its consequences are definitely public, and therefore it also should be of public concern.

This is also a point taken up by the *Handbook* that rightly remarks that global sites of regulation or expert actors in the current global policy arena are far from neutral civil servants that inform much of the national context of thinking of the nexus between policy practitioners and politicians (Stone and Moloney 2019). The seeming depoliticisation of the global policy arena is more due to its opaqueness and distance from the citizens. Thus the insistence on just “public” in our term has both descriptive but also prescriptive and critical ambitions to bring the non-public actors that nevertheless engage in producing and administering public affairs into the public light.

1.1.2 Other research paradigms on the transnational

The phenomenon referred to here as transnational has been studied from different angles and they each have something to contribute to the understanding and study of transnational public administration.

In the European context, the prominent paradigm has been regionalism and its connection to EU integration and theories developed in connection to it. The central question has been to explain the emergence of the region and the different integration paths that can be detected in the development of the region and its relation to the European wide integration process. Classical theories of EU integration such as neofunctionalism and intergovernmentalism place different emphasis to societal and state actors and their interests respectively. Looking at the actual history of the EU integration, it is obvious that both approaches have their merits and weaknesses and that they are best understood in complimentary terms.

The theory of multi-level governance (MLG) that is of a more recent origin in the EU discussion in comparison to much older neofunctionalism and intergovernmentalism focuses more on the interactive dynamics between mobilisation taking place at the level of international, or intergovernmental, cooperation, regional articulation of policy and responses these dynamics elicit from the society. One should note that MLG is used both in

academic literature but the term has also been adopted by the EU itself, promoting a view of the EU put forward by the Committee of Regions White Paper in 2009 (Committee of Regions 2009/C 211/01).¹ Here, I use the term in its academic sense. In a nutshell, MLG refers to the idea that coordination between the (supranational) EU and the member states is not effective enough to address the policy problems. Therefore, actors from multiple levels of the state administration are included in policy coordination. Most contemporary approaches to EU integration share the basic insights of MLG concerning the importance of the dynamic between different kinds of integration dynamics (i.e. those emerging from society as well as those initiated by state cooperation) and the plurality of different actors – public, private, civil society alike. In contrast to neofunctional and inter-governmental arguments, MLG is primarily a descriptive approach. Its aim is to understand and explain how binding decisions are arrived at the EU level, a more modest goal than providing an authoritative account of the whole EU integration process as neofunctional and intergovernmental theories strive for. Yet, in its descriptive ambition, MLG has been perceptive of the increasing complexity and multi-actor, cross-sectoral, public-private networks from which decisions and new policy emerge. One important offshoot of the fact that MLG has been included in the EU's own policy terminology is that the EU itself has actively promoted the idea of MLG in its own practice of recruiting partners from different levels of state and local administration as well as from civil society and the private sector (Ladi 2019). For Brussels, MLG provides a way of extending its practical competences to the local level of the member states.

¹ The difference between the Committee of Regions' use of the term multi-level governance and that we find in academic research is that in the former case the term is used programmatically and normatively with little or no critical reflexivity. The academic use is more descriptive and also includes critical appraisal of the limits of multi-level governance as a term as well as a prevalent praxis.

This improves efficiency but can also improve democracy through local involvement.

MLG combines the neofunctionalist focus on societal forces for (further) integration, intergovernmental recognition of the centrality of national actors in this process as well as the force of institutions that have emerged during the integration processes. It could be argued that MLG provides a fruitful approach to the study of the emergence of Macro-regions (Piattoni 2016), and it usefully highlights the benefits of detailed descriptive analysis of the developments taking place in transnational governance.

The study of Macro-regions – the EU Strategy for the Baltic Sea (EUSBSR) being most important here – has in recent years increasingly fused with the study of MLG (Gänzle and Kern 2016; Piattoni 2016). McMaster and van der Zwet argue that Macro-regions should be seen as a new MLG instrument for driving EU’s cohesion policy providing “an opportunity for new thinking about territorial spaces, the opportunities and challenges in these spaces and new thinking on forms of intervention” (2016, 47). Seeing Macro-regions as a governance instrument helps to grasp the depth of the change in governance that transnational dimension – particularly in the EU context – can cause. Transnational does not refer to a yet another layer of complexity in administration, or yet another “stake-holder”, but it requires a thorough rethinking of policy that emerges out of and addresses a functionally defined, territorially delineated *space* divided by a multiple different states, their jurisdictions and traditions as well as private and civil society actors having interest in that space. The contrast to politically defined, sectorially divided, and hierarchically organised nation-state administration is fundamental. Similarly, the forms of administrative accountability available to transnational public administration cannot follow the nation-state inspired principal-agent model (Piattoni 2016) or in other ways draw on ideas of where the administration should in one way or another represent the public as there is no clearly delineated “public”. Rosanvallon (2011) has discussed emerging forms of democratic legitimacy. Standard

ideas of democratic legitimacy in one way or another draw on the idea of the state representing its people and in this process the people constitute its sovereignty via the state administration and politics (Rosanvallon 2011). Such a constitutive power is often taken “superior” or more direct expression of sovereignty than constituted power, i.e. power that in its actions follow pre-established regulations. Rosanvallon, however, observes that new modes of legitimacy – he calls them reflexive legitimacy – build on extending the potential of constituted power. Although both aspects, constitutive and constituted are clearly present in TPA, one way to think further about the legitimacy of TPA could be to probe the ideas of reflexive legitimacy and especially different ways of building checks and balances enabling better control of TPA by society. Such a reflexive legitimacy can also benefit from its neutral appearance, which might be beneficial in potentially conflict-prone situations.

Yet, the questions asked with the help MLG most often concern the emergence of integration, of regions and ultimately aim at providing some clarity to the (political) nature of the EU. MLG also takes place within an institutional framework where there is a possibility of obtaining a legally binding decisions in form of e.g. EU decisions. However, as Sabel and Zeitlin argue, the role of public rule making, i.e. jointly established framework goals by the member states and EU institutions on e.g. full employment or social inclusion and the regular revision of these goals and established local practices called Open Method of Coordination) also introduces a dimension not quite captured by the focus on interaction between different levels of policy making (2008). It is also argued that within MLG, the focus is directed to territorially distinctive levels thus leaving the dynamics between and within e.g. different policy sectors to less attention (Ladi 2019).

Our concern is broader than that of MLG. Transnational public administration concerns the changes in the (public) administration of policy. This includes both the more macro-focus, which is more prominent in MLG, but also the more micro-level

of administrative praxis. Yet, both approaches recognise the growing role of policy practitioners, experts and non-state actors in the *production* of new policy. Another contribution MLG makes to the study of TPA concerns its focus on what changing governance practices mean to the classical ideas of state sovereignty, democracy and accountability. These questions become all the more relevant for TPA that pools together diverse actors, where policy production takes place in varied fora away from parliamentary scrutiny and is open to the inclusion of private, profit as well as non-profit, interest in both drafting and implementing policy. TPA primarily produces policy through practice. It lacks – at least initially – the authority to produce legally binding decisions. Its foremost authority rests with its practical and normative force strengthened by the ideas of proximity. Yet, as a mode of public administration, TPA faces the same challenges of legitimacy than national administration. Given the diverse sources of policy in TPA – global policies, local practices, expert opinions, TPA is characterised by opaqueness and cannot rely on transparency for legitimacy as easily as in the national context. Similarly, ideas of representation, as was noted above, fair ill as potential sources of legitimacy of TPA. TPA appears to be more dependent on its results and non-partisanship than other kinds of public administration.

A second relevant field of research concerns border studies and related cross-border cooperation. This field of research takes as its point of departure the existence of a state border, but explores the different meanings borders acquire in different cases. Borders are always porous to a certain extent, but this should not be taken to mean that their existence would not matter. The question rather is the *manner* in which they matter. Similarly, it is not that borders between friendly or “similar” states would be automatically more open than borders between hostile or “dissimilar” states. Sometimes political and cultural proximity yields to more open borders, but this does not need to be case. The Finnish-Soviet and later Russian cross-border cooperation is just one example that border openness is not

solely conditional upon states' similarity; the same goes to Norwegian-Russian border (Pettersson 2018). Critical border studies have drawn attention to the way in which a border is mobilised in politics at different levels.

Within the EU, the INTERREG programme has addressed border regions in order to address their socio-economic development and generally attempts to improve border regions' well-being in comparison to less "peripheral" parts of the EU. There are two characteristics of INTERREG that are worth mentioning here. For the first, the context of much of INTERREG projects since its launching in 1990 has been that of EU's single market, that is socio-economic performance of territorially peripheral regions within the EU. This approach has as its main focus the economic performance of the single market as a whole, and thus the border regions are treated primarily as bottlenecks in this process. From this follows the second characteristic, which is that borders have been first of all hinders to the development of the whole. This has at times led to sidestepping local interest in pushing cross-border initiatives in the name of economic development (Braunerhielm, Alfredsson Olsson and Medeiros 2019).

From the literature of border studies, we know that a border always marks a periphery vis-a-vis a centre. In this centre-periphery dynamic, the border region is considered secondary to the centre and thus often a target of specific policies. These can be policies to improve territorial integrity of the state (cf. Moscow's financial support to Crimea), policies to maintain territorial equality (cf. Swedish state agencies on Gotland, Östersund), policies to create special economic zones with borders. Examples of such include for instance the Aland Islands or a number of Special Economic Zones in Poland, many by the Polish-German border (e.g. Pomeranian SEZ, Słupsk SEZ, Kostrzyń-Słubice SEZ), but also by the Polish-Lithuanian border (Suwałki SEZ). In addition, borders have always attracted more or less informal economic activities drawing advantage from the asymmetry the border creates. Some scholars in border studies go as far as to

claim that increasing homogenisation across the border will *decrease* incentives to cross-border cooperation as advantages drawn from asymmetries diminish thereby increasing the pull effects of the national centre (Spriering and van der Velde 2008). Similarly, infrastructure improvements can decrease the economic potential the border regions obtain from asymmetry (Balogh 2014; Pettersson 2018). Borders mark differences. If economic differences are petered out, it does not mean that cultural and linguistic differences would also vanish. The question is at what point economic incentives come to weigh less than cultural and linguistic push factors pulling towards the national centre. One warning example is already found in the ESPON study on Bothnian Arc (ESPON 2019, annex VI), where local interest in cross-border cooperation in cultural and educational fields is diminishing given the persistent linguistic differences. As communication to national centres improves, the incentive to think of cross-border solutions may decrease.

On a more concrete level, the way “transnational” is used here overlaps with “cross-border”, that is, it refers to public administration that in one way or another is coordinated by two or more states having different national systems of public administration and law. Whilst “cross-border” *stricto sensu* refers to areas adjacent to the frontier, “transnational” is not bound to any specific territory, but includes the country as a whole. To understand the extent of this definition it can be contrasted to a recent study by ESPON on Cross-border Public Services (CPS) (ESPON 2019). CPS are limited to a defined *cross-border territory*, they address a *joint problem*, with *beneficiaries on both sides of the border*. Target groups from both sides of the border have *equal access* to the service, which is *publically organised and financed*. Finally, CPS is *a service* that already exists and operates on a *long-term basis*. In distinction to CPS, TPA addresses significantly broader phenomenon, namely *any* transnational coordination between public administration units.

From the perspective of border studies, the existence of the border is rather to be conceptualised as an opportunity for new

types of activities than as an obstacle. Given that national borders also mark states' territorial sovereignties, the conceptualisation of the border is a political question too, and liable to swift changes reflecting political discourses on borders. From border studies, the study of transnational public administration benefits from the insights of different ways of conceptualising and mobilising borders. One central argument this report puts forward is that borders are not withering away. Transnational public administration to succeed needs to include and use the border in policy rather than trying to either pretend it does not exist or view it solely as a hinder to effective cooperation.

The next section will address the connections between TPA and EU's Macro-region strategy in more detail.

1.2 Transnational Public Administration and Macro-region(alisation)

After the inception of the Baltic Sea Macro-region, there has been a sort of vogue of creating new Macro-regions and expanding on the imagined potential of Macro-regions (Gänzle and Kern 2016, 4). At present, Gänzle and Kern argue, one should talk about Macro-regionalisation, i.e. recognise the processes of Macro-regions acquiring more prominence of policy discourse and sometimes even in praxis, but seeing these developments as processes rather than existing facts. Macro-region as a governance strategy builds upon five core principles: (1) to integrate existing policy frameworks, programmes and financial instruments; (2) to coordinate between sectoral policies, actors and different tiers of government; (3) to cooperate between countries and policy sectors; (4) to involve policymakers from different levels of governance; and (5) to create partnerships between EU members and non-members (Gänzle and Kern 2016, 4). The overarching idea is that the Macro-regional strategy would establish a shared framework, or horizon, under which different policymakers and stakeholders could coordinate their actions. In other

words, the aim is to bring different policy sectors into a (harmonious) coexistence.

However, EU's Macro-region strategies do not include any provision for financial resources. In fact, the institutional premise for a Macro-region strategy is captured in three No's: no new legislation, no new institutions, no new money. In practice, on the one hand, this has led to a search for contact points between Macro-region strategies and EU's cohesion funds to create projects that would feed into Macro-region goals. On the other hand, the emphasis on *functionality* of policy has been a conscious attempt to steer policy away from *political* questions where national sovereignties would be at stake, increase the role of practitioners and experts, and incorporate the Macro-regional policy processes into the national administrative structures. The focus on *function* also effectively undermines the nation state's organisation based on administrative territories rather than functional territories, such as a river systems or coastal systems. As it was pointed out above, Macro-regions could be seen as an MLG strategy. In this context, Piattoni argues that MLG effectively fuses the centre-periphery dynamics, here referring to state-sub-state relations and access to international policy process, as well as state-society relations referring to the access of different social groups to represent the state (Piattoni 2009, 175). In other words, MLG has enabled locally anchored and functionally selected interests (e.g. a local environmentalist organisation, a small professional group) to become included in the MLG policy creating process. In other words, the transnational should not require the construction of parallel structures, one for the national and the other for the transnational. One administrative structure should suffice.

In terms of actual governance, Macro-region strategies try to formalise the idea that actors from different policy sectors should in fact work together. From a more theoretical perspective, at least two different takes on Macro-regionalisation can be seen in the literature. First, Macro-region thinking reflects a recent trend of introducing systems-thinking into governance

studies, especially in field of environmental governance. This is also called ecosystem approach to management (Gilek et al. 2019; Langlet and Ravfuse 2019). Systems-thinking here refers to the cross-sectoral concerns in public administration (i.e. how administration of one sector, e.g. pollution affects other, indirectly connected sectors such as economy or urban development) (Söderström et al. 2016). Although it is easy to see the potential in combatting pollution in the Baltic Sea in joint measures taking into consideration land-based and sea-based sources of pollution, the idea of bringing different policy sectors into contact with one another is not unproblematic. The focus here lies in identifying and coordinating different systems that are affected by the policy (e.g. social, economic, agricultural, biological, and ecological in the case of eutrophication or fishery). This requires that such systems are delineated, their internal systemic operations are understood (e.g. different legislative systems in different countries) and any cross-sectoral policy conflicts are taken into account. In the literature, the main challenges emerge in the complexity of ecosystems thinking. Some evidence also points out that the knowledge produced in such a system is easily affected by lobbying and underlying economic interests (Eriksson, Karlsson and Reuter 2010), and that the inclusion of more stakeholders can in fact hinder the policy process by withholding or biasing information and exposing the coordination to other powerful interests that conflict with the initial objectives. There seems to be, at least to a certain extent, a trade-off effect between more holistic take on administration and its democratic foundations.

Second, Macro-regionalisation has been theorised as an emerging form of experimentalist governance (Gänzle and Mirtl 2019). Experimentalist governance refers to a governance architecture where broad framework goals give directions to lower-level actors to “experiment” in order to pursue those framework goals in innovative ways (Sabel and Zeitlin 2008; 2012). The idea of experimentalist governance is that an (i) open-ended framework goals – such as those in EUSBSR – are used to steer and coordinate autonomous local-level efforts to come up with alter-

native policy solutions. The idea is that through a horizontal approach to governance, (ii) local actors can bring their knowledge of the problem(s) into designing potential policy alternatives and increase policy innovation. These efforts are coordinated through (iii) regular reporting on performance by the local actors, and (iv) regular revision of the framework goals by the “central actors”. Yet, current research shows that the general problem with the experimentalist model is that in practice regular reporting and revision of framework goals are deficient and thus the spread of best practices has not really been observed in a larger scale (Gänzle and Mirtl 2019). However, experimentalist governance can be useful for increasing the perceived legitimacy of TPA. In the case of the Macro-regions, experimentalist governance is tied to functionally defined policy areas, which are, however very broad ranging from environmental goals (save the sea) to social issues (increase prosperity). The Macro-region strategies aim at increasing territorial as well as social and economic cohesion in the European Union, so it remains an open question how well experimentalist governance can overcome cross-sectoral challenges.

Macro-region(alisation) ties TPA to a certain geographic territory. This makes it easier to identify common problems and also try to see them in functional and non-political terms. For instance, reducing emissions to the Baltic Sea can be seen as a generally accepted goal. This may give the impression that TPA could be purely technocratic exercise and thus rely solely on expertise induced legitimacy. Yet, questions emerge as soon as TPA need to find solutions as to how emissions are to be reduced. This brings along social and political dimensions of administration. TPA thus cannot eschew the questions of legitimacy even when considered primarily a functional enterprise building on shared and concrete objectives.

Macro-regions, thus, aim at increasing territorial, social and economic cohesion by looking at the functional properties of the region and setting them as the ground for cross-sectoral policy making. From the perspective of governance, the novelty here

lies in the functional approach to governance. Hence also the emphasis on material, geographic or social etc. “environment” of the organisation rather than just the organisation as such in this report. Given the fact that Macro-regions are not (necessarily) following state boundaries, other than state-level actors in the governance network must be considered in the analysis.

1.3 What do we know about Cross-border Public Services and how that can help in thinking TPA?

The ESPON study on Cross-border public services (CPS) was published in early 2019. Through a European-wide survey, stakeholder interviews, workshops and desk-research it identified 579 CPS in Europe in operation in 2019. The study makes no claims to provide an exhaustive list of all CPS in Europe, but it is first of its kind, and of importance to this report. The findings are collected in a database that is documented in the study. ESPON claims to make such data available, but as of now (autumn 2020) this “inventory of CPS in Europe” as it is called is not available.

The ESPON study on Cross-border Public Services (2019) shows that such services exist mainly across borders, where there have been a long tradition of cross-border cooperation and a high density of population (Benelux, Germany, France) *or* in areas with low density and long distances between towns and villages (Nordic countries). This observation can be taken a bit further. Both cases, in fact, show the lack of sufficient state resources. In the first case, the high demand is not met by a single state; in the latter case, the low supply necessitates the pooling of resources across the border. One important characteristic of cross-border public service – or for the purposes of this report, transnational public administration – is that it transcends the state sovereignty and national jurisdiction and therefore alternative sources of regulation are needed. Such alternative sources can be, for instance, (1) EU regulations (directly implementable at the national level), directives (set the national goal, but leave room for local implementation strategies), (2) international,

theme-based, agreements like HELCOM policies, which are not formally binding, but serve as guidelines, but also as agenda-setters for the EU that in turn has legislative competence (Gilek et al. 2016), (3) theme-specific interstate agreements like the deepening coordination of defence forces between Sweden and Finland, and (4) local agreements between municipalities (as in the case between Tornio-Haparanda), or in more business-like agreements between public agencies as in the case of Uppsala University Hospital that has rent two places from the Turku University Central Hospital Labour Ward for instance during summer 2017. A tentative answer to the question why so much “transnational” in administration is based on projects is therefore that there is no judicial base (requirement) for transnational administration. In the absence of such legal compulsion, the perceived need for transnational public administration has to be assessed on a case by case basis. Given the difficulties with transnational cooperation, incentives to take it up can well appear the be low.

The second important finding from the ESPON CPS study is that most CPS take place between two countries. This is partly due to their definition that limits CPS to border regions, but also due to the *local nature* of CPS. Most often CPS build upon highly localised solutions and therefore cooperation between multiple countries becomes too complicated. In fact, the Nordic countries are an exception in this respect.

The third finding concerns prominent policy areas. Almost 60% the identified CPS deal with environmental protection (20,6%), civil protection and disaster management (20,4%) or transport (18,1%). At the fourth place comes healthcare and social inclusion with 11,1%. In the case of environmental protection, most CPS focus on a joint management of an environmental resource, such as water treatment plant. One should note here that the definition of CPS – that there is a concrete *service* and a limitation to a *cross-border area* excludes perhaps the most successful example of TPA in the field of environment, namely the management of eutrophication (excessive nutrients most often from agriculture in waters) of the Baltic Sea. Over 50% of

CPS provide a service that did not exist prior to the CPS and may be parallel to existing national services; 35% of CPS consist of jointly coordinated services across the border; and 12% extension of a nationally provided service to encompass the area across the border. The last case can be illustrated for instance in health care services where a bigger service provider on one side of the border increases its “customer” base by reaching out across the border.

Finally, the ESPON study found out that it takes time to establish CPS. The average time to set up the service among the identified CPS is 4 years and 3 months; 50% of all CPS were up and running within 5 years, but with a couple of CPS it took up to 20 years to establish them. Apart from legal issues that may contribute to the longer time of establishment, CPS also require a shared understanding of the common problem the CPS should address. Further, most CPS in the inventory in practice have created new administrative structures parallel to the existing structures to manage the CPS provision.

1.4 What is Required for a Successful TPA?

There are very few previous *empirical* studies on just TPA that would also discuss what is required for a successful TPA. Most previous research focuses on cross-border cooperation (itself an overlapping with TPA) or some aspects of Macro-region strategies. The need to cooperate is often highlighted, but concretely what it takes to make it work is less known. What we know from previous studies is that one often cited problem with projects financed by Interreg is that the application procedure is a hurdle and project funding by definition is insecure. This impairs the possibilities for long term planning. EU’s Macro-region strategy attempts to circumvent this by providing *no* extra funding, thus putting the incentive to member states to start think of TPA as an integral part of their normal operation. This has rarely been a welcomed strategy by the member states that still prefer to think of EUSBSR as something the EU should finance. Consequently,

such goals that have entered EU legislation in the forms of regulations and directives, and thus become mandatory for the member states, have also been most successful. As having the force of law, such goals or TPA is prioritised differently by member states than more “idealist” goals pursued by soft-law. A good example concerns the reduction of different chemicals in the Baltic Sea. A historical exception to this pragmatic approach, can be seen in parts of the Nordic cooperation (see below).

Another aspect concerns the type of coordination. Tillväxtverkets report indicates a need to think of the possibilities for a more thematically organised cooperation. For example, research on eutrophication shows that too many stakeholders and especially cross-sectoral stakeholders can easily impair cooperation (Karls-son et al. 2016). In a sense, cooperation in ecological issues has been most efficient when limited to committed and specialist agencies with limited need to listen to stakeholders from other sectors.

1.5 Nordic Cooperation and Transnational Public Administration

Writing this in the Nordic context inevitably gives rise to the question of relationship between Nordic cooperation, the EU’s Macro-region strategies and TPA. Can the Nordic cooperation be seen as a precedent? Or is it something totally different? During the planning of this report, transnational cooperation among the Nordic countries was also often raised as a well-functioning example – in contrast to cooperation with other countries. Above, the Macro-region in the EU strategy was defined as a territory sharing a geographic feature that serves as the source and target of functionally induced cooperation. Combined with the idea of experimentalist governance, Macro-region strategy implies a transnational, multi-level and often bottom-up cooperation that aims at cross-sectoral coordination, involves state as well as non-state actors and contributes to (Macro)-regional cohesion. Important in the Macro-region strategies is that they

do not aim to produce so much something new than align already policies for a greater effect and coherence.

Nordic cooperation is one example of subregional cooperation that preceded the EU (another notable example is Benelux, having clear relevance also to how the EC and EU have evolved). Nordic cooperation shares many central tenets of Macro-region thinking, but there are some important differences. From the point of view of public administration, whilst the Macro-regions focus on the public administration of the commons – geographically defined resources – the Nordic cooperation is more centred on the citizens and their rights.

Nordic cooperation perhaps appears most prominent in the field of free movement. Already during the Second World War, in 1943, Sweden unilaterally abolished working permit requirements for other Nordic nationals. The rationale was economic as much as humanitarian: the refugees from Norway and Denmark could replace the labour shortage left by conscription to the Swedish armed forces during the war. In 1945 Sweden abolished visa requirements for other Nordic citizens. By the 1950s other Nordic countries started following the Swedish example and in 1952 it was agreed to lift the passport requirement for Nordic citizens travelling within Norden and planning to stay less than three months. This three-month limit was abolished two years later in 1954 together with common agreement to lift all work permit requirement between all Nordic countries. In 1957, passport controls for non-Nordic citizens were abolished on intra-Nordic borders. So far the development was primarily driven by economic considerations, but the free movement of “labour” was not connected to employment as it is under Schengen; it is connected to the passport union that successively evolved from 1954 onwards and includes extensive social and political rights as well. So the Nordic cooperation from very early on realised the cross-sectoral nature of cooperation.

As this example shows, free movement for economic reasons rests in fact on legal principles regulating the rights of the citizens more than the rights acquired through employment. In

other words, it is a Nordic citizen right, not something connected to employment, to travel and resettle freely in any Nordic country. Indeed, the Treaty of Helsinki signed in 1962 attempted to formalise a longer practice of more informal coordination of legislative cooperation that began in late 19th century (Letto-Vanamo and Tamm 2016; Sterzel 2017). The Treaty states that “In the drafting of laws and regulation in any of the Nordic countries, citizens of all the other Nordic countries shall be treated equally with the citizens of the aforementioned country.” (Treaty of Helsinki, Art 2). The initial aim of legal cooperation was to pool resources and find common solutions to common problems that would then be implemented at the national level. In other words, no parallel structures were created and cooperation was driven by commonly identified needs rather than externally produced regulation. This, in fact, resembles the principles of three no’s in current Macro-region strategies. The Nordic legal tradition that builds upon independent statutes rather than codification of broader “fields” of law under common principles has supported the pragmatic take on finding suitable solutions to tangible problems and putting them into pieces of legislation. This has made the later amending of the statutes easier (Letto-Vanamo and Tamm 2016). So even if there have been some institutions building to formalise the Nordic cooperation, most notably the Nordic Council (1952) and the Nordic Council of Ministers (1971), they have been more arenas for coordination than drafting of new legislation. In other words, even if the formalisation since the 1970s has nudged the Nordic cooperation towards more intergovernmental mode, much of the initiatives for new coordination still come often from practitioners and the aim is that the daily national legislative work would incorporate the Nordic cooperation, not as something adjacent, but as one element of any piece of legislation. The legal cooperation is one example of the characteristic rather informal bottom-up processes that characterise Nordic cooperation (Strang 2016; Kristensen et al. 2016). The informal bottom-up nature of cooperation is further strengthened by the close contacts between

civil society and the state. With an eye on the Nordic cooperation of labour unions, Kettunen et al. show how Nordic social policy has been shaped by transnational cooperation between labour unions as well as state bureaucracies (Kettunen et al. 2016). This bottom-up nature of Nordic cooperation has also made it possible to search for the ways how cooperation can enhance national interests, which, many argue, have always been in the core of Nordic cooperation (Stråth 1984; Götz, Haggrén and Hilson 2016).

If the Macro-region is primarily defined through its shared function or challenge – a common resource like the Baltic Sea – the Nordic cooperation historically evolved out of the need to address a number of shared challenges. It draws on shared ideals and operates on a voluntary basis firmly anchored in the national policy processes, or rather, aiming at adjusting the national policy processes rather than replacing them with some “Nordic alternative” (see Andrén 1967; 1984). Johan Strang points out that the Nordic cooperation can be seen as a failure or as a success. It is a failure if compared to grandiose federal ideas that have sometimes been impetuses for what in reality turned out to be more incremental and small scale changes. It is a success, however, if judged by the preservation and promotion of the Nordic model (Strang 2016). It is in this respect that the Nordic cooperation can provide important lessons for thinking about the Macro-regional.

1.6 Studying TPA empirically

In the discussions preceding this report, stakeholders indicated interest in successful and less successful systems or praxis that enable functioning transnational public administration. One example used to illustrate what “functions” and what does not was the contrast between TPA between the Nordic countries in contrast to the whole Baltic Sea Region. In addition, interest was put in the study of daily administration in the transnational context. Given the networked and multi-level nature of contem-

porary governance, such an approach establishes in practice unlimited number of potential cases: In the Baltic Sea Region as defined in the EUSBSR (EU Strategy for the Baltic Sea Region (KOM (2009) 248/3)), cooperation takes place at the 1) supra-national level (EU and member states); 2) Macro-regional–supra-national level (e.g. HELCOM–EU); 3) regional (e.g. HELCOM); 4) Macro-regional–national (e.g. HELCOM–member state); 5) national (e.g. Sweden–Finland); 6) regional (e.g. South Karelia region, Finland–the Republic of Karelia, Russian Federation); 7) municipal (e.g. the City of Imatra–Town of Svetogorsk; Uppsala–Åbo); 8) civil society and/or private sector–and any other abovementioned level.

Given this plethora of potential different cases and levels of conceiving “transnationality”, it is not feasible to approach the question of TPA territorially (i.e. attempting to limit to “most likely” geographic areas) nor administratively (i.e. taking an administrative unit as the entry point for analysis). Instead, this report approaches the question TPA from the point of view of *policy*. Drawing on the ESPON study on cross-border public services, a number of policy areas that can serve as the points of entry can be identified: 1) transport, 2) spatial planning, 3) health care and social issues, 4) education, 5) labour market, 6) communication and information, 7) environmental protection, 8) civil protection and emergency management, and 9) citizen rights and public security (ESPON 2019). This is a more extensive scope of different policies than indicated in the EUSBSR that limits itself primarily to the protection of the Baltic Sea, infrastructure and connectivity and economic prosperity (KOM (2009) 248/3).

TPA deals with *long-term* processes rather than with short-term projects. The main difference between EU’s Interreg and Macro-region policies is that the former includes finance for projects that contribute to regional cohesion whilst the latter explicitly builds upon “3 no’s”: no new legislation, no new funding, and no new institutions (Gänzle 2018). Instead, the idea is that the Macro-regions of the EU – currently four – find their

synergies for cooperation in the geographic features that bind each Macro-region together. In the Baltic Sea Macro-region, it is the Baltic Sea that is expected to provide the ground for cooperation based on functional and territorial commonalities. In other words, Macro-regions are “built” upon existing territorial functional properties. The logic is simple: to protect the Baltic Sea, it is required that all territories within the drainage basin of the Baltic Sea must act in a coordinated manner. Similar logic is applied to other areas of infrastructure, energy markets or functioning and competitive economy. Given the functional base for Macro-regions, also non-EU countries are included. The main aim of the Macro-region strategies is better prioritisation and focus on high-impact policies. The Baltic Sea Macro-region was the first Macro-region established and it includes Sweden, Finland, Russia, Estonia, Latvia, Lithuania, Belarus, Poland, Germany, Norway and Denmark.²

Although TPA is not the same as Macro-region strategies, they in practice overlap in many cases around the Baltic Sea. The empirical examples discussed in the third section are designed to represent a variety of different kinds of long-term TPA processes within the fields of i) environment and energy, ii) law enforcement and security, and iii) education, culture and tourism, whether bearing a close link to EUSBSR or not.

² The other three Macro-regions are Alpine (France, Italy, Switzerland, Austria), Adriatic-Ionian (Italy, Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, Serbia, Albania, Greece, Greece), Danube (Germany, Austria, Czech Republic, Slovakia, Hungary, Slovenia, Bulgaria, Romania and Croatia).

2. Analytical Framework

The discussions above give some ideas as to what the analysis of transnational public administration entails. Macro-region strategy puts TPA – in this case – within the framework of the EU; MLG emphasises the importance of the way in which different levels of administration can interact and what consequences that may bring about; border studies draw attention to the importance of working with two different jurisdictions as well as the centre-periphery dynamics – the inherent asymmetries at the core of any TPA; and experimentalist governance and EU's Open Method of Coordination draw attention to the ways in which new policies can emerge from (informal) practices. All these are relevant, but perhaps too abstract to serve for the analytic framework as such. The discussion below aims to construct an analytic framework that is sensitive to the above, but also concrete enough to guide analysis.

The analytical framework introduced below builds on two distinct theoretical sources, the forces of institutionalisation and the forces of asymmetry. This analytical framework will then be illustrated by a number of empirical cases. Not all aspects of the analytical framework receive equal attention as the purpose of the report is mainly illustrative. Moreover, due to the fact that this report was based on desk research, there was little possibility of drawing on insights from more qualitative case studies and therefore what goes on inside the organisations involved in conducting TPA could not be covered in detail. Finally, I will draw some lessons concerning different themes that emerge in the analysis.

2.1 Forces of institutionalisation and asymmetry in TPA

The analytical angle for this report combines historical institutionalism (Steinmo, Thelen and Longstreth, 1992; Sewell, 2005) and neoinstitutional organisational theories (Scott 2008: Powell and Dimaggio 1983). The common reading of institutional theories can, for the purposes of the argument here, be summed up in two points. First, whilst an organization aims at rational efficiency in its design and mode of operation, different processes of institutionalisation infuse the organisation with values that accumulate and acquire a self-driving force. In other words, the accumulated values in due course become perhaps more important than the rational purpose for which the organisation was created in the first place. This, then, leads to a situation in which the institutionalised values and the rational purpose of the organisation increasingly collide. Scott (2008) points out the centrality of semiotic understanding of culture in institutional theories. Semiotics of culture emphasises the autonomous role of culture and values in effecting material changes. Organisations, then, are not only rationally and functionally structured, but reflect the cultural context(s) they operate. Second, explaining the emergence and change of institutions has been emphasised at the expense of studying their demise. The reason is that “demise” has readily been interpreted as emergence of a new institution. Especially historical institutionalism understands institutions as undergoing continuous change. The focus of much of institutional research, therefore, lies on the practices and processes through which institutions are maintained and recreated in daily life. In our case, the nature of TPA means that it is best understood as something transitional, always in motion, and as a process towards more unitary or more disperse form of institutionalisation taking place in between more unitary national and supranational forms of organising.

In the study of transnational public administration, the basic tenets of institutional thinking are useful, but certain adjustments or emphases has to be noted. For the first (i), trans-

national public administration is often cross-sectoral. It is thus subject to conflicting policy considerations and competing institutional logics. Second (ii), transnational public administration involves the coordination between at least two different national jurisdictions and possibly international jurisdiction. This increases the plurality of interpretations that are possible. For the third (iii), there are at least two sovereign states involved in transnational public administration. This introduces a new political dimension – that of two competing sovereign states – into the administration of public affairs. Fourth (iv), given the above points, transnational public administration includes at the same time concrete and political dimensions. The concrete dimension includes the case to be administered. Often this is something tangible – like the fire brigade referred to in the beginning – but it is also something political concerning the admission of a foreign state into the – in the case of the fire brigade – emergency management system of the neighbouring country. Mutual trust is necessary for the political dimension of transnational public administration to succeed. For the fifth (v), given the inevitable politicality of transnational public administration, concrete local solutions can easily be affected by external, global changes. For the sixth (vi), as transnational public administration by definition involves crossing borders, it is also subject to centre–periphery dynamics. All these points substantially add to the general unpredictability of transnational public administration and to its sensitivity to changing political and cultural values. The EU’s proviso of “three no’s” – no new institutions, no new legislation, no new finance – makes this no less the case.

The analytical framework suggested here builds on Scott’s three pillars of forces of institutionalisation (regulative, normative and cultural-cognitive) divided between different carriers of institutionalisation (symbolic systems, relational systems, routine and artefact related) (Table 1a), and material and immaterial aspects of asymmetry that characterise just *transnational* public administration. The carriers look at the concrete ways in which the social institution exerts its influence over social action and in

our case serve as the dynamics through which organising under each pillar takes place. The asymmetry designates the fact that TPA always takes place between at least two different systems and much of the success of TPA relies on managing to utilise and deploy the existing asymmetries in a productive way.

Table 1a. Forces of institutionalisation in transnational public administration (Adapted from Scott 2008).

	Forces of Institutionalisation / Predictability		
	Regulative (Formal & conscious)	Normative	Cultural- Cognitive (Informal & unconscious)
Symbolic systems (semiotic-cultural systems)	Rules, Laws (national and international, regulations, directives)	Values, expectations	Categories, typifications, schema
Relational systems (material conditions)	Governance systems (e.g. EU, HELCOM, CBSS, national state, region)	Regimes Authority systems	Structural Isomorphism
Routines (praxis)	Praxis, protocols, standards (diverging or converging procedures between different levels of governance)	Jobs, roles Obedience to duty	Scripts
Artefacts	Objects (complying with mandated specifications)	Objects (meeting conventions)	Objects (possessing symbolic value)

In Table 1a, the columns show Scott's "pillars" and rows "carriers" of institutionalisation.

Table 1a shows the three pillars of institutions and different carriers for each pillar. The regulative pillar concerns the formal side of institutionalisation of social life and includes carriers such as supranational and national legal frameworks, but also non-enforceable recommendations and standards. The most obvious actors in the regulative pillar are sovereign states and the EU, but increasingly organisations drafting recommendations, providing standardisations, issuing licenses, or checking on states performance in certain fields are claiming more ground. Given that transnational public administration, as public administration, is grounded in law, the regulative pillar is most relevant for our analytical framework. The regulative pillar requires that the regulations enjoy some legitimacy and is thus closely connected to the state or some supranational organisation with the agreed authority to regulate.

At the level of symbolic systems, the carriers of regulative pillar comprise laws and recommendations, e.g. those coming from the EU or international organisations such as the HELCOM. At the relational systems levels we have governance systems such as the EU's Open Method of Coordination or ministerial rule over state agencies in Finland and autonomy of state agencies in Sweden. At the level of routines, we look at how concrete organisations operate and at the level of artefacts we can study the material objects that are regulated (and how they yield to regulation).

The second pillar concerns normative aspects of institutionalisation of social life. The normative pillar concerns aspects of what is desirable and what ought to be in society. Normative aspects of institutionalisation can shed light upon the aims of the institution or the ways in which the aim is pursued. With regard to the EU, such normative aspects include values such as democracy, rule of law and free markets, which structured the *acquis communautaire*, the concrete legal framework all new member states are expected to incorporate into their national legislation. These values constrain states' and citizens' actions. Similarly, the Macro-region objectives – save the sea, connecting the region and increasing prosperity – can be seen as normative aims that

should guide the emerging institutionalisation of the EUSBSR. Such normative institutions enjoy legitimacy if the values they espouse are widely shared in society.

At the level of the symbolic systems, the normative pillar is manifest for instance through carriers such as the values in the *acquis*. At the level of relational systems, we have different authority systems, for instance the relative value attributed to the EU and national systems. Generally, the EU has higher “prestige” among the newer member states than the older ones. Some countries are also considered “sceptical” towards the EU. In recent years, also certain North European member states have formed an informal value-based framework for cooperation under the banner of New Hansaetic League. In other contexts, the founding members (Austria, Denmark, Sweden and the Netherlands) are also known as “the Frugal Four”, a less benevolent characterisation of their attitude towards the EU budget.

Looking at routines as carriers of institutionalisation, the normative pillar is manifest in the different categorisations of tasks and roles. One such example could be Britain’s well-known sceptical attitude to deepening European integration or Finland’s attempt to be “a model student”, or the new member states being more observant of EU’s recommendations than the older ones. This last point, is clearly manifest, for instance, in the way how Poland did not distinguish between EU citizens from different member states in the aftermath of the first wave Corona lockdown: Polish borders were opened to all EU nationals – in accordance of European Commission’s recommendation at the same time; Nordic countries, for instance, opened their borders to each other but not to Sweden. Routines of long-standing cross-border cooperation also leave their imprint on new solutions that are looked for not only in the national, but also in the cross-border context. Cross-border cooperation between Tornio and Haparanda is a good example of existing practices and patterns of behaviour giving rise to impetus for new cross-border initiatives. At the level of artefacts, some differences in e.g. member states’ normative take towards the EU is manifest in their dif-

ferential integration, such as the adoption of the Euro or adoption of shared technologies.

The third pillar concerns cultural and cognitive aspects of institutionalisation of social life. The basic idea is semiotic, that symbols and meanings that humans use for communication contribute to the “social construction of reality” (Berger and Luckmann 1966). This pillar focuses specifically to the interactive production of institutionalised social life. The clearest example of the cultural-cognitive pillar of institutionalisation can be found in the Nordic cooperation and the perception of Norden as a delineated space. The cultural-cognitive institutionalisation of social life also includes such aspects as the alleged double standards within EU enlargement to Central and Eastern Europe in early 2000s as well as continuous perceptions of disparities in how EU regulations concern different member states. In other words, different interpretations of the “rules of the game” and related power imbalances result primarily from cultural-cognitive aspects, and acquire – as a consequence – regulative and normative representations. In other words, the argument goes that the meanings attached to different meanings, rather than, for instance, objective rationality or economic calculations, can precede more material changes. Cultural-cognitive institutionalisation is legitimate to the extent prevalent cultural symbolic systems concur with it.

At the level of symbolic systems, the perception of the similarity of Norden, the shared imaginary space, is perhaps the clearest example of how cultural-cognitive frameworks can spread institutionalisation. As was discussed above, the Nordic cooperation draws on the mutual perception of compatibility among the Nordic countries, resulting in legal regulations guaranteeing equal rights of the Nordic citizens. The carriers of relational systems in the cultural-cognitive pillar include different structural isomorphism. Here concrete examples include for instance the close, even intimate citizen-state relations in Nordic countries and welfare-state tradition, or the “Soviet legacy” in the Baltic countries. The level of routines, the cultural-

cognitive pillar is manifest in similar behavioural scripts. Again easiest examples are to be found among the different behavioural manifestations of individual autonomy in the Nordic countries or trust in public institutions. At the level of material artefacts, the cultural-cognitive pillar is manifest for instance in the individualistic Nordic welfare state policies and widespread public access goods in health care, social services, and culture.

The different pillars often mutually reinforce one another, but can also be in conflict. For instance, if regulative institutions clearly diverge from the cultural-cognitive or normative perceptions, the legitimacy of the regulative pillar can be questioned and a conflict can easily emerge. In the case of transnational public administration, the distance between cultural-cognitive pillar closest to popular legitimacy and the regulative pillar closer to elites is especially susceptible to political moves by different national and international actors. Misalignment of pillars is conducive to institutional change, which here can also be understood as deinstitutionalisation. This report follows the neoinstitutionalist emphasis on the cultural-cognitive pillar of institutionalisation and its centrality to any concrete organisation of TPA. However, at the same time, the regulative pillar, given the fact that this is about *public* administration require a central place. One central axis of analysis, thus, is the interplay between the regulative (and formally sanctioned) and the cultural-cognitive pillars, where more informal practices can be possible. The normative pillar, whilst still clearly playing a part is perhaps least pronounced. When it comes to the different carriers of institutionalisation, we see great plurality. Again concrete laws, regulations and recommendations are important as public administration should be anchored in law. Yet, there are many examples, where the concrete artefact, the object of TPA, has been instrumental to the success of the case. When it concerns the levels of analysis, the Macro-region level (Scott's world systems) is quintessential to cases related to it, but there are many TPAs that precede the Macro-region strategies. In those cases, the related organisa-

tions (organisational field) as well as the individual actors appear most relevant foci of analysis.

However, as it was pointed out in the beginning, TPA is about the coexistence of at least two different systems. Too much institutionalisation and organisation would turn TPA into a supranational organisation. Sometimes this is the aim, but then we lose what makes TPA just that, *transnational* public administration. The main thrust of this report is that understanding and nurturing the asymmetry that by definition always exists in TPA is essential for its success. Let us take a very simple example, that of cross-border trade. Cross-border trade is beneficial for the border regions, because the legal asymmetries, often in taxation or regulation, allows for certain benefits to the residents of the border regions other citizens of the concerned states do not enjoy. The Swedish-Norwegian cross-border trade benefits from the greater purchasing power of Norwegians and the lower taxes of sweets and alcohol in Sweden; the cross-border trade between Tornio and Haparanda – among many other things – benefits from the differential regulation of snus in Sweden and Finland: it is not legal to sell snus in Finland, but possessing snus for own consumption is not illegal. In Sweden, by contrast, snus is legal. Hence many Finns living in Tornio can cross the border to buy snus from Sweden without having to hoard large quantities, which many other Finns travelling from further away would need to do. It is this way of thinking that is necessary to extent to *transnational* public administration. This also means that TPA may well be a transitional phenomenon on the way from national to supranational, but not necessarily. If this is the case – and to some extent that is the stated aim of Macro-region strategies – one should remember that this transitional period can be formative of the future supranational solution. One should thus invest in *transnational* public administration as a source of potentially new innovative solutions. This is one key aim of experimentalist governance.

Asymmetry – the lack or violation of equality or equivalence – in any model of public administration taking cue from eco-

conomic thinking would deem it disadvantageous. The reason is that most economic models posit some idea of perfect knowledge for the markets to function at their best. Yet, all asymmetry does not need to be something negative or indicate weaknesses. The productive sides of asymmetry are explored in various disciplines: in war studies, asymmetry of power is used to characterise guerrilla tactics, and for instance in semiotics and communication studies information asymmetry is seen as a source of new meanings (Lotman 1990). Some even argue that flexibility and efficiency of Chinese public administration is due to the inbuilt ambiguity and consequent information asymmetry in it (Zhan and Qin 2017). As Zhan and Qin put it, “ambiguity enhances the adaptability and resilience of the Chinese political system in governing the vastly diverse and rapidly developing country” (2017, 150).

Table 1b looks at the carriers of institutionalisation from the point of view of asymmetry. In the table, Scott’s more elaborate scheme has been reduced to material and immaterial carriers. On the material side, asymmetries can be found in jurisdiction and terminology in the regulative pillar. At the level of relational systems, asymmetries exist in different resources and organisational fields. In terms of routines and praxis, asymmetry especially as instability and uneven communication channels is a known feature of TPA. In terms of artefacts, we have objects that are torn between different systems.

On the immaterial side, in terms of symbolic systems we find different alternative or competing cultural values. In terms of relational systems, for instance, different conflicts of interest create asymmetry. In terms of practices, for instance, disinformation, i.e. pieces of information that are intentionally created to undermine to very idea of reliability of any information, create asymmetry. In terms of artefacts, we can focus on the values attached to different objects.

Asymmetry necessitates discretion in the way two different systems can be brought to work together. There is always a degree of a grey area in TPA. The concrete examples reviewed

below show how successful TPA utilises creatively that grey area, the gaps in legislation, or pools together different regulative frameworks to pursue transnational public administration. Operating in a somewhat grey area, where the national legislation is not sufficient or applicable in full requires mutual trust and identification of shared goals. This, combined with the Macro-regional “three no’s” render the cultural-cognitive pillar of institutionalisation central for most TPA. Other potential sources of trust and shared goals not explored here due to the lack of more qualitative material from case studies could be normative and emerge out of organisational fields and isomorphism between structures of organisations. These carriers of institutionalisation are likely to become more important in cases of TPA that has been running for a longer time as well as in the case of increased harmonisation due to EU. This should be explored further in later studies.

Table 1b: Forces of asymmetry in transnational public administration.

	Asymmetry (material)	Asymmetry (immaterial)
Symbolic systems (semiotic-cultural systems)	Asymmetry in jurisdiction, terminology	Alternative cultural values (e.g. nuclear energy as “green”)
Relational systems (material conditions)	Resources and organisational fields	Conflict of interest (e.g. objective and security considerations; economic or ecological considerations)
Routines (praxis)	Instability of communication	Disinformation
Artefacts	Objects torn between systems (Cross-sectoral policy conflicts; fertilisers – increases agriculture <i>and</i> eutrophication)	Objects signalling conflicting values (e.g. nuclear energy; knowledge from different stakeholders)

Asymmetry is a potential resource for institutionalisation of TPA, but it can also undermine it. For instance, too much instability in communication channels makes coordination of actions difficult; too much disinformation, in turn, makes communication pointless.

The pillars of institutionalisation provide the framework for interpreting the environment of TPA. The carriers of institutionalisation and asymmetry provide angles to the dynamics of institutionalisation. However, the transnationality of TPA requires the adding of the different levels of analysis to the model. Macro-region strategy was already mentioned as an example of “global” or “world-system” level. Modifying Scott’s (2008) scheme, we can move downwards: the next level includes the (nation) state, followed by the organisational field, the organisation itself and individual actors. Together the pillars, the carriers and the levels provide, what this report suggest, a possible matrix for analysing transnational public administration. Not all aspects are equally important in every case. In this report, due to the data gathering methods, for instance, the normative pillar has received much less attention than the other two pillars. Finally, the Macro-region strategies’ postulate of three no’s makes TPA more susceptible to cultural-cognitive aspects of institutionalisation than perhaps is the case in many other, more structured and “codified” forms of public administration.

2.2 Level of operation and legal base

When it comes to the analysis of concrete cases of TPA, a distinction between the policy (design) level, the coordination level and the operative level may be useful. From the ESPON study of cross-border public service we know that the level at which the service is provided correlates with the way it is provided. The higher the level the more likely that formal regulations prevail. The best example is the supranational EU regulation that it is directly applicable in the member states and takes precedence over national legislation. In a strict sense, the definition of ‘transnational’ EU regulations is a borderline case, as it is not obvious

that there are two systems that coordinate actions. However, in practice, the EU regulations are subject to national implementation that takes different forms, and the praxis of regulations is best characterised as just two systems in interaction. At the other end of the spectrum, local cooperation is most often based on shared norms and culture and prefer pragmatic solutions (and rule bending) to formalised rules. See table 2 for more examples.

Multi-level governance (MLG) implies that *hierarchically territorially* different authorities as well as *functionally* different agencies jointly govern and produce policy (Piattoni 2010). In other words, national, subnational regional and local authorities as well as functionally specific agencies, e.g. a supranational education regulation agency, a national education board, a regional education provider and a local interest group form a network to manage an educational reform. One outcome of MLG is that it undermines the role and prerogative of the national state in policy process partly by involving other territorially bound authorities but also by emphasising the functional, rather than political, aspects of policy. MLG also puts substate levels in (direct) contact with supranational actors. Although MLG is a typical feature of most, if not all, policy processes in the Baltic Sea area, it would be too complex to run through all its aspects in each case. Therefore, the idea of MLG will be discussed in connection to Barents Sea Cooperation policy. The other examples in this part of the report will discuss three policy areas and examples from around the Baltic Sea and how they are handled at different levels. These policy areas are environment and energy, law enforcement and security, and education, culture and tourism. The logic behind focusing on these areas is that environment and energy are closely connected and “naturally” transnational and empirically most advances have been reached in the field of environment. Law enforcement reflects one policy area that belongs to the core areas of state sovereignty and hence may be particularly sensitive to transnational questions. Education, culture and tourism in turn, belongs to the category of soft policies of the state. All policy areas also belong to EUSBSR’s objectives.

Table 2a. Examples of transnational public administration: Forces of institutionalisation and predictability.

Forces of Institutionalisation/Predictability			
	Regulative (Formal & conscious) e.g. Rules, Laws; governance systems; praxis & protocols; objects (expectations)	Normative e.g. Values, expectations; authority systems; institutional roles; objects (conventions)	Cultural-Cognitive (Informal & unconscious) e.g. Categories, schema; structural isomorphism; scripts; objects (symbolic value)
Multi-level		- Barents Sea Cooperation	- Nordic cooperation (Univ. of Helsinki and Scandinavian languages)
Macro-regional	- EUSBSR - Bologna process	- CBSS - HELCOM	
State	- Maritime Spatial Planning (SE, FI [exclusive economic zone only]) - Treaty of Helsinki (Nordic cooperation) - toxic chemicals	- toxic chemicals (esp. between 1960s and 2000)	- Nordic cooperation in education
Region	- Maritime Spatial Planning (FI, DE?) - Barents Sea telemedicine - Police cooperation Poland-Germany-Lithuania		- Police cooperation Sweden-Norway
Municipality	- Tornio-Haparanda Water treatment plant - Imatra-Svetogorsk border crossing app - Uppsala-Turku BB	- Barents Sea Norwegian-Russian school	- Tornio-Haparanda bilingual school; shared swimming pool; fire brigade - Saamaa Canal emergency services
Civil society/private actor		- Barents Sea Youth Council	Imatra-Svetogorsk border crossing app

Table 2b. Examples of transnational public administration: Forces of Contingency / Unpredictability.

	Forces of Contingency/Unpredictability	
	Asymmetry (material) e.g. Asymmetry in jurisdiction, different responsibilities; power (im)balance; instability of communication; objects (torn between systems	Asymmetry (immaterial) e.g. Alternative values (e.g. nuclear energy as “green”); conflicts of interest, security considerations; disinformation; objects signalling conflicting values
Multi-level	– Barents Sea Cooperation (security) – recognition of professional degrees (Bologna)	– Univ. of Helsinki and Scandinavian languages
Macro-regional		
State	– bilingual school Tornio-Haparanda (lack of leadership and political will)	– toxic chemicals (Ambiguous scientific evidence) – bilingual school Tornio-Haparanda (diminishing interest among people)
Region		
Municipality	– Imatra-Svetogorsk border crossing app (instability of communication due to changing staff; conflicting Schengen regulations)	– Uppsala-Turku BB (gives a wrong signal if Swedish mothers have to give birth in Finland because of lack of capacity in Sweden)
Civil society/private sector	– Barents Sea Youth Cooperation (instability of personnel)	

2.2.1 Multi-level Governance: Example of Barents Sea Cooperation

Cooperation between Norway and Russia on the Barents Sea dates back to joint scientific ventures in the 1950s. This scientific cooperation has gradually expanded to include new areas as well as new actors. The Barents Sea Cooperation, formally Barents Euro-Arctic Region was launched in 1993 in the Kirkenes Declaration and it builds on a simultaneous cooperation at different administrative levels: state, region (the Federal Republic of Karelia, Okrug of Nenets and regional län/oblast), commune, and civil society and from the people of Norway, Sweden, Finland, Russia, Sami and Nenets, the latter two being aboriginal peoples to the Northern Eurasian continent. The national level from each country (foreign ministries) is represented at the Barents Council, the regional level at the Regional Council. Lower levels meet at their own fora. The motive for cooperation was in the normalisation, stabilisation and regionalisation of the area and more concretely built upon functional areas where environmental, economic and infrastructure related and social challenges could be addressed. (Eriksson 1995; Hønneland 1998; Hossain and Cambou 2018). Formally, the Barents Council is a body for intergovernmental coordination (Joenniemi 1997) and much of practical work acquire its shape from praxis. The origins of the formal cooperation can be traced back to the “post-ideological” period of the immediate aftermath of the fall of the Berlin Wall and dissolution of the Soviet Union. In 2007, the permanent International Barents Secretariat was established in Kirkenes to provide continuous support for Barents Euro-Arctic Council and Barents Regional Council

Barents cooperation had from its start an explicit security angle to it. At present, the Barents region has emerged again as a contested area especially concerning the oil reservoirs, but also the possibility of developing the North-East Passage. Environmentally, there are many concerns how the region will manage climate change. The Barents region also faces challenges in terms

of infrastructure, depopulation and re-emerging tensions between Russia and Norway, Finland and Sweden and the EU.

Civil society

One example of MLG that involved the civil society is the Barents Regional Youth Council established in 2004. The aim is to prevent youth emigration and brain drain from the Barents region by working for better conditions for the youth in the region such as better opportunities for education, social life, leisure and employment. The Barents Regional Youth Council includes 15 civil society organisations working with the youth from Norway, Sweden, Finland and Russia. The Barents Regional Youth Council finances youth projects that aim at concrete results relevant for the youth. At present it concerns mainly meetings, internships and improvements for cross-border contacts, but it also has a representative function: in 2017 the Barents Youth Conference in Luleå voiced the youth's future vision of the Barents region to the intergovernmental Barents Euro-Arctic Council, one of the main decision-making bodies in the Barents cooperation. Barents Youth Council is at present a regular regional working group in the Barents cooperation and has the access to the same resources as other participants to the cooperation (Annual Report 2018).

Put into the analytic framework, this civil society based cooperation has established its own representative body, so some regulative work has been made. However, the main motive behind is clearly more normative, dealing with the values and expectations of the youth in the region and concentrating on objects that the youth may find desirable, such as cross border "mingle", but also something more long term like improving education and employment possibilities. The main challenges have not been identified, but can be postulated to deal with security questions arising from growing tensions at the national level between Russia and other participant countries, but also from arguable instability of personnel.

Region

At the regional level, the introduction of telemedicine is aimed to help medical care in remote Northern parts of Russia. Technology transfer enables the collection of medical data and its secure transfer via a mobile phone to a hospital for analysis. Training and equipment are provided by Norway and further training is still going on. This example falls somewhere in between a project and a more durable process. It could be argued that its main source of institutionalisation is based on medical practice and national regulations concerning medical practice, so praxis and regulations. The relative high degree of formalisation is mainly due to the policy area (medicine).

Telemedicine is often connected to cross-border emergency services. This is facilitated by the Joint Committee on Rescue Cooperation in the Barents Region that has published a shared Barents joint Rescue Manual as well as organised Barents Rescue Exercises since 2001 to maintain and improve regional cooperation. The main actors come from Barents regional authorities, and from participating state central administration. The broader case of emergency rescue service is a more long-term process. The Agreement includes both emergency assistance, but also liability to inform on emergencies that may harm the region.

Regional-Local

Norwegian-Russian school in Murmansk celebrated its 10th anniversary in 2018. The school brings together 10 students from Russia and Norway for one year and it is jointly managed by Troms fylke (county), Murmansk oblast (region) and Murmansk municipality. The school is a filial school to Tromsø based secondary school and therefore it follows the Norwegian national curriculum but is physically in the premises of Gymnasium Nr. 1 in Murmansk. Upon graduation, the students obtain a Norwegian high school diploma allowing enrolment to Norwegian universities. The language of tuition is English, but Norwegian students must take 5 hours of Russian per week and Russians 14 hours of Norwegian per week. This example draws mainly from

the normative ideas of building an identity-based Barents region, but also from the clear material benefits an international school diploma can give. The main asymmetries have not been studied in detail, but can be posited to include immaterial asymmetry of language (and culture) making the vision of Norwegian university studies still a long shot, but also possible changes in national policies putting an administrative obstacle to such joint ventures.

2.2.2 National level agencies with an EU regulation

The Case of Environment (and Energy): Reduction of Chemicals in the Baltic Sea

PFOA and PFOS are man-made fluorinated organic chemicals that are toxic. They accumulate in the environment and transfer, for instance, from fish to humans. PFOA and PFOS belong to the chemical group of PFAS, and they are used globally and found in “around the globe, including in the Arctic environment, in Europe and the Baltic Sea” (Karlsson and Gilek 2016). The process to restrict PFOS in the EU began in 2005 based on OECD’s assessment of their hazardousness. The EP and the Council of Ministers decided to extend the Commission’s proposal that concerned only PFOS to also include PFOA, citing evidence from research institutes from the US. However, the restrictions on PFOA were dropped during the EU’s co-decision procedure (where the EP and Council must find consensus) and only the use of PFOS was restricted. The dangerousness of PFOS was known already in the 1960s. The gap between the scientific knowledge and the actual implementation is long even if once the regulatory work began it proceeded rapidly. The division of labour between the EU and environmental stakeholders such as the HELCOM has been that the HELCOM has supplied information and policy advice whilst the EU has focused on regulation. The fast tempo of regulating PFOS is partly explained by many industries voluntarily adopting regulations in the field and regulation took place in the field of chemicals policy, not environmental policy thus implying a different set of stakeholders

and different “gravity” of the case. The fact that nothing comparable can be said about PFOA, which on scientific account is equally toxic substance points out gaps – and influence of interests other than those in the focus of the policy area – in the regulation process. Also, the ambiguity of evidence, for instance concerning long term effects of PFOA was cited as one reason of abstaining from regulation. Karlsson and Gilek, conclude that the regulation of PFOA and PFOS can be said to be “*comparatively slower than in the past*” (2016, 115) and the requirements set for scientific evidence in the 2000s have increased compared to previous decades. Concerning the EU, but also the HELCOM, Karlsson and Gilek argue that “this regulatory reluctance signals a weak tradition and capacity in both institutions to cope with uncertainty, which may fuel sociopolitical controversy” (2016, 116).

Looking at this case from the analytical framework, we see that the main dynamic of regulation is normative and then regulative. However, the challenge with the transition from normative (here scientific evidence) to regulative dimension is that the more complex the policy area, or the more holistic approach (or Ecosystem Approach) is adopted, the more ambiguous scientific evidence becomes. The requirements of exactness of scientific evidence cannot hold when the questions are elevated to concern the broad ecosystem. In contrast to the 1960s when similar problems were solved by precautionary regulation (Karlsson and Gilek 2016, 102-107), in the current situation inconclusive evidence easily results in inaction. In other words, the asymmetry of information and possible conflicts of (sectoral) policy interests halt regulatory coordination.

The Case of Law Enforcement, Security and Crisis:

Schengen, Europol and Police Cooperation in the Baltic Countries

Provisions for police cooperation exist in the Schengen agreement. However, much of police cooperation has additional regulation at national levels. Evidence indicates that the more developed the police cooperation is, the lower level it is administered at. Looking at the Baltic Sea Region as a whole, Macro-

regional police cooperation does not yet exist.³ In the case studies below, police cooperation at different levels is discussed. The cooperation among the Baltic countries perhaps draws mainly from Schengen agreement with least provisions at national or local levels.

Police cooperation among the Baltic countries does not appear to be that well documented and perhaps also less developed. According to a Lithuanian government source, a project to develop police cooperation between the three Baltic countries, Poland and Finland was launched in February 2019 and it will last for 18 months. The project description implies that there is an existing forms of cooperation, but that they need strengthening. Unlike in the German–Polish and Polish–Lithuanian examples to be discussed below where cooperation involved the familiarisation of each other’s law, this project has a more international focus and aims at e.g. training in using available international tools for cooperation (Policija 13.02.2019). Similar focus appears in an earlier project dealing with information exchange with the help of Europol resources.

The Case of Education:

Bologna Process and Nordic Cooperation

The most obvious example of this level transnational public administration concern the implementation of Bologna process, which has rather successfully harmonised the structure of education. However, the structure of the education and the formal criteria for admission is just one aspect of harmonisation of education. The other aspect concerns the content of education and here a significant difference emerges between the Bologna process and the Nordic cooperation. One aim of the Bologna process is that the harmonisation of the structure of the education would also

³ At present, the Swedish Institute is financing a project “Goldfinger” designed to develop networks for police cooperation in the Baltic Sea Region. One central focus in this project is to learn from one another how to use EU funds for transnational tasks well in line with the general problem that transnational issues, in the lack of stable funding, often end up seeking project support making them secondary to national practices.

help the mutual degree recognition, but this has not always been the case: participating countries still have the right for particular demands for instance, as of the content of teacher education or medical profession. Most often such cases are due to the degree leading to a profession (e.g. teacher, doctor), which is regulated not by the education board but another professional board.

Among the Nordic countries, the first attempts to recognise the degree date back to the Sigtuna Agreement in 1975, which was updated in the Reykjavik Declaration of 2004. The legal recognition of degrees leading to a profession is in certain cases automatic or easier among the Nordic countries, but the actual procedures depend on the country and field specific regulative authority. For instance, in Finland, teacher education from another Nordic country enable the practicing of profession in Finland, but a medical degree enables the practicing of the profession in “certain cases” and only to Nordic nationals (SopS 2/1994).

The difference between the Bologna and Nordic bases for cooperation is that in the Bologna process, the EU regulation concerns the function specific authority only, in this example the national education boards. In the Nordic cooperation, there is another foundation underneath the EU regulation, which is the bilateral state treaty. This state treaty provides for the rights of citizens of the Nordic countries, not of certain policy areas. Hence also the limitation of the recognition of the medical degree to Nordic nationals, i.e. those citizens who are participants to the bilateral treaty. In other words, whilst Bologna regulates on structures of education, the Nordic cooperation provides certain rights to citizens. This results in TPA that benefits the citizens directly.

2.2.3 National level agencies with bilateral treaties

The Case of Environment and Energy: Nordic Energy Market and Grid

Energy cooperation has both environmental and security aspects. Much of energy cooperation find support under the EU

treaties, but practice is still largely based on national bilateral treaties. One example is the Nordic energy market, Nord Pool Spot, which combines different kinds of renewable and non-renewable energy sources – wind, solar, hydro, thermal and nuclear energy into a one pooled energy grid and market covering Denmark, Norway, Sweden, Finland, Estonia and Lithuania and some parts of Germany. The Nordic energy market was launched after the deregulation of the national energy sector in the Nordic countries in the 1990s. Whilst the energy producers are a combination of private and public companies, the transmission and local grids are a public service. Producers and retailers pay a certain provision for each kWh they pour into the grid or draw from it to the grid owner. In all involved countries, the main grid is state owned apart from Finland, where it is jointly owned by the state and some insurance companies. The grid owner is responsible for regulating the frequency in the grid, i.e. securing that a sufficient, not too little, not too much amount of energy is produced to the grid. The advantage of the Nord Pool Spot is its multiple and differentiated sources of energy, the clear division of responsibility between public and private actors, the recognition that in the last instance, the infrastructure is a public service (i.e. it is a resource system to borrow Elinor Ostrom's term) and hence under public regulation. Furthermore, the trading system is constructed so that all trade except local is centrally managed thus maintaining equal access to energy to all participants.

The origins of the Nord Pool Spot are to be found in local energy exchange in Norway, which later spread to include Sweden in 1996, to Finland and Denmark between 1998 and 2000. In other words, there was a working practice that deregulation made available to new actors. Given the deregulation of the domestic markets, the energy producers were able to join different regional markets under the Nord Pool Spot on a commercial basis. In this sense, the expansion of the cooperation has been business-driven whilst the maintenance of the grids takes the form of public service management. The critics of the Nord Pool Spot maintain that it has created an oligopolistic structure and

therefore has become unfair for smaller producers but also inefficient. In recent years, the Finnish media has also publicised that Swedish and Norwegian grids have resigned from the original treaty and wish to have their say how Danish and Finnish energy companies operate and from what source the Finnish grid can purchase energy (Kauppalehti 06.09.2017). Finland and Denmark oppose the new treaty put forward by Sweden and Norway and threaten to take the matter to EU. Eventually a new treaty was agreed on in 2018. Nord Pool Spot combines public and private spheres. The national transmission grids in all Nordic countries remain in public ownership and private actors are only allowed develop distribution grids as well as trade energy. The combination of public and private infrastructure in the Nord Pool and its effects upon the transnational public administration of the energy market may be one factor contributing to the relative success of involving private actors in the administration of resources for the common good.

*The Case of Law Enforcement, Security and Crisis:
Defence Cooperation*

Sweden and Finland have intensified cooperation between defence forces. At the present this is still very much at the “bilateral” level with very little practical cooperation. However, plans are underway to extent cooperation to include joint military and operative planning through e.g. Swedish-Finnish Naval Task Group covering areas such as maritime surveillance and plans include the sharing of military intelligence. This could be an interesting case to follow up in order to see how bilateral treaties “trickle down” to concrete praxis.

*The Case of Law Enforcement, Security and Crisis:
Cross-border Policing in Poland*

When it comes to police cooperation in other countries around the Baltic Sea, the tendency is similar, that bilateral treaties extent the provisions given in the Schengen Agreement allowing, for instance, hot pursuit over the border. Between Poland and

Germany, an agreement was made in 2015 to consolidate previous more ad hoc and local provisions that have included instruction of both languages to police officers, translation of the legal codex, education in each other's law and joint patrolling of the border. At present Poland and Germany grant each other's police the right for instance to undercover operations or to the use of armed weapons in their territory, which indicates high level of mutual trust in the police forces (DW 17.07.2015; Policja 30.11.2017). It, however, appears that whereas in the Nordic context, informal cooperation may interpret the existing regulations rather liberally, especially with Poland, the explicit anchoring of cooperation to existing treaties is more prominent.⁴

At the Polish–Lithuanian border, cooperation started first between Police School in Słupsk and Police School of Lithuania in 2007 and from 2011 this was formalised in the form of Erasmus+ exchanges. The police cooperation between Poland and Lithuania is facilitated by the fact that a substantial Polish speaking minority lives in Lithuania – and presumably also is reflected in the Lithuanian police force (Policja, bez datum; Policja 27.06.2018). Similarly to the Polish-German border, the joint patrolling of the border is central to the police cooperation. In the analytic model, this cooperation developed from the local initiative, facilitated by cultural similarity to take advantage of international regulations in the absence of a matching national regulation.

The Case of Education:

Equality of Scandinavian Languages in Finland

A Nordic agreement between Denmark, Finland, Iceland, Norway and Sweden from 1970 guarantees the right of any citizen with an eligible education from his/her country to enter higher

⁴ One explanation not explored further here is the legal positivist tradition which is prevalent in Poland and which emphasises the codified sources of law more than the legal realist tradition that prevails in Norden allowing, for instance, more room praxis as a source of law.

education (university) in the other Nordic countries. One admission criterion to a Finnish university is the competence in the language of study most often in Finnish or Swedish. However, under the Nordic cooperation, Swedish, Norwegian, and Danish are to be considered mutually exchangeable. An informal practice developed in many Finnish universities that also Norwegian and Danish language skills and documentation should be accepted as “equivalent” to Swedish. This caused a number of practical issues as from the Finnish perspective, Danish and Norwegian may not appear that mutually understandable as from the Swedish point of view. Theoretically all public servants in Finland must be competent in both Finnish and Swedish. In practice this may not always be the case and rarely if ever would the Swedish competence of a Finnish speaking public servant extend to competence in Norwegian or Danish.

The origins of Nordic cooperation based on bilateral state treaty and addressing the rights of the citizen has in this example spread to regulate also other sectors with some unpredictable outcomes. As most universities in Finland in 2010 changed their organisation form to either corporations under public law or foundations under private law changes to this language policy have emerged and most universities have adopted a stricter policy concerning Nordic languages. The university reform was inspired by the new view beyond the Norden among Finnish political elite in the wake of the end of the Cold War. Global, and commercial, education markets became more relevant for future vision than the Cold War era Nordic cooperation based on rights. This is manifest, for instance, in the decline of Nordic cooperation and the design of new English-language MA-programmes and developing strategies for international recruitment. This change was driven primarily by normative and cultural aspects that then acquired a more regulative side in the university reform of 2010.

2.2.4 Local/Regional level with a bilateral (state-level) treaty as the support, but main regulation at the local/regional level

The Case of Law Enforcement, Security and Crisis

The Finnish-Russian Transboundary Water Commission (since 1964) represents an example of bilaterally established cooperation that has acquired its own local dynamic. At present it includes among other a shared responsibility for emergencies in the Saimaa Canal: Russia is in charge of accident operations on land, Finland in waters. As the responsibility is joint, the Finnish emergency services were able, for instance, to require Russia to maintain the land infrastructures on the Russian side as their poor condition would also impair the cooperation between Finnish forces in water and Russian on land.

Another local/regional level initiation concerns South East Finland – Russia CBC programme, which is managed by the Regional Council of South Karelia. This is mainly aimed at providing solutions to ease the physical border crossing, e.g. up-to-date information on queueing times at the border or cultural cooperation such as bilingual schools and joint university programmes (between Lappeenranta TU and St. Petersburg Graduate School of Management). Included in this process have been the development of a fast train between Helsinki and St. Petersburg (border controls begin well inside the other country), visa-free ferry link between Lappeenranta (Finland) and Vyborg (Russia) as well as a joint Museum exhibition (South Karelian Regional Museums, Vyborg and St. Petersburg Museums).

2.2.5 Local/Regional level with minimal bilateral state involvement, almost all regulation at the local/regional level

Most examples within the Nordic Countries would fall under this category. Here they are exemplified by a few chosen examples from the Finnish–Swedish and Swedish Norwegian border regions.

Local Level Transnational Public Services in Norden

Tornio and Haparanda evolved as a joint city. It was divided by the border in 1809 when Finland became a Grand Duchy of Russia. However, the border was never closed, and citizens could freely move across the border as well as choose their place of residence. Cooperation between Tornio and Haparanda is extensive and often focus on practical questions. Many existing cooperation modes have emerged from citizens' initiative. Below are some examples.

Tornio and Haparanda share a joint water treatment plant since 1971. The facility is on the Swedish side of the Torne river and Finland pays a fee for its maintenance and its usage. In 1990 post boxes were duplicated on both sides of the border so that Swedish post boxes were placed in Tornio and Finnish in Haparanda. Since 1994, central heating produced in Tornio is also sold to Haparanda. Tornio and Haparanda also share a joint tourist information office, costs of which are paid jointly, a bilingual school situated on the Swedish side but open for pupils from Finland, a fire brigade and a swimming pool. Rescue services, including fire and medical rescue cooperate since 1993. Cooperation among social services, including child care, is also common. The arrangements to manage these services are locally brokered and build on a long tradition of cooperation and mutual trust. However, one peculiarity is that the coordination of labour markets is absent. The Finnish side of Torne river suffers from high unemployment whilst the Swedish side has significantly better situation. Labour market issues tend to fall under national jurisdiction – as well as the EU – and thus the local community has less power in deciding how they should be organised. Language barrier is one cited reason but this should be investigated further. The problem with local regulation, however, is just that: it is a local property. During the Covid-19 crisis in spring 2020, Finland limited cross-border contacts with Sweden. These limitations were decided at the national level – and against much of local voices in Tornio and Haparanda. Restrictions were made possible due to the state of exception de-

clared in Finland in March 2020. As a result, much of daily commuting across the border was stopped having an impact on Swedish health care system (relying on employees living in Finland). A partial diplomatic solution was later found to enable the local practice of cross-border commuting. This example shows once again how transnational cooperation can involve very different levels of public administration.

*The Case of Law Enforcement, Security and Crisis:
Border-crossing app*

There is also one example of transnational public administration from the Finnish–Russian border that shows high levels of innovation and liberal interpretation of formal rules. The City of Imatra and a private partner from Russia launched a mobile phone app to provide travellers up to date information on border crossing times including online streaming from the border at the Imatra-Svetogorsk crossing. The plan is to extend the service to two other nearby border-crossing points. To use the app, one has to register. Data on EU registered passengers are saved in Finland whilst data on Russian registered passengers are saved in Russia in order to comply with different data protection acts. One recurring challenge in developing this service has been the constantly changing contact person(s) on the Russian side (something to watch out on cooperation at very local level with high degree of informality). For instance, the border crossing app was carefully drafted to avoid certain Schengen external border regulation such as prohibition of any queueing number at the border crossing. Also the data storage system indicates careful consideration of the legal frameworks and how crowdsourcing can be used to produce public services whilst avoiding public responsibility.

*The Case of Law Enforcement, Security and Crisis:
Police Station at the Border*

Another emerging example is the planned joint police-station at the Swedish-Norwegian border in Eda, Värmland (Morokulien border crossing). The border-crossing is on a major smuggling route in and out of the EU and placing the station right at the

border enables the pooling of resources from both countries. According to SVT, there will be one entry on the Norwegian and another on the Swedish side.⁵ Once inside, the police will work together. The plan is to focus mainly on organised crime and smuggling, but also staff the patrolling police together. In a reply to a written question (30 Nov, 2017), the Justice and Home Affairs Minister Morgan Johansson considered that existing jurisdiction can be used to pursue police cooperation across the border, but that there are unspecified limitations as to how daily policing across the border fall under the existing jurisdiction. The Minister continued that there are plans to clarify the legal basis for such cooperation. In fact, already in 2011 a review was summoned by the Swedish government on conditions for deepened police cooperation (SOU 2011:25). A bilateral treaty between Sweden and Norway was agreed on in November 2018. Pressure to formally enable police cooperation was also pursued by the Nordic Council of Ministers. The police in Arvika, Värmland and the Norwegian Kongsvinger, Hedmark have a longer tradition on joint operations, such as patrolling the annual car caravan heading from Sweden to the fortification in Kongsvinger (Polisen 19.03.2018). Despite this legally ambiguous situation, police cooperation has been practiced under different temporary solutions, such as a pilot project in Gäddene, Jämtland–Lierne, Trøndelag or as special joint operations as in Arvika–Kongsvinger. This implies that much of the actual practice of transnational cooperation is rather informal and anchored in the experienced needs of the local community. Indeed, the Cross-border Committees often tend to prefer local solutions that are more cost-effective than taking the matter to the national level for a legal solution (Nordregio EWP 2010:3). In other words, one reason why the Nordic cross-border cooperation appears to work well can be that there are formal structures to support informal local solutions. Also as the ex-

⁵ <https://www.svt.se/nyheter/lokalt/varmland/svensk-norsk-polisstation-pla-neras-pa-riksgransen>

ample of police cooperation indicates, the cases where the border is conceptualised as an opportunity or resource tend to produce better results for the whole community.

The Specificity of the Nordic Transnational Cooperation

Through the lens of Nordic Cross-border Committees the history of Nordic cross-border cooperation is one of informal cooperation acquiring more and more institutionalised forms and formal recognition from state-level actors (Nordregio EWP 2010:3).⁶ Cross-border Committees were established in Norden from the 1960s onwards and cover almost the whole region (leaving out Eastern part of Finland, South-Western Norway and some areas of South-Eastern Sweden). The Nordic Council of Ministers was established in 1971 and soon after the Cross-border Committees started receiving funding from it. The Cross-border Committees are networks of local actors and mainly aim at assisting in project creation. Given their primary focus on projects and border, their primary “ally” has been the EU’s INTERREG programme, but increasingly requirements from the EUSBSR concerning, for instance, spatial planning mean that Cross-border Committees need to reorient themselves from the project based modus to more long standing collaboration.

However, much of the more formalised cooperation has had an economic focus, and for instance, Värmland’s *Norgestrategi* has almost only focused on promoting private business. A good example of what a long lasting transnational cooperation is *not* can be found in Värmland’s “Oslokontoret” – a space rented by public money to provide business from Värmland a free place where to arrange business meetings with Norwegian business interests.⁷ The Oslokontoret was opened in 2013 with some

⁶ Nordregio EWP 2010:3, Nordic Cross-border Cooperation Committees and Cross-border Authority Integration. Nordic Working Group 2: Globalisation and Cross-border Cooperation, Stockholm: Nordregio.

⁷ This example is discussed here only to highlight the conditions of transnational public administration and as such does not even fully qualify as an instance of transnational public administration as there was no obvious Norwegian counterpart. However, the example is useful in drawing atten-

fanfare and enjoyed some popularity in the beginning. It was closed down in 2018. During the five years, the place was used only during 303 days, of which 71 during the first year. An organisation “COMPARE” promoting IT-companies in Värmland region and with the aim of sustainable development of Värmland has been the most frequent user of the office – until it rented its own office space in the same building in Oslo. If the original idea was to make Värmland an attractive business region, the result has rather been the opposite by providing businesses from Värmland an easy (and free) way to establish themselves in Oslo instead. Despite this slightly counterproductive result, Westra Wermlands Sparbank together with communes Arvika, Eda and Årjäng have in 2018 reopened the “Oslokontoret” at the same address on Karl Johan in central Oslo. Since this time the office is run by a private interest there is no data available as of its actual use. The obvious difference between the police cooperation and the “Oslokontoret” is that the former has a clear public interest, whilst in the latter case the private business interest easily gains the precedence. The tendency to gravitate towards thinking cross-border only in economic terms is a broader trend that just that of Värmland’s *Norgestrategi* and it is partly written in the Nordic cross-border cooperation committees, whose main purpose is to promote economic well-being of the border areas (Nordregio EWP 2010:3). This can take different forms ranging from infrastructure to direct business support. However, research shows that the local communities often see cross-border cooperation in a broader perspective than just the economic (Braunerhielm, Alfredsson Olsson and Medeiros, 2019) and thus limited focus to economic aspects may easily leave the local community unimpressed.

Looking at the episode of the Oslokontoret from the point of view of centre-periphery dynamics it appears that the Oslokon-

tion to how much of what could be transnational public administration increasingly take form as business promotion (and why this may not be what public authorities should be engaged in when thinking about regional development or cross-border issues).

toret contributed to the diminishing distance between the centre and the periphery enabling businesses to gravitate towards the centre: understandably Karl Johan street in Oslo is not comparable to Värmland for making business in the IT-sector or attracting the “creative class” known for their hipster looks and expensive lifestyle (Florida 2012).⁸

2.3 Summary and Trends

Five broader conclusions emerge from these cases. First, Macro-region strategies have introduced multi-level governance to European administrative space. This has diminished the role of the nation state and elevated other actors from subnational territorial units to civil society and professional organisations to the international arena. Macro-region strategies also emphasise the functionality of cooperation. This may mitigate political pressures in certain sensitive areas, but it leads inevitably to the problem of cross-sectoral conflicts. In the case of education cooperation, the EU and its focus on education policy has been able to regulate the Bologna process and the harmonisation of the degree structures, but this policy has not been able to address the recognition of professional degrees acknowledged not by the national board of education, but other professional agencies. The Nordic cooperation has been able to solve the cross-sectoral issues often by referring back to the bilateral state treaties that regulate on Nordic *citizens'* rights, not on policies: it is the right of every Nordic citizen to enter the labour market of any other Nordic country. Therefore, also, his/her professional degree has to be accepted as otherwise it would impeach on his/her (citizen) rights.

Second, much of local level cooperation has started off in local praxis and then sought formalisation. This is especially the

⁸ The basic argument of Florida is that the creative class is attracted to places with artistic and bohemian potential and that business follows the creative class. This means that instead of providing good business opportunities in order to attract business, cities should invest in culture that would attract the creative people, who would in turn bring the business.

case in the Nordic countries. Between Poland and Germany and Lithuania, some ad hoc cooperation may have preceded more formal treaties, but the pressure to fall within formal procedures is much higher. One explanation behind this difference can be the generally greater autonomy of both territorial authorities and state agencies in the Nordic countries than in Poland or the Baltic countries.

Third, Macro-region strategy, Interreg programme, but also the Nordic cross-border tradition tend to approach the border as a problem and obstacle to cohesion – and consequently much of their goals aim at petering out the border and connected asymmetry and centre-periphery dynamics. If the asymmetry is cleared away in one sector, one can be almost certain to find it somewhere else. This is the case of the Bologna process and the recognition of professional degrees: the asymmetry concerning the *structure* of education could be eradicated, but this did not alleviate the asymmetry between different bodies that recognise professional qualifications. This asymmetry still exists among the Nordic countries, but they address it not by trying to create cohesion in how different professional agencies work, but by changing the level of administration. Instead of administering professional qualifications, they administer Nordic citizens' rights. In order to develop TPA in a comprehensive manner, one should perhaps pause for a moment to reflect what is the target of TPA. As many programmes designed to improve economic growth of peripheral regions show, the results may not benefit the local population and not even the local business, but may end up providing easy access of the local business to more attractive places away from the periphery and closer to the centre. Those TPAs that have cleared the test of time tend to have a more comprehensive focus on local residents' rights and quality of life rather than on the place's attractions. This is not to say that economic growth should not be addressed by TPA, rather that, a comprehensive look at TPA and whom it serves should not be forgotten. Economic aspects are even fundamental to the Nordic cooperation agreements, after all the citizens'

rights were above all their right to benefit from the labour market of the whole of Norden.

Fourth, in the absence of prior local traditions, EU regulation or any other firm legal base can be instrumental for triggering TPA. For instance, in Poland, the Schengen regulations provided the initiative for cross-border police cooperation with Germany, but the growing practices were later supplemented by bilateral treaties reaching beyond the EU legislation. Among the Baltic countries, too, it seems that initial stages of TPA are rather carried out under aegis of EU legislation rather than on a local initiative as often has been the case among the Nordic countries. One explanation to these differences could be different legal cultures.

Fifth, it is not seldom that forces of institutionalisation and predictability at one governance level are met with forces of unpredictability and contingency when the function of cooperation comes into contact with another level of public administration – national or transnational. For instance, the EU policy on Bologna collides with the multi-level issue of recognition of professional degrees and how that concrete question is handled under two different principles in the Nordic countries: for citizens from other EU countries, the question concerns the *content* of their degree whilst for the Nordic citizens the question concerns their rights as a Nordic citizen to enjoy the labour market of another Nordic country.

3. Emerging questions in the field of transnational public administration

This section will present tentative themes that have emerged so far. It is expected that more detailed analysis of more cases will help clarify the themes and add also new themes.

3.1 The Common Pool

The obvious question to start concerns the object of transnational public administration. In other words, what is the common pool to be administered, to whom and by whom. In some concrete cross-border cases this is easy: the water treatment plant shared by Haparanda and Tornio is a clear case of common pool resource. To borrow Elinor Ostrom's (1990) distinction, the water in the river is the common pool resource; the water treatment plant turns the water into "resource units" – something to be used by the citizens. Coordinated action around the river benefit everyone, and everyone appropriating from the resource is in an interdependent relationship to all other appropriators.

The question becomes trickier when we move to larger resources. EU's Macro-Region strategy builds upon functional cooperation around the Baltic Sea. That can be seen as a common pool resource. The EUSBSR is designed to utilise this common pool resource to generate more coordinated action around other common pool resources. The logic in the Macro-region strategy is that the functionality of cooperation would spill over from immediately obvious areas of cooperation directly related to the Baltic Sea to include more distant objects. Similarly, the

three no's are designed to enforce the functionality of cooperation: this should be in common interest rather than an additional interest to those at the national or sub-regional levels. There is also some evidence that the Macro-region strategy has stimulated transnational cooperation only because such is a condition for other funding or perceived as a desirable goal. Yet, whilst the concrete Baltic Sea may be able to generate institutions coordinating joint actions, there is also some evidence that some transnational coordination exists not because of the common pool of the Baltic Sea, but because the already existing institutions, especially the EU, desires so. Yet, the costs from adjusting to coordinated action are not covered by the EU, but are expected to be covered by the benefits of cooperation itself. This puts the countries around the Baltic Sea in different position as of their resources for joint actions and can turn the coordination efforts political despite the attempt of keeping them anchored in territory and functional benefits. The underlying problem with the Macro-region strategy is that it is still just a resource system without concretely delineated "resource units", i.e. goods it can deliver better through facilitated coordination. Different projects under the aegis of the Macro-region strategy are supposed to provide these resource units, but the relationship between the common pool resource and the resource unit is not always clear and may blur the very idea of the common pool resource. As soon as the common pool is understood in broader terms than the concrete Baltic Sea and its waters, the EUSBSR faces the problem of dealing with potential politicisation of cooperation. This challenge to EU cooperation has become all the more visible in the cases that are more value-laden such as immigration and refugees, or security, but even in central areas of EU values like human rights, the rule of law and democracy.

3.2 Cohesion–asymmetry; centre–periphery

One of the themes relates to the tensions between harmony and similarity and asymmetry. Studies on cross-border services

(ESPON 2019) and other cross-border interaction (e.g. Lunden 2004, Boehmer and Pena 2021) indicate that the most vibrant cross-border initiatives take place across borders where two cities are in close proximity and that culturally the cities are similar. However, at the same time, border studies show that a certain asymmetry is necessary. Asymmetry does not need to indicate differences in incomes, or in quality of life, but differences that can be capitalised on by one way or another by crossing the border and thus utilising a different system. In case of commodities with different taxation (e.g. alcohol, tobacco) such asymmetries are clearest and can maintain vibrant cross-border activities. However, asymmetries can also exist between labour markets, or health care provisions or other public services. Infrastructure developments that aim to connect centres across the border may be detrimental to cross-border connections that include peripheries – and every centre also needs its periphery. One example of infrastructure development between centres that have in fact significantly impaired local development, including the local centre that was unintentionally cut off from its periphery is the city of Szczecin. Szczecin lies just a few kilometres off from the Polish-German border. To the east of the city, there is Oder river and Dąbie Bay, to the north Szczecin Lagoon. The natural connection of the city lies rather to the west than to east, but in the west, the border limits connections. Moreover, the German side of the border, Mecklenburg-Vorpommern is one of the poorest areas in Germany. The construction of the motorway A6 connecting Szczecin to Berlin and Hamburg has cut Szczecin off from the hinterland of the city just across the Polish-German border that could be essential for supplying the city with cheaper neighbourhoods (thus alleviating the soaring house prices), but also provide employment to inhabitants in the Germany side. The motorway connection, however, has directed attention to centre-centre communication (Szczecin–Berlin served not only by the motorway but also by a fast train with subsidised tickets), which has left the local area unintegrated (Balogh 2014). Negotiating the balance between cohesion and asymmetry is

thus crucial for the success of transnational solutions and their possibility to provide for the peripheral region.

3.3 Legal base for transnational public administration

There is a tendency that most effective transnational public administration takes place when the EU issues a regulation, i.e. directly implementable piece of legislation leaving no, or very little, room for national variation. As pointed out above, this in a strict sense falls outside the definition of transnational public administration applied here. At the other extreme, many local solutions quite liberally bend rules when possible. There are therefore two different logics that seem to work: formalised and *strictly regulated* at the Macro-regional level / state level and highly localised and idiosyncratic *praxis-based* solutions at the local level.

3.4 Knowledge, democracy and stakeholders

Transnational public administration has contributed to depoliticisation of policy in three different ways. First, increasing use of different indirect governance tools such as global public-private actors, transnational networks and international organisations. Second, increasing reliance on soft-law measures such as benchmarks, voluntary standards and other best-practice toolkits. Third, the involvement of consultants and other commercial actors in the deliberation of policy (Stone and Moloney 2019). Consequently, the idea that a state could be a sovereign actor should be revised. Instead, Muth (2019) suggest the concept of administrative sovereignty to analyse the (practical) capabilities of administration along a continuum rather than in binary sovereign versus non-sovereign. The practice of transnational public administration undermines the idea that the (state) administration should and could be focused on political territories. Instead, it suggests that administration should be more functionally designed. Examples could concern environment regulation, but also the Nordic cooperation focusing on

citizens' rights is an example of functionally (free movement and common labour market) oriented public administration that extends beyond the nation state borders. Examples from the police cooperation in the Baltic countries also reveal how international regulation was taken to supplement the absence of usable national legislation. In a sense this undermines state sovereignty, but it did increase the *capability* of local public administration.

Increasing functionality and creative use of national and international legal frameworks as well as the issue of ubiquitous experts necessitate the rethinking of the sources of legitimacy of public administration. The classical principal-agent model cannot be applied to the transnational context. Especially the regulation of hazardous substances has brought up the question of knowledge and interests. In any cross-sectoral policy, the threat of conflicting interests is present. The studies on environmental management indicate that expert knowledge can be highly biased based on economic interests (Eriksson, Karlsson and Reuter 2010). The more different stakeholders are included in the policy process, the more diverse and conflictual knowledge may come to the table. Conflicting evidence may stall the policy process as was the case in the regulations PHOA substances (Gilek 2015). On the other hand, stakeholder involvement may be beneficial from a democratic point of view, and it can also increase commitment from different stakeholders. Other sources of legitimacy, such as independence or proximity suffer from the very nature of transnationality of TPA. Transnationality renders the independence of agencies dependent on the context: independent from what. Similarly, proximity can be feasible only in very concrete instances of TPA, such as some cross-border services.

Finally, rethinking the legal base of administration raises the question of democracy and legitimacy of transnational public administration. At the state level, legitimacy of public administration stems from its legal base, democratic input, political authority, transparency and rule-governed through-put and out-put. At the national level, legitimacy of the administration is also backed up by the legitimate possibility of enforcing law –

ultimately by physical force. Classical sources of legitimacy in international context involve participation and delegation models. In the former, international organisations involved the affected parties in their decision making process; in the latter they remain accountable to those (state) actors that have delegated them the power. Neither model fits well with transnational public administration. The concept of administrative capacity, prevalence of expert knowledge and declared holistic approach in e.g. EUSBSR all address what at the state level would be the output legitimacy, without much possibility of enforcement. The question is: Should transnational public administration aspire to similar base of legitimacy as at the national level or should we rethink the foundations of legitimacy and democracy? Theories of policy network and governance have also shown that even in the national administration, multiple non-democratic actors are involved in the policy process.

3.5 Functional cooperation

A closely related theme concerns the conflicts between policy sectors and how they can be managed. Is more functional focus a viable solution? This could also be phrased as to what extent the functional base of the Macro-regions is compatible with the cross-sectoral and more holistic view and whether there is a danger (and what kind of) that certain stakeholders benefit from the Macro-regional strategy at the expense of other (e.g. business vs. environment; save the sea vs. agriculture).

3.6 Policy feedback

EU's Macro-region strategies build upon the idea that praxis should feed back to the policy and improve it. One example has been the environmental agenda setting by HELCOM, its adoption by CBSS, both of which lack legislative powers, but which has then been adopted by the EU and implemented as a directive or regulation. What local praxes and agendas and under what

circumstances reach the EU requires further research. What is the role and the possibilities of the role of PACs (Policy Area Coordinators) and HACs (Horizontal Action Coordinators) in this respect? In other words, first: to what extent already existing regional cooperation can shape the EU Macro-region strategies? And second, to what extent the European Commission's insistence that the key priorities should stand in focus impairs the local initiative?

3.7 Three 'No's' and the Nordic experience

The three no's – no new legislation, no new institutions, no new finance – aims to turn the hitherto passive region into an active actor “capable of articulating the transnational interests of the emerging region” (Hettne and Söderbaum 2000, 461). Macro-regions set their objectives in a deliberative process. Macro-regions are thought to develop long-term patterns of cooperation independent of EU's budgetary cycles. The three No's function as a ground for testing new forms of cooperation beyond the intergovernmental focus. It is in this context that the EU's Macro-regions are referred to as testing grounds for experimental governance (e.g. Gänzle et al. 2019). A question to ask is why more historical studies of the development and experiences of the Nordic cooperation are not used more to address the concrete challenges of transnational public administration?

3.8 Macro-regions and non-EU members

Macro-regions aim to put the region to the core of policy creation. There are certain similarities with the early 1990s “End of History” and of nation state thinking and the current Macro-region thinking. However, one significant difference is that the functionality of the Macro-region is emphasised in comparison to identity or “cosmopolitan” ideals of the early 1990s. The challenge with functionality is, however, that not everything can be

included under an ecological or economic agenda. EUSBSR's three priorities, a) clean and biodiverse Baltic Sea; b) infrastructurally integrated area (transport and energy); and economic prosperity are comprehensive but not exhaustive. Questions about infrastructure and especially of integrated energy markets and sources of energy have an obvious security policy dimension. Despite the focus on the region, the Macro-regions have to face the presence of borders, both within the EU or EEA member states but also with Russia, Belarus and Ukraine and the strategy must therefore address security questions. Security considerations have long been absent in thinking of transnational solutions – and for a while transnational cooperation was seen as a means to increase security. Russia's policy in the “near abroad” has brought this under question and brought security issues to the agenda of transnational public administration in a new way.

Similarly, the latest development under spring 2020 have yet again shown that borders play an important role for current politics of safety and security against Corona-pandemic and that they cannot be wished away.

3.9 Summary

This report has argued first that transnational public administration is a multi-faceted concept and it has been approached from different angles in different disciplines and contexts. The concept has, thus, not one history, but many histories.

Focusing on transnational public administration especially around the Baltic Sea, this report has relied heavily on literature emanating from the research on Macro-region Strategies. Yet, it has also attempted to emphasise that Macro-region strategies are not everything there is to transnational public administration.

In addition to theoretical literature on transnational public administration, this report has also drawn on empirical cases and tried to theorise them. One central theoretical outcome has concerned the centre-periphery dynamics, which is a well-developed theme in border studies.

This report has developed some analytical tools for the study of transnational public administration. The overall analytical framework is based on neo-institutionalist take, understanding transnational public administration as historically embedded institutionalisation process. However, given the centrality of centre-periphery dynamics, this report does not view transnational public administration as a teleological process evolving towards ever growing and tightening institutionalisation. On the contrary, transnational public administration is better described as an ongoing balancing act between forces of institutionalisation and those of asymmetry that function as centrifugal forces introducing growing diversity. If transnational public administration has any value above that of national or supranational modes of administration, it lies in its transitional nature residing in between two or more established systems.

The transitional nature of transnational public administration gives rise to some challenges concerning its legitimacy. Transnational public administration cannot rely on forms of legitimacy that stem from different ways of understanding public administration as a channel of and for the sovereignty of the people. Transnational public administration clearly involves two types of power: constitutive that establish new rules and constituted that follow already existing rules. Much of the legitimacy of transnational public administration is seen to come from the fruits it produces; yet the aspect of a more reflexive relation between the society and transnational public administration could be explored for a broader base of legitimacy. This is especially important in cases where transnational public administration focuses on social or political questions in addition to more technocratic issues. Being able to build a broader base of legitimacy as well as maintaining its transitional nature are two central challenges for successful and long-standing transnational public administrative solutions.

One aspect that could not be studied in this report concerns the concrete daily practices of transnational public administration and especially how harmonisation in professional edu-

cation gives rise to sectoral or institutional conventions that add to the institutionalisation of transnational public administration.

Finally, recent events exert three challenges that have been present in transnational public administration, but not in this extent. First, Covid-19 has put experts truly in the frontline of policy and simultaneously the balance between what is expertise and what is fake news seem to have tilted back to general acceptance and legitimacy of expertise knowledge as a central foundational piece of democracy. However, at the same time, politics and political decision in its Schmittian sense of deciding on the state of exception has also emerged and welcomed by the populations of Europe. The stakes between what is expertise and its legitimacy and limits and what are the prerogative of politics and politicians are likely to be central questions in the coming years.

Second, the growing discord of what the European values are and how they should be practiced between different EU member states will raise the question of the relations between EU Commission as representative of the “Common interest” and the principle of subsidiarity that aims to include the member states and their localities. This question does not necessarily mean that the EU will push towards greater leverage of the Commission at the expense of localities, but it may imply certain renegotiation of the role of the member states in the EU.

Third, since 2008 it has become obvious that the current global economic system does not contribute to economic stability and since the Covid-19 that it does not guarantee efficiency or security in a more fundamental sense. This affects not only how one considers supply chains, but also most likely will necessitate reconsidering the balance but also relations between economic and social questions. One outcome may well be the heightened proactive role for the (transnational) public administration in citizens economic and social affairs.

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If public administration is about providing the public with public goods, then transnational public administration implies the organisation and provision of public goods across national borders. Civil servants increasingly need to account for jurisdictions, practices and multiple stakeholder interests emanating from international context and from cooperation with other countries. Similarly, the public services they produce have transnational target groups. The growing transnational dimension in public administration weakens the prerogative of the state over public administration. Transnational public administration is often practice-driven and builds upon shared problems emphasising bottom-up processes in public administration. Within the EU, the Macro-Regional strategies are a good example of supranational policies that promote bottom-up and practice-driven public administration in the transnational sphere and at the expense of the state. The growing transnational dimension in public administration necessitates new ways of thinking about accountability and democratic anchoring of public administration.

This report comprises three independent parts: first looking at different ways of approaching public administration in its transnational dimension; second developing and illustrating an analytical framework for the analysis of transnational public administration; and third scouting the emerging questions of transnational public administration.

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