The Quirinale Treaty, creating a transnational area on the Franco-Italian border

PHILIPPE WECKEL

7 mars 2024

UNIVERSITE COTE D’AZUR

CERDACFF
1. Introduction, a border integration treaty. The border? This word, which the Treaty of the Quirinal\(^1\) emphasises in a strong formula, is absent from the text of the Franco-German Treaty of Aachen of 21 January 1919\(^2\), as are the formulas "continuous living basin (area)\(^3\), "common destiny" and the subordination of territorial cooperation to the Sustainable Development Goals. The Franco-Italian treaty of 26 November 2021 thus affirms its specificity. Aachen is not really its counterpart, still less its model. With hindsight, the Franco-Italian instrument seems to be a much more accomplished text, because it spells out new concepts in cross-border cooperation that are still in gestation in the Franco-German treaty. The resurrection of the State border marks a bold move that was undoubtedly beyond the grasp of the drafters in the Franco-German relationship. The latter follows the path traced by a long practice of cross-border cooperation: acquired habits do not facilitate innovation. The three years separating the signing of the two treaties are of major importance: the COVID-19 crisis brought people’s minds back to the legal reality of the state border, which had hitherto been obscured in the European approach\(^3\). However, the Franco-Spanish Treaty of Friendship and Cooperation signed in Barcelona on 19 January 2023\(^4\), which was signed after the Quirinal Treaty, does not include the terms of the latter. The border is not mentioned as such, nor the cross-border community of destiny. While the specificity of the Pyrenean border area is affirmed, the Barcelona Treaty refers to "shared living areas" (a form of contraction of the formulas "living areas" and "communities of shared destiny": the singular which marks the Franco-Italian relationship (a continuous living area) thus gives way to a plural which allows for the cross-border implications of Spanish regionalism. The temptation to compare the Franco-Monegasque situation to the Quirinal Treaty is real: an open border, a community of destiny, a cross-border living area. But we must be careful not to give in to this temptation, because Monaco’s relationship with France is unique.

All borders are by nature bilateral and specific. Of course, the specific nature of each border can be seen in the same way in Italy, where each border integration is different. The Catalan living area is different from the Basque living area, and Spain is reluctant to talk about a cross-border community of destiny in a context of demands for autonomy. Italy, on the other hand, promotes the continuity of the border with France, because it excludes the singularity of the Valle d’Aosta. Somewhat similar reasons have thus determined substantially different solutions. Article 11 point 7 of the Quirinal Treaty states that "this Agreement shall be implemented in accordance with the applicable international law and the obligations arising from the fact that both Parties are members of the European Union". However, the indisputable principle of uniform interpretation of European Union law does not require uniform interpretation of similar bilateral treaties that form part of its implementation. Nevertheless, the Quirinal Treaty is an innovative model of cross-border integration. Its originality reflects the strong ambition of its drafters for a unique relationship. Article 10(1) of the treaty states that

---

\(^1\) Treaty between the French Republic and the Italian Republic for enhanced bilateral cooperation, signed in Rome on 26 November 2021, JORF no. 0032 of 07/02/2023.


\(^3\) "When, in 2017, the European Commission adopted its communication entitled 'Boosting the growth and cohesion in the border regions of the European Union', no one knew that, three years later, we would become fully aware of the existence of internal borders with the closure of numerous crossing points and the implementation of unprecedented measures, which have restricted our freedom of movement and hampered cross-border life", The EU’s border regions: living laboratories of European integration, Report from the European Commission of 14.07.2021, COM(2021) 393 final.

\(^4\) Texte : 
[https://www.elysee.fr/admin/upload/default/0001/14/2082fdac7c713dc88e993c917c97dc1377f50a08.pdf](https://www.elysee.fr/admin/upload/default/0001/14/2082fdac7c713dc88e993c917c97dc1377f50a08.pdf)
"The French-Italian land border forms a continuous living basin where the French and Italian populations share a common destiny. The Parties undertake to facilitate the daily life of the inhabitants of these territories."

1. "The land border forms a continuous living area.

2. Going to the border. The first words of Article 10 of the Treaty lead us straight to the State border. To understand the Quirinal Treaty, therefore, you have to go to the border, walk along the border, think of human activities in terms of the border and not just in terms of flows or transfers from one national territory to another. European Union law has accustomed people to straddling so-called internal borders, the better to ignore them. The implementation of European cohesion policy has in fact neglected these border areas, which are still haunted by the border and its drawbacks. The Treaty requires this to be remedied, against the general feeling. It is so much more attractive to look to the horizon than to be forced to see no further than one’s own backyard. What are local service problems compared with plans for major rail lines that will link metropolises in less time than it takes to travel between city centres and suburbs? It’s much more exciting for regional metropolises to work together to develop the concept of the "smart city" than to concentrate on coordinating bus timetables at the border!

3. National border. The Quirinal Treaty focuses on proximity and day-to-day issues. But does it lack ambition? This cross-border area, described as a "continuous living basin", is in fact a transitional ecosystem between the French and Italian territories. It evokes what ecologists call an "ecotone", a living environment enriched by interactions between forest and meadow (edge) or between land and sea (coastline). The aim of the Treaty is not simply to correct the shortcomings of European cohesion policy, but to exploit the exceptional potential for sustainable development of national "edges" in the specific context of the European Union’s internal borders. The aim is nothing less than to initiate a joint Franco-Italian local spatial planning policy for a border considered as a whole and a cross-border living area characterised by its geographical continuity. So everywhere, systematically following the border line and its sinuosity, the Treaty of the Quirinal calls for the requalification, rehabilitation or restructuring of the cross-border space.

4. An area established by treaty. The phrase "the land border constitutes a continuous living area" is a categorical imperative. However, it is not a question of certainty in the observation of a fact, but of a legal prescription formulated in an international treaty. The persuasive assertion is presented as a syllogism reduced to two terms, the antecedent (premise) and the consequent, i.e. an enthymeme (entimema in Italian): one of the terms cannot exist without the other, as in Descartes’ formula "I think, therefore I am" (Ac.1798) (cogito ergo sum). The border constitutes, establishes, creates, founds and generates a continuous living environment. Continuity is undefined and therefore restricted. It applies not only to the depth of the border, but also to the entire length of the border. By its inclusion in an international treaty, the nominal group "continuous living area" acquires the character of a legal concept. The meaning and scope of words must necessarily be determined exclusively by applying the universal rules governing the interpretation of treaties (article 31 of the Vienna Convention on the Law of Treaties). Words, and signs in general, acquire meaning through their contextualisation, and the context of the group of words in question is the text of the Quirinale Treaty.

---

5 Apparently the Italian version has no nuance of meaning: "La frontiera terrestre italo-francese costituisce un bacino di vita interconnesso, in cui le popolazioni italiana e francese condividono un destino comune. Le Parti s’impegnano a facilitare la vita quotidiana degli abitanti di questi territori."
5. **Continuity of the living area.** Even the desert of the high mountains is thus an element of the cross-border living area, for the decisive reason that the treaty establishes it. If, coming from Nice, I go up the Vesubie valley - water paths, people paths - I finally reach the aptly named Col de Fenestre at an altitude of 2,470 meters. This lower ridge opens up a natural passageway to Italy. In this rocky heap, the remains of the Maginot works stand out. Ahead of me lies the Parco naturale Alpi maritime, leaving behind the path that leads into the Mercantour National Park. Under the terms of the Treaty of the Quirinal, the border where I am standing constitutes a continuous cross-border living area that extends inland and beyond. The crossing opens up the mountains to the free movement of people and... chamois. It is even more important now, because it unites the border areas it links. I'm not at the end of the world, at the edge of the void, but at the radiant centre of an integrated Franco-Italian area, a factor in the co-development of the people and... the chamois that live there. As a result of the Quirinal Treaty, the internal space of the European Union extends from the very first kilometre of the border to the steps of France and Italy. Theoretically.

6. **Complexity of realisation.** In a land of mission, the word of Rome seems far away! One way or another, the managers of the nature parks and the elected representatives of the areas concerned will have to be instructed in everything that the treaty prescribes for them, that the well-being and fulfilment of the Italian and French border populations are now their common mission, that Rome provides them with the breviary of the SDGs, the sustainable development objectives for 2030 (quid est?), that they must adapt their frameworks for action and modify their objectives, that they are responsible for this. « Il y a loin de la coupe aux lèvres ».

"Tra il dire e il fare c’è di mezzo il mare".

2. **A living area "where the French and Italian populations share a common destiny".**

7. **A consequence of the living area.** The fact that populations belong to a cross-border living area via a common border creates a "community of destiny". « Destiny" refers to that part of human existence which is determined by factors beyond our control. People are said to share the same fate, a phrase that takes on particular resonance when linked to common exposure to catastrophic natural events such as drought, floods, fires, earthquakes and tidal waves. The expression "community of destiny" is frequently used. But is it always used advisedly? Here we need only consider it in the context of a collective relationship of dependence on a geographical area to understand its scope in the context of Article 10 of the Quirinal Treaty.

8. **The Chinese concept of a global community of shared destiny.** China recently published a document setting out its vision of international relations: *A Global Community of Shared Future: China’s Proposals and Actions*. The relationship between this doctrine of a "global community of shared destiny" and the "principles of peaceful coexistence" derived from the Sino-Indian agreement on Tibet (the *Panch Shila*) of 1954 is obvious. We are only interested here in the justification for this ethic of the coexistence of nations and not in its intrinsic value or its scope in relation to international commitments, in particular the United Nations Charter. The 1954 agreement was the first international manifestation of a doctrine of the Chinese Communist Party (People's Republic of China). The 2023 document is introduced by the following paragraph:

"In the universe, there is only one Earth, the common home of humanity. Unfortunately, this planet on which we depend for our livelihood is facing immense and unprecedented crises,
both known and unknown, both foreseeable and unforeseeable. The question of whether human civilisation can survive has become an existential one that must be faced head-on. More and more people are realising that, rather than amassing material wealth, the most urgent task is to find a guide for the sustainable development of human civilisation, because we all care about our future⁶.

The text refers to the Earth as the shared home of humanity, a place shared by all humans and on which they all depend for their livelihood. In addition to codependence, there is a temporal element, which is an intergenerational dimension (sustainable development).

9. The community of destiny in New Caledonia. In France, the reference to a "community of destiny" generally applies to the compromise forged by the Nouméa Accord on the decolonisation process of New Caledonia of 5 May 1998⁷. The transition was organised on the basis of a multi-ethnic New Caledonian citizenship, a territorial variation of French nationality, which benefits both the original people and the other groups living in the territory. The "community of destiny" expresses the choice of the coexistence of these communities in an equality of rights that would be preserved, whatever the future of the archipelago, independence or remaining in the French Republic. In short, these populations are destined to live together, because they are established on these islands, which are their shared home. The fate of these groups is thus linked by geography. Their coexistence and co-dependence generate a community of destiny, and the challenge for this divided human community is still to form a community of purpose driven by a collective identity, a desire to live together or, as Ernest Renan put it, a "dream of a shared future"⁸. The "community of destiny" is not in itself a political community. It expresses a solidarity between residents that is born of proximity, neighbourliness and the sharing of a living space on which they depend.

3. The beginnings of the living area, taking into account the needs of border populations

10. Revival of the State border. The revival of the State border is the essential feature of the Quirinal Treaty. Admittedly, the polysemy of the word border does not make it easy to understand. Nevertheless, there can be no discussion of the object designated by the inter-state agreement and its sole function. It refers to the line of the shared land border between France and Italy defined by a set of geographical coordinates and materialised by boundary stones or other visible markers. The agreed function of the established border is to ensure legal certainty in relations between the two States, because it is stable, definitive and visible. The object and its function are thus perfectly comparable to the registration of land ownership and the demarcation of parcels. Identifying the boundary line is all the more important because the exclusivity of a State's authority over its territory is the primary rule of international law⁹. The precise definition of the land border guarantees the correct application of

⁷ Agreement on New Caledonia signed in Nouméa on 5 May 1998, JORF n°121 of 27 May 1998.
⁸ Ernest Renan, "Qu’est-ce qu’une nation?", lecture given at the Sorbonne on 11 March 1882, Paris, Calmann Lévy, 1882, 30 pages.
⁹ "(...) the primary limitation that international law imposes on the State is that of excluding - unless there is a permissive rule to the contrary - any exercise of its power in the territory of another State. In this sense, jurisdiction is certainly territorial; it could not be exercised outside the territory, except by virtue of a permissive rule deriving from customary international law or from a convention", PCIJ, Judgment of 07.09.1927, Aff.du Lotus, Rec. Série A, n°10, p. 18-19.
the exclusivity of territorial jurisdiction: it precisely determines the spatial scope of application of Italian law and French law, the spatial limits of the jurisdiction of public authorities, both central and local, and the limits of land ownership subject to Italian law or French law. The principle of territoriality applies in particular to public services. However, borders do not drive neighbouring states apart, because they bind their respective territories together. This spatial proximity gives rise to neighbourhood interdependence and a community of interests. In this respect, the border has a cross-border effect, a transfrontalarity.

11. Multiple interests are taken into account in determining the border. In itself, the state border is part of the relationship between two states. It is state-based and bilateral. However, its establishment generally takes into account interests that are not strictly inter-State in nature. The Convention de délimitation entre la France et la Sardaigne, concluded in Turin on 7 March 1861, took into account before its time the need to preserve sensitive and remarkable natural areas, under the pretext of conserving the hunting grounds of the King of Sardinia, Victor Emmanuel. The interests of border populations also influence the demarcation of a border. Choosing the bank of a river to draw a border guarantees access to water for all populations; choosing the thalweg or the middle of a navigable channel allows access to navigation for all; using wells as reference points for the demarcation does not disadvantage any population group in desert areas where nomadism is common.

12. The precedent of the Turin Convention of 7 March 1861. The purpose of border treaties is not to affect the living conditions of border populations. For example, the Turin Convention of 1861 establishes a mechanism enabling owners whose property is located beyond the border to freely cross the border in order to continue to farm it. Article 3 of the Convention creates a form of functional free zone covering property located no more than 5 km as the crow flies from the border. The free zones of the Pays de Gex and Savoie (Treaty of Paris 1815 and Treaty of Turin 1816) guaranteed the free movement of agricultural products towards Geneva. Article 3 gave Sardinians and French farmers near the border their own right of movement, which could only be transferred by succession. The drafters of the Convention were therefore concerned, by opening up mobility, to preserve the livelihood of the inhabitants of the border area.

13. The precedent of the 1947 Treaty of Paris. The Treaty of Paris of 10 February 1947 also included a corrective mechanism designed to limit the inconvenience of the border for border populations. The changes to the Franco-Italian border provided for in Article 2 of the Treaty of Peace at the Petit Saint-Bernard pass, the Mont-Cenis plateau, Mont Thabor-Chabeton and the upper valleys of the Tinée, Vesubie and Roya had the effect of dismembering three Italian communes (Briga Marittima, Olivetta San Michèle and Valdieri) and separating certain communes from part of their communal property.

---

10 "Art. 3 It is understood that the fixing of the limit of sovereignty will in no way affect the rights of ownership and use, nor the active and passive easements of individuals, communes and public establishments of the respective countries.

The French who, on the date of the Treaty of annexation of Savoy and the County of Nice to France, own land situated in Piedmont within half a metre of the new border, and the Piedmontese who, on the same date and within the same limits, own land situated in France, shall enjoy the freedom to import into France and into the Sardinian States, without having to pay any customs duties either on leaving or on entering, either from Piedmont or from France, the foodstuffs coming from the harvest of these lands, as well as timber, milk, butter, cheese and wool of the same origin.

Within the limits indicated above, French property owners in the Sardinian States and Piedmontese property owners in France will be allowed to transport, free of charge, from one country to the other, fertilisers intended for improving their land and the grain necessary for sowing".
This involved the Italian communes of Airolo, Bardonecchia, Clavière, Cesana, Dolceacqua, Entraque, Ferrera Cenisia, La Thuile, Limone Piemonte, Pigna, Rocchetta Nervina, Triora, Venalzio and Vinadio and the French commune of Tende. In the absence of an agreement between France and Italy, the question of the distribution of the communal property of these communes, whose territory was cut off by the Peace Treaty, was the subject of international arbitration\(^{11}\). The Franco-Italian Conciliation Commission issued two decisions on the distribution of communal property between the communes concerned, based on the "maintenance of communal services necessary for the inhabitants". In this way, the international regime of State succession applicable to public property has been adapted to ensure that the interests of the inhabitants of the border area prevail.

---

\(^{11}\) Annex XIV of the Treaty, "Economic and financial provisions relating to the ceded territories". Chapter 18 "the successor States and Italy shall conclude agreements distributing in a just and equitable manner the property of any existing local public authority, the territory of which is divided by a frontier established by virtue of the present Treaty, and ensuring the maintenance of those communal services necessary to the inhabitants which are not expressly covered by other provisions of the Treaty". Decisions of the Franco-Italian Conciliation Commission no. 145 and 163, 20 January and 9 October 1953, RSA, vol XIII, PP 501-549.
14. Solidarity of destiny, the crucible of local history. Alongside the inter-state "transfrontaliarity" resulting from the neighbouring border between France and Italy, there is a "transfrontaliarity" corresponding to a solidarity of interests between the inhabitants. The community of destiny affirmed by the Quirinal Treaty did not emerge by spontaneous generation. "What was will be, what is done will be done again, and there is nothing new under the sun" (Ecclesiastes 1, 9). The human dimension of cross-border relations is the crucible of history on this border, which has undergone numerous political reorganisations over the years. The Mussolini railway station at Saint-Dalmas-de-Tende may have clouded people's minds on the subject of the railway, but the titanic project of a double rail link across the Roya established by the Franco-Italian Convention of 1904 had no other purpose than to respond to the convergent aspirations of the French and Italian populations. The link between the Italian Piedmont and the Mediterranean Riviera across the Alps has been a constant preoccupation of the local people since... probably the Bronze Age. This human dimension of cross-border relations, a shared local identity, is also a key element of Franco-Italian bilateral cooperation, and contributes to the special nature of the relationship between Rome and Paris. The local community of destiny was in people's minds before it was set in stone in the Treaty of the Quirinal.

4. The plasticity of the cross-border living area

15. The cross-border living area in the context of the internal space of the European Union. The Turin Convention of 1861 and the Peace Treaty of 1947 made adjustments to the border regime that did not correspond to border rectifications. They demonstrated the desire of States to preserve the essential interests of their populations in the face of the spatial disruption caused by the demarcation of the land border. However, this old context, that of ordinary neighbourly relations, has given way to European spatial integration, which considerably limits the shearing effect of the border. The Italian and French populations are no longer confined to their own national territory, because they enjoy freedom of movement and establishment within the EU. It is said that the "physical" borders have been removed. As a result, there is no longer any necessary correspondence between the living space of border populations and the national territory: they can cross the border at will to meet their daily needs. However, cross-border interactions are still restricted or hampered by legal obstacles. The legal border has not been abolished and it creates a spatial discontinuity in legal frameworks and public policies. Legislation differs on either side of the border; public services stop at the border. Close to the border, in the transition zone between national territories, the legal obstacles to the full realisation of the internal space are particularly acute.

16. The cross-border living area is a spatial continuity. This geographical area on which the Quirinal treaty focuses does not correspond to a new territory. The cross-border living area is merely a spatial continuity of the European internal space: an open area within the European space, it has no precise boundary. It gradually merges into the latter with the attenuation of the negative effects of the legal border. If we compare it to an ecosystem or urban/rural interactions, we can clearly see this gradual dilution, this gradient effect, which accompanies the distance from the centre. In this case, the centre is the State border.

17. Territory or basin? Voltaire had this to say about the complicated nature of his relationship with the inhabitants: "Colmar, a town that is half-German, half-French and all-Iroquois". What became of the "master of Ferney", who finally settled at the gates of Geneva, a Cheyenne, a Huron? If the drafters of the Quirinal Treaty had written "The Franco-Italian land border constitutes a continuous territory of life", what should we be referring to? The phrase "territory of life" would be the perfect, admirable synthesis of the case law of the Inter-American Court of Human Rights relating to the collective rights of Amerindian communities. Would the treaty have established an Indian reserve on the crest of the Alps? What Indian name would the frontiersmen of the Southern Alps choose for themselves? Geographers often tend to use the word "territory" as a generic term, ultimately equivalent to the word "space". However, the legal meaning of the word "territory" is restricted: it refers to the spatial area in which a territorial authority exercises its jurisdiction. It is its "domain" and a necessarily limited area. This is how we refer to the dominium of the State. Territory is first and foremost a legal institution before designating an area. The drafters used the word "basin" because it corresponds to the specific nature of the geographical area established by the treaty, which is not a new territory. The choice of the word makes it possible to circumscribe the scope of cross-border relations as a shared local identity based on proximity, while excluding any reference to a perimeter, i.e. a specific spatial boundary.

18. The concept of a basin. The word basin (bacino) was popularised in Latin to designate an everyday utensil or object, a large hollow dish used mainly for washing. It is thought to be of Celtic origin (bac, cavity). After checking, it appears that the uses of the word in the two authentic languages are compatible with a uniform interpretation of the treaty. The exercise would already be more difficult in English (basin) and the German word becken does not seem appropriate to designate a geographical area. The word basin (bacino) is used by analogy with the shape of the utensil. In anatomy, for example, it is used to name the pelvic bones (pelvis). In geography, it refers to a depression or plain. In geology, it refers to a sedimentary basin. The word often refers to its shape and content, a reservoir, port facilities, but also geographical areas: lake basin, river basin, maritime basin, forest basin. With the watershed or hydrographic basin we can still evoke a content, but this area fulfils a drainage function. The Ruhr steel basin includes a range of goods and activities linked to the steel industry. With the employment basin (bacino occupazionale), we move away from the original utensil: it 'contains' a capacity to offer jobs and to fill them. What the Mediterranean basin "contains" can be described in many ways. It is a maritime basin, but we can also analyse its hydrographic, cultural, migratory and geopolitical basins. Basically, what is the Mediterranean if not the combination of all these approaches, which do not have the same perimeter but apply to the same complex object? And the Mediterranean basin has sub-basins. The Mediterranean, the 'middle sea' (Mittelmeer), is a zone of convergence, a confluence of three continental masses, an area of interaction. Distance in itself is irrelevant, only the density of the influence of one factor or another. Whether we look at its past or think about its future, the Mediterranean has always been and will remain an open border and a field of interaction. And it is understandable that a border that is crossed in both directions can be a hotbed of social interaction.

19. The blind spot approach. Transposed to the cross-border living area, the field of social interaction approach represents a paradigm shift in territorial management. It imposes a blind spot approach: it is necessary to re-focus on the periphery of the territory so that the whole of its field is treated in the same way in terms of the inhabitants’ concrete access to public goods. This is first and foremost a change of mindset. Common sense still perceives the border area as the edge of the national territory, a grey area, an unknown and a variable, and the border as an enclosure, a wall to be torn down. The

---

The Quirinal Treaty, the creation of a transnational area

Jay Treaty was signed on 19 November 1794 by the United Kingdom and the United States. It definitively established the concept of the international border. The rule of uti posseditis juris, the recognition of which accompanied the Spanish decolonisation of the Americas in the 1820s, ruled out the existence of the slightest parcel of unsuitable territory (terra nullius) on the border between two States, thus reinforcing the notion of an international frontier. Two centuries later, knowledge of this universal practice has not yet permeated people’s minds, and the general reasoning corresponds to a mental projection from the capital to the periphery. The border is often perceived as a representation of space (cartography) giving rise to reasoning based on relationships of scale. However, the power of the State is present with the same intensity over the whole of its territory on the scale of a micron. The owner of a plot of land can point to the ground and say: "the boundary is there", whether or not the area is enclosed. It’s there, in the landscape, not in the land register. In the same way, if you put on your shoes and climb a mountain, you will find the State border on the crest, and it is not a fence. It is essential to teach people about the State border, but the resistance of common sense is tenacious. The border in the common sense is a view of the mind and it is not politically neutral. The vision of the territory must once again become the vision of the land, the land we walk on, applicable to the first kilometre of the border. This is the spirit of the Quirinal Treaty that reading it suggests.

20. The concept of the "bassin de vie" in national practice. The reference to the "bassin de vie" in the management of the national territory is said to be a French peculiarity. We do not claim that this model has any relevance in the interpretation of the Quirinal Treaty, but it is useful to understand this specific approach, which is nonetheless at the origin of the concept. The living area zoning covers the whole of France excluding Mayotte14. It is based on the permanent equipment database (BPE), which lists the range of services and facilities available at municipal level and is updated every year. Facilities and services are divided into seven main areas: personal services, shops, education, health and social services, transport and travel, sports, leisure and culture, and tourism. The BPE only provides a stock of facilities and therefore does not allow us to determine the flows of access to these facilities. The Institut National de la Statistique et des Études Économiques (INSEE) therefore uses theoretical flows of access to facilities by aggregating the nearest municipality with a missing facility in a given municipality. INSEE has dispensed with any reference to employment. In short, it assesses a presumed attractiveness solely on the basis of the availability of facilities to determine trans-municipal living centres. Housing, employment, mobility, environmental goods and services, the quality of life and other aspects that meet the day-to-day needs of local residents are not included in this work of aggregating statistical data to help local authorities make decisions. Initially, in 1994, INSEE defined small catchment areas, zones in which residents could find most shops and services. Subsequently, public facilities were added, but the approach did not fundamentally change as the user was added to the customer.

The definition of the living area used by INSEE clearly expresses this restricted purpose:

"The living area (2012) is the smallest area in which residents have access to the most common facilities and services.

The living area can justify the perimeter of the inter-municipalities by proposing a correspondence with the lived experience of the inhabitants, but this "geographical territory" is struggling to establish itself in relation to the institutionalised groupings.

The *Schéma de développement du territoire (SDT) de la Wallonie*\(^\text{15}\), which defines the territorial strategy for the region, refers explicitly to the concept of living basin. This involves

"a reference area that underpins territorial development issues and projects that go beyond municipal boundaries. In particular, it is based on the main means of transport used by residents to access key services and facilities and semi-current consumer goods, as well as on regional and local political will to develop a project for the area. Each living area is made up of diversified and hierarchical urban and rural centres that organise the balanced development of the region"\(^\text{16}\).

In the Walloon context, the living area would be a framework for supra-municipal cooperation linking urban centres to their rural *hinterland*.

In Switzerland, the Federal Statistical Office has identified 101 employment basin and 16 major employment basin\(^\text{17}\).

"An employment basin is a region in which the majority of working people live and work. In other words, most of them do not leave this area to go to work. Employment areas cover the whole of France. Unlike conurbations, they are not necessarily linked to major urban centres.

The Agency specifies that

"Employment areas are used for analysis and cartographic representation purposes, whether by public administrations, research or the private sector. They enable analysis on an intermediate scale between cantons and municipalities. They provide additional insight by grouping municipalities according to their current functional links, without taking into account existing institutional boundaries (districts or cantons)".

**21. The emergence of cross-border living areas.** The *Conseil économique, social et environnemental régional (CESER) Grand Est* presented a convincing outline of cross-border living areas\(^\text{18}\). They have emerged naturally as a result of the links of interdependence forged across the border since the abolition of physical borders. There are thought to be many of them along the 700 km of borders in the *Grand Est region*. However, it seems difficult to determine their identification and scope.

"It is (...) both practices (activities) and representations (belonging, attachment) that make a transnational space a cross-border living area. The latter could therefore be defined as a space experienced and perceived as such by border residents. As they all differ in their practices and perceptions, the precise geographical delimitation of the cross-border living area seems illusory and takes second place; more important than its exact perimeter are the flows that take place within it"\(^\text{19}\).

---


\(^{16}\) DESTATTE P., "Qu'est-ce qu'un bassin de vie en Wallonie?", [https://phd2050.org/2012/11/29/bassin-de-vie-en-wallonie/](https://phd2050.org/2012/11/29/bassin-de-vie-en-wallonie/).


\(^{19}\) *Ibid*, p. 12.
CESER Grand Est’s approach has similarities and differences with the provisions of the Quirinal Treaty. The cross-border living area results from a set of practices, activities, cross-border flows (local cross-border traffic) and a collective representation of belonging and attachment, hence a transnational identity. It is the development of interactions across the border for the needs of daily life and the crystallisation of a community of destiny for the inhabitants of the transnational space that "naturally" give rise to the living area. The convergence with the Quirinal Treaty is perfect in this respect. The differences are nevertheless significant. This process is described on the Franco-German border as an observable fact. On the other hand, it is prescribed by the Treaty of the Quirinal.

The Grand Est Region envisages the existence of a number of living areas along the border. However, the density of cross-border interactions is certainly not uniform along the entire length of the border line. The Rhine remains a natural border and the number of bridges is limited. The community of shared destiny is probably uneven, and the weight of collective memory is felt differently depending on age group and location. Which stretches of border and which territories will win the "living area" label? The least integrated areas are perhaps even more in need of this label, which is likely to facilitate access to European funding to meet the objectives of European cohesion policy. In this respect, is it really justified to set up the living area as a patent of good European conduct granted to certain territories? According to the Quirinal Treaty, the continuity of the Franco-Italian border determines a continuous living area. The following sentence confirms this approach: "The Parties undertake to facilitate the daily life of the inhabitants of these territories." There is a living area for territories. The Quirinal Treaty cuts the Gordian knot; it restores simplicity and practicality, as well as equality between territories in the implementation of European cohesion policy.

CESER Grand Est takes a small step forward on the question of the perimeter of the living area. There would be a perimeter, but, it is said, the delimitation is illusory and the most important thing is the question of flows. But if we think in terms of flows, there's no point in looking for a boundary. Attempting to maintain the fiction of a perimeter makes little sense. The "living area" could be translated into German by the word Lebensraum, i.e. a biotope or tribal territory, an Indian reserve, etc., reminiscent of Voltaire's Iroquois. The word Verflechtungsraum will be preferred for obvious historical reasons, but also because the notion of border territories intertwined to form a transnational space is relevant. This space corresponds to a field of cross-border interactions and flows. It is comparable to an ecosystem whose limits are gradual. To neutralise the negative effects of the State border, should we re-establish a limit in the depth of the national territory? A spatial boundary of this kind, combined with local adaptations of ordinary law, would encourage a tropism of local law: it is important to maintain a functional approach to these adjustments to the law. The concept of the perimeter of the living area contradicts the objective of re-establishing spatial continuity within the European Union. Continuity in the depth of the national territory is ensured by the gradual disappearance of the living area, which varies according to the type of cross-border interaction. Thus, the employment area corresponds, at the broadest level, to commuting, i.e. migration that does not require accommodation at the place of work. Conversely, cross-border access to the most common shops takes place within a radius of immediate proximity.
5. "the (States) undertake to facilitate the daily life of the inhabitants of these territories".

22. A mission of the State services. This sentence reveals one aspect of the distribution of tasks organised by the Quirinal Treaty. The facilitation of daily life by the State services was marked by the experience of the health crisis that affected all the borders. The crisis has now passed and activity on the border has returned to normal. It is essential to distinguish between the role of States in times of crisis and that which is of a permanent nature, which obviously includes anticipating crises. Nevertheless, there is still work to be done to identify the obstacles to the daily lives of border residents that do not fall within the scope of crisis management. Borders are state-owned, so removing obstacles to the activities of border residents is the responsibility of states. The experience of the health crisis has highlighted the obstacles to cross-border mobility. However, obstacles to daily life may also be caused by local administrations. In this case, they are not caused by the border. In normal times, direct obstacles to the satisfaction of everyday needs should not appear. What might an indirect obstacle be? We could mention the requirement to reside in the territory of the service requested in order to have access to it or the need for specific information on the conditions of access to the transnational service for cross-border commuters. Without an association structure adapted to defending the interests of cross-border workers, it is difficult to be aware of the necessary measures.

23. What is everyday life for cross-border commuters? Everyday life is the daily routine of life. It involves repetition, habits and rituals. Can we confine it to a daily framework? Going shopping once a week is a habit that is part of everyday life, as are weekend hobbies and sporting activities. The definition of everyday activities should be broad, because they vary from one individual to another, depending in particular on age, social and family background, social activity and many other cultural or personality factors. These certainly include housing and living environment, food, work, ordinary travel, hygiene and health, access to places of worship, associative and friendly activities, sport and walking. In fact, all the ordinary needs of everyday life should be included, so that the cross-border area is fully an ordinary living area, comparable to any other place, any other habitat, in the internal space of the European Union.

6. Implementation of the cross-border living area

24. States and territories, joint actors in cross-border cooperation. The European Union is responsible for developing European cohesion policy and administering its implementation. It is up to the two States to exercise their competences to promote the development of the cross-border living area. Local and regional authorities at all levels have the essential task of ensuring the development of the cross-border area by means of European territorial cooperation tools and by using European funds. Article 10 of the Quirinal Treaty thus organises a sharing of roles between public players. However, it should be noted that the very title of this article does not refer to European territorial cooperation, but to "cross-border cooperation". In practice, territorial cooperation is not explicitly mentioned. The reference is indirect. It results from the first two sentences of paragraph 2 and paragraph 7:

- "The Parties shall provide border authorities and border cooperation bodies with appropriate powers to boost exchanges and cooperation. The States shall adapt local powers to enable formal exchanges and cooperation on joint projects, including through the creation of joint bodies.
- "(The Parties) support projects that promote the integration of this area and the realisation of its human, economic and environmental potential in accordance with the objectives of
sustainable development and those of European cohesion policy”. In reality, local and regional authorities at all levels are not the only potential partners in European projects. Governments, chambers of commerce and industry, universities and even private legal entities can also be involved.

- The last indirect reference is in paragraph 7 on the Border Cooperation Committee, which mentions the participation of representatives of border authorities and border cooperation bodies.

The substance of Article 10 is thus mainly directed towards inter-State cooperation and the role of the two States. This restraint with regard to the territories is essentially explained by the optional nature of the external action of the territorial authorities. The latter are free to participate or not in the implementation of the cross-border living area. States play a role of initiative, facilitation, assistance and even coordination. Local authorities may develop any territorial cooperation actions authorised by national law which do not correspond to the objective of implementing the cross-border living area. They are nonetheless assured of the support of the States and may benefit from European funding when their cooperation actions are in line with this objective. Of course, the success of the Quirinal project will depend on the response of local elected representatives to these strong incentives. Even though article 10 is essentially a vague reference, the orientation of European territorial cooperation towards the cross-border living area remains the central element of the cross-border cooperation mechanism established by the Quirinale treaty.

25. The conditionality of territorial cooperation projects. Preserving the freedom of territorial authorities justifies the introduction of conditions governing projects. This is the whole point and relevance of an incentive policy. You will therefore have to pass under the fork in the road (le forche caudine) to benefit from the provisions of the Quirinal Treaty. The expression is not excessive, because a change in administrative practices is being imposed. Of course, the spirit of territorial twinning should be preserved. But that’s not the point. There is talk of cooperation on projects, but only those that have the cross-border area as their object. Despite its apparently general wording, the Quirinal Treaty imposes a rigorous approach to the construction of projects: it lays down a structure of objectives into which the projects must be inserted in order to fall within the framework of the treaty. Elected representatives are thus called upon to change their way of thinking: while always acting in the interests of their territory, they will focus on the mutual needs of the inhabitants of the cross-border living area. It is only on the basis of a vision of the development of this area of neighbourly solidarity that they will be able to identify concrete actions falling within the scope of the treaty and the appropriate methods of implementation.

26. The dual objectives of territorial cooperation in the cross-border area. The treaty specifies that the two States

"support projects that promote the integration of this area and the realisation of its human, economic and environmental potential in accordance with the objectives of sustainable development and those of European cohesion policy".

The conditionality of the support provided by the States is clear. The States will only support projects that create the conditions necessary for, on the one hand, the integration of the cross-border basin and, on the other hand, “the realisation of its human, economic and environmental potential”. We therefore expect a convincing demonstration of the positive impact on the integration and development of the cross-border area. Indeed, the word "favour", a verb in the present indicative tense, rules out potential or hypothetical effects. The method of this demonstration is not left to the discretion of project promoters: the adverb "in accordance" is an injunction to refer to the SDGs
(sustainable development objectives) and to the objectives of European cohesion policy. The two categories of objectives are cumulative. The drafters of the Treaty were therefore ambitious. These new requirements cannot be met by engineering European funding projects alone. Elected representatives will be able to respond better by developing, at the level of cross-border cooperation bodies, a capacity for studying and programming the integrated development of the transnational area.

27. The Sustainable Development Goals (SDGs). In the method used to build cooperation projects in the living area, the SDGs are mentioned first. There is, of course, nothing haphazard about drafting an international treaty. Everything makes sense. A project must therefore first and foremost contribute to the well-being and development of the Italian and French populations in the transnational area (reciprocity is the foundation of all international cooperation). Rather than listing the needs of the inhabitants, the drafters chose to incorporate into the treaty a sort of international "kit", a complete set of elements ready to fulfil this function of identifying objective needs. The advantage of this process is that it introduces maximum rationality into the choices that make up public policy, because the sum of the subjective expectations of the public does not make up the general interest. The SDGs constitute a basket of objectives that must all be taken into account, none of which can be considered as a categorical interest. Social, environmental and economic concerns are not mutually exclusive. The preservation of environmental assets does not conflict with the development of tourism, etc. The reference to the SDGs is also a safe choice. They were drawn up at global level and adopted by consensus at that level. They are effectively applied. They have thus made it possible to rationalise the conditionality of official development assistance. It is not illogical to apply them also to European public aid under cohesion policy, where practical conditions allow. The identification of a transnational area within the Union's internal space, the cross-border living area, facilitates this application. France and Italy regularly report on how they are achieving each sustainable development objective at national level. Implementation of the SDGs is therefore not restricted to developing countries, and sustainable development in Europe is an objective of the European Union.

28. European territorial cooperation and State diplomacy. The situation is paradoxical: our States report on the application of the SDGs at national level, while local administrations and local elected representatives are generally unaware of them. There is a perception that they are reserved for developing countries and that they have an ecological connotation. However, these opinions are of little importance in the specific context of the Quirinal Treaty. Article 1 paragraph 1 lists the common principles of foreign policy. "It mentions "the implementation of the United Nations 2030 Agenda for Sustainable Development". The reference to the SDGs reappears in Article 6 (social, sustainable and inclusive development) at point 2: "the Parties shall endeavour to support and implement multilateral instruments relating to sustainable development, first and foremost the United Nations 2030 Agenda for Sustainable Development, and to environmental and climate protection, in particular the Paris Agreement". The whole of Article 6 is inspired by the SDGs and should inform European territorial cooperation projects. Ambassador Philippe VOIRY identifies four levels of Franco-Italian cooperation in the Quirinal Treaty: international, European, bilateral and local. This effective interpretation highlights the vertical coherence of the foreign policy shared by Italy and France. In principle, local elected representatives are not obliged to submit to their country's foreign policy in their cooperation

---


activities. However, the law of 4 August 2021 requires French local authorities "to take into account in their cooperation activities the 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015". This provision, set out in the first paragraph of article L1115-1 of the French General Code for Local Authorities (Code général des collectivités territoriales), applies to all forms and purposes of external action by local authorities, including European territorial cooperation. This mention of the SDGs reflects the fact that "multiplied diplomacy" (diplomatie démultipliée) is increasingly tending to include the action of local authorities, which cannot ignore the pillars of foreign policy. Italy has adopted a Strategia Nazionale per lo Sviluppo Sostenibile (SNSvS)\(^{22}\). In its last revised state in 2022, the Strategy received the favourable opinion of the State-Regions Conference\(^{23}\) and was approved by the State (deliberation of the Interministerial Committee for the Ecological Transition of 18 September 2023)\(^{24}\). The Ministry of the Environment and Energy Security is developing a multi-level process for involving non-state entities in the National Strategy. Local and regional authorities will therefore be called upon to apply the Agenda 2030, the 17 Sustainable Development Goals (SDGs) and the 169 Targets, in order to participate with their Italian partners in the mechanism for implementing the Quirinal Treaty.

29. The force of the SDGs in the context of the Quirinal Treaty. These goals are intended to serve as a guide for the development and implementation of public policies. The 2030 Agenda is the result of a resolution of the United Nations General Assembly and, as such, does not create legal obligations for States. They have only made political commitments, associated, admittedly, with implementation mechanisms. However, the SDGs have been incorporated by reference to the Quirinal Treaty, an international agreement that is binding on the two States parties. There is a form of constraint for project promoters linked to the conditionality of the support of the two States and a legal effect between the States with regard to the eligibility criteria for projects. It is therefore not enough to emphasise the "political" nature of the SDGs, which in this case are part of a treaty-based mechanism. Moreover, the treaty is in line with the law of 4 August 2021, which requires the SDGs to be taken into account, and with the Italian Sustainable Development Strategy.

30. Combining the objectives of European cohesion policy with the SDGs. The specific objectives of the ERDF as defined by Article 3 of Regulation (EU) 2021/1058 of 24/06/2021 largely overlap with the SDGs and the various targets they contain. The 17 SDGs cover the full range of development issues in all countries, at international, national and local level, such as climate, biodiversity, energy, water, poverty, gender equality, economic prosperity, agriculture, education, health and civil security, and so on. With its system of targets, the nomenclature of the SDGs provides additional detail in relation to the European objectives, makes it possible to link neighbouring European objectives and enhances the coherence of projects by raising awareness of the concrete interactions between each SDG and the others. Above all, the SDGs provide a vision for public action that is oriented towards real and universal human needs. They ensure an integrated and transformative approach to public policies, including projects with European funding. In this way, they make it possible to rule out "gimmicky" projects\(^ {25}\).


\(^{24}\) https://www.gazzettaufficiale.it/eli/gu/2024/02/10/34/sg/pdf.

\(^{25}\) These are projects that develop an ingenious, attractive idea, but are not thought through in terms of significant and lasting societal impact. In this respect, they are reminiscent of magnets, pins, moo boxes, snow globes and other decorative key rings designed to seduce customers, rather than to be useful.
whose real purpose is to gain access to European funding. The introduction of the SDGs is aimed at improving the quality of project design.

31. The role of the states in the cross-border living area. The States appear jointly in relations with the territorial authorities, in particular in the chairmanship of the Border Cooperation Committee. Together they strive to facilitate the daily life of inhabitants, to provide border authorities with appropriate competences, to support eligible territorial cooperation projects, and to remove regulatory and legislative obstacles to territorial cooperation. As a multi-level coordination body bringing together national and local government departments and border local authorities, the Border Cooperation Committee's role is to draw up proposals for living area projects, including solutions for their implementation, with each department and local authority being responsible for getting involved within the scope of its powers. The Committee also performs a cross-border coordination function in crisis situations affecting both territories. Special mention is made of certain areas of cooperation. For example, the strengthening of cooperation on health and civil protection is affirmed. The necessary adjustments to ordinary law are mentioned in relation to the creation of cross-border public services "in the social, health, environmental, energy, educational, cultural and transport fields". The deepening of cooperation in the field of security is indicated. Mobility and the competent sectoral intergovernmental conferences are the subject of paragraph 4 of Article 10. In the following paragraph, the States undertake to promote bilingualism.

32. Conclusion and outlook. An excellent climate prevails among the players in the French-Italian cross-border living area. The general voluntarism augurs well, but the enthusiasm of the beginnings can «retomber comme un soufflé» in the time of routine. It should be noted that no mechanism for monitoring the implementation of the treaty has been envisaged. States have made commitments and elected representatives have a political responsibility for the development of the living area, but there is no transparency as to how each public player fulfils the commitments it has made. Of course, this situation can be remedied, and the Border Cooperation Committee is certainly the appropriate body to examine this issue.

France and Italy have set their sights very high on strengthening their bilateral cooperation, with a strong emphasis on territorial cooperation. To date, however, territorial cooperation has not flourished, particularly in the Southern Alps. However, the transnational space project on the common border is innovative and confusing. It marks a break with territorial management policies. This geographical area does indeed have a strong identity of its own, conferred on it by the border, including in the experience of its inhabitants. However, as a functional space, the cross-border living area can only be understood in terms of the different functions it combines. As things stand, neither the States nor the border local authorities have the capacity to identify development needs by area of the transnational zone. Achieving the objectives of the Quirinal Treaty will undoubtedly require the creation of one or more border cooperation bodies with the capacity to draw up cross-border development plans that would feed into programmes and projects.

The question of representation of the various interests arises. If the aim of the cross-border living area is to realise the human, economic and environmental potential of the border zone, the representation of local elected representatives alone is not sufficient. Moreover, experience on other borders shows the extent to which the dynamism of a cross-border associative sector can be useful for territorial cooperation. Lastly, the public's attachment to the community of cross-border destinies can be a determining factor in the support of the French and Italian populations for cross-border cooperation. For this attachment to be expressed, public events need to be organised around this collective identity and practical information on cross-border mobility needs to be set up (InfoBest).