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When the sea does have character: post-Brexit maritime cooperation as place-consciousness

Quand la mer révèle son propre caractère : La coopération maritime post-Brexit en tant que conscience du lieu

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When the sea does have character: post-Brexit maritime cooperation as place-consciousness

*Quand la mer révèle son propre caractère : La coopération maritime post-Brexit
en tant que conscience du lieu*

Matteo Nicolini

AUTHOR'S NOTE

The paper was delivered at Regional Cooperation in Maritime Areas (ReCMA) Conference held at the University of Lille (France) on 14-15 September 2023. The article pertains to the research activities of the PRIN 2022 “Swinging Peripheries And Centers in Europe (SPACE): Comparative Legal Dimensions of Territory” (Univr: prof. Matteo Nicolini – CUP B53D23010910006). A special thanks goes to Frédérique Loew-Turbout and Nathan Rizzuto for the precious insights and discussions on the main topics of this essay.

- 1 ... I stood,
And saw, while sea was calm and air was clear,
The Coast of France! The Coast of France, how near!
Drawn almost into frightful neighbourhood.
... for verily the barrier flood
Was like a lake, or river bright and fair,
A span of waters; yet what power is there!

William Wordsworth, September, 1802. *Near Dover* (1807)

Introduction. Maritime cooperation around the Channel

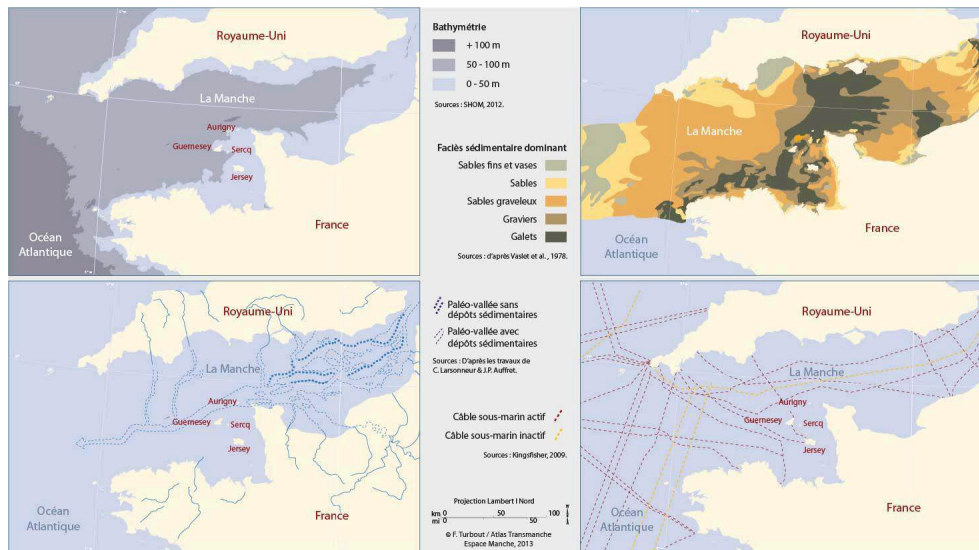
- 2 In *Building and Dwelling* (2019), the US sociologist Richard Sennett uses the expression 'collective place-consciousness'. This intriguing expression is related to the idea of the *cit *, which points to 'the feelings people harboured about neighbours and strangers and attachments to place'. If I understand Sennett correctly, collective place-consciousness is something more than a mere attachment to a particular place. It expresses the way 'people want to live collectively' *there*, because, *in that particular place*, they find the place-specific 'character of life' they have contributed to producing (Sennett, 2019, pp. 1–2). Hence, the *cit * gives voice to a sense of belonging and commonness. Meaningful, as it is, to its communities, the place acts as the 'repository' of their 'character of life'; it is the 'archive' of their situated practices, the 'basic essence' of which 'lies in the largely unconscious intentionality that defines places as profound centres of human experience' (Relph, 1976, p. 43)¹.
- 3 The idea of collective place-consciousness is fitting for our purposes. Far from being a descriptor *bon   tout faire*, it accounts for how communities contribute to (and therefore impress their character on) several processes of spatial production. I will not indulge in repetitive accounts of how space is produced; since Henri Lefebvre's seminal book on *La production de l'espace* (Lefebvre, [1974] 1991), the topic has been (and no doubt will continue to be) subject to scholarly examination². My purpose is limited in scope and aims to apply collective place-consciousness to the practices making up the production of a specific normative spatiality, i.e. maritime cooperation.
- 4 The essay will focus on a specific case, that is, maritime cooperation stretching across (and around) the Channel. Although its geographical features make its crossing particularly difficult (Picouet and Renard, 2002, p. 8)³, this stormy stretch of water has been a place of connection, co-operation, and separation, shielding the UK and keeping wars and 'danger at bay'. Yet, the Continent 'was' (and still is) 'closer than we liked to believe' (Connelly, 2020, p. 11)⁴.
- 5 Certainly, the Channel has its own character, which is made up of the aforementioned practices of separation, connection, and co-operation. This makes maritime cooperation around it an intriguing field of research in the aftermath of Brexit. Before the UK left the EU, cross-border cooperation programmes successfully contributed to nurturing a sense of collective place-consciousness (see Church and Reid, 1999; Perrin, 2012; Huggins, 2018). Brexit has challenged this by discontinuing the France-UK Interreg programmes⁵. From the UK's perspective, leaving the EU aimed to revitalise a collective place-consciousness revolving around Great Britain and its insular *mentalit *. In the aftermath of Brexit, the Channel's collective place-consciousness will depart from that previously produced under EU maritime cooperation schemes (Nicolini, 2023). A renewed collective place-consciousness for the Channel is therefore needed.
- 6 The essay proceeds as follows. Firstly, it will examine how, within spatial production, communities impress their own character of life into both terrestrial landscape and marine space. The sea, in particular, requires an imaginative leap, as it is said to have no 'character' at all. The essay will then address how the law (in particular, comparative law) makes this imaginative leap possible. It will then turn to Brexit to ascertain to what extent it has affected spatial production across the Channel. I argue that maritime cooperation has impressed long-lasting marks there. More of this will be explored in this essay. Even if Brexit is able to 'strip away most of the layers' related to

the Channel's place-consciousness (Hubbard, 2022, p. 22), the powerful legal-geographical feature, which is the same Channel, may contribute to preserving the 'character of life' of its riparian communities. The manifold bottom-up, informal practices of maritime cooperation between French and English local bodies uphold that place-consciousness also expresses a 'sense of commonness' (Perrin, 2022, pp. 206–213) – or, which is the same thing, the way 'people want to live collectively' mentioned above.

Producing maritime cooperation. Landscape and binational cities

- 7 As stated in the introductory section, the idea of collective place-consciousness is apt to describe how communities contribute, through spatial production, to infusing their character of life into a specific place. From a politico-geographical perspective, the formation of such a place-specific character is unproblematic. Evidently, it is consonant with the so-called 'spatial turn' that took place in cultural geography in the late twentieth century. Like the case of maritime cooperation, it was a cross-disciplinary stance; space was conceived as 'a (social) product' made up of sundry social, political, and geographical variables (Lefebvre, [1974] 1991, p. 26).
- 8 Precisely because space is a social construct, collective place-consciousness plays a pivotal role in its production. Place-consciousness refers not to the ontology of the physical features involved, but to their being meaningful to the communities dwelling *there*. In other terms, the production of collective place-consciousness is used 'to indicates collective aspects of the environment' (Brinckerhoff Jackson, 1984, p. 7, as well as a process and transforming, *in that particular place*, 'the natural environment into a cultural environment' (Kristof, 1959, p. 275).
- 9 Across and around the Channel, its development has always had a significant impact on the production of landscape. As said above, this is particularly manifest in the case of Kent. It does not come as a surprise that the denomination of the South-eastern English County etymologically means the 'land on the edge' – thus pointing to the border region closest to Europe. Over the centuries, its landscape has become 'a type of cultural text repleted with material and symbolic encodings' (Nayak and Jeffrey, 2011, p. 113), reflecting the insular 'ambivalence towards the continent', as the human geographer Phil Hubbard puts it. As he has demonstrated, the Kentish landscape bears the signs of the practices that have made it a place of connection, co-operation, and separation, eventually bringing the *transmanche* region into being during the period of EU membership'. Originally, it was 'a landscape of defence and defiance'. The cliffs of Dover, for example, have been 'a symbol of "islandness" and the rupture with mainland Europe'. 'Pockmarked', as they are, 'by the infrastructures' binding Kent to the continent, the Kentish coast has also 'been shaped by its maritime trade and commercial connection with Europe' (Hubbard, 2022, pp. 6–8). Besides the traditional ferry terminals in Dover and Ramsgate, Hubbard refers to the most recent electricity current connections, the subsea communication cables (figure 1), and the Eurotunnel infrastructures in Cheriton-Folkestone. Brexit and migrants crossing the Channel have reinvigorated the 'whiteness of the cliffs' as a symbol of 'purity and patriotism' (Hubbard, 2022, pp. 108–109). The cliffs have become *arcifinious* again, as they possess 'limits that form a natural defense' (Ochoa Espejo, 2020, p. 33).

Figure 1. These maps represent the subsea physical and human geography of the Channel. The subsea communication cables are reproduced in the bottom right map.



- 10 If landscape is witness to spatial production, the M20 'advertises for wine warehouses near the Cité Europe shopping centre at Calais' might induce us to think that 'Kent is ... in many ways the most European part of England' (Hubbard, 2022, p. 8)⁶. It does not matter whether or not we agree with this predicament. For what concerns us here, it is evident that, through the Channel, the Kentish landscape has testified (and still testifies) to its strong relationships with the continent. As a maritime space, the Channel has thus become, in its own right, a porous border where different actors and interests interact and are integrated into a 'vast and homogeneous space of flows' (Frémont, 1996, p. 203)⁷.
- 11 This is true the other way around. The production of space indeed marks the French landscape, making it a repository of the Channel's place-consciousness. Owing to the intensity of the interactions taking place across it, scholars have examined whether cities like Dover and Calais may be labelled 'binational cities' (Heddebaut, 2001). But the same 'binationality' also regards, say, Dieppe and Dunkerque⁸: maritime cooperation has turned these *villes portuaires* (port cities) on the Channel into veritable *villes frontalières* (border cities), actively involved in the production of this marine space (Picouet and Renard, 2002, p. 8).

Imaginative leaps

- 12 So far, the spatial production has provided examples regarding the coasts bordering the Channel and their hinterland. This implicitly means that the borderscape substantiating their place-specific 'character of life' is a *terrestrial* landscape. This might be explained because the production of space has traditionally been applied to the processes of physical apprehension, political appropriation, and creation of meaningful *territorial* places.

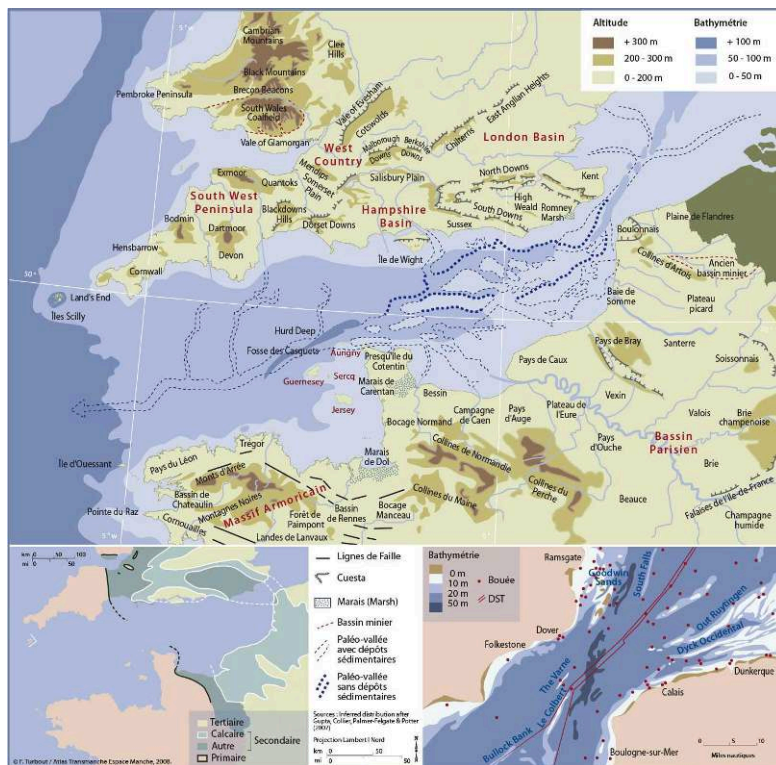
Territorial spaces: the character of the sea ...

- 13 In cultural geographical studies and political theory, the turning of space into meaningful places has been governed by a territorialised paradigm (see e.g. Moore, 2015; Ochoa Espejo, 2020; Blomley, 2023; for more on this territorialised paradigm see Nicolini, 2022). Territorialised logical spaces revolve around spatial reshuffling. Once projected onto a given territory, the manufacturing of geographical (both natural and human) features is made functional to the imagined geographies of territorial communities. There is nothing ideological in this; there is only the human need to make the context in which we live meaningful and useful to us. Again, these hints of territoriality represent the basic paradigm whereby we, as humans, attempt to grasp and take control of world knowledge. In other words, this paradigm is a ‘disciplinary matrix’ that assists us in identifying the operational rules of spatial production.
- 14 Within spatial production, therefore, the matrix was originally territorialised, turning the relation between human agencies and territory into concrete *geographies*. The very idea of landscape points to a *terrestrial* ‘pattern of “things on the land” and the terrain, shape, and structure of land (Castree *et al.*, 2013, pp. 274–275), i.e. to features made functional to the character of life communities might want to impress into the soil (Nicolini, 2022, pp. 171–174. For a broader analysis see Sack, 1983, p. 56 and 1986; Johnston, 1991, pp. 188–191).
- 15 The territorialised paradigm also accounts for several difficulties that usually arise when it comes to manufacturing maritime spaces, in general, and the Channel, in particular. On more theoretical grounds, applying the territorialised paradigm to the sea has always been problematic. As Alain Corbin brilliantly states, the sea is « Le territoire du vide » (the territory of the voidness; Corbin, 1990); together with its resources, it ‘can be proper to none ... no part of [it] can be accompted in the territory of any people’ (Campling and Colás, 2021, p. 72). Like a desert, ‘human beings merely pass through it. They leave no footprint there, except their rubbish’ (Frémont, 1996, p. 204)⁹. Evidently, ‘the sea has no *character*, in the original sense of the word, which comes from the Greek [χαράσσειν] *charassein*, meaning to engrave, to scratch, to imprint ... On the waves there is nothing but waves’ (Schmitt, [1950] 2003, pp. 42–43).
- 16 On a more practical level, the unfeasible physical apprehension of its ‘undifferentiated surface’ (Steinberg, 2011) has had some bearing on how spaces of maritime cooperation might be manufactured. Owing to its marine character, the Channel seems to have boosted the so-called ‘barrier effect’; this has ‘been most pronounced where the impact of the border is reinforced by the existence of a physical barrier’, that is, the presence of the Channel *as a stretch of water* and not *as a tract of land* (Thomas, 2006, p. 16). This has led Odile Heddebaut to deny that Dover and Calais (to which we may add Dieppe, Dunkerque, or Brighton, to name just a few) are true binational cities; they are certainly ‘separated only by a national border which’ during the UK’s EU membership ‘lost its barrier functions’; that border, though, left (and still leaves) them ‘unconnected’ because of the ‘physical barrier of the sea’ acting as *the border* (Heddebaut, 2001, p. 61)¹⁰.
- 17 The way this territorialised paradigm acts is evident in the EU cross-border cooperation programmes, such as the INTERREG I. Under Art. 10 of the then Regulation (EEC) No 2052/88¹¹, indeed, funding was intended only for cooperation across terrestrial frontiers. The cooperation between Kent and Nord Pas-de-Calais eventually

emerged when the Channel Tunnel was being constructed. The respective councils were already cooperating when the 1986 Treaty of Canterbury between the United Kingdom and France concerning the construction and operation of the ‘Channel Fixed Link’ paved the way to it. Their bottom-up cooperation was formalised with 1987 *Cooperation Agreement Between Kent County Council and le Conseil Régional du Nord Pas-de-Calais*, the establishment of the *Transmanche Region* also in 1987, and the formation of the *Eurorégion Transmanche* in 1991, also comprising the Belgian Regions (Thomas, 2006, p. 14). The need for maritime cooperation required an ‘imaginative leap’ (Bonnett, 2008, p. 7), which meant turning its ‘maritime’ nature into a ‘terrestrial’ one. To this end, the Tunnel was perused to persuade the European Commission that a terrestrial link already bridged Kent and Nord Pas-de-Calais. These were certainly located on the Channel border; as the tunnel provided a terrestrial connection, local authorities ‘should [now] be viewed as land borders’ (Church and Reid, 1996, p. 1304).

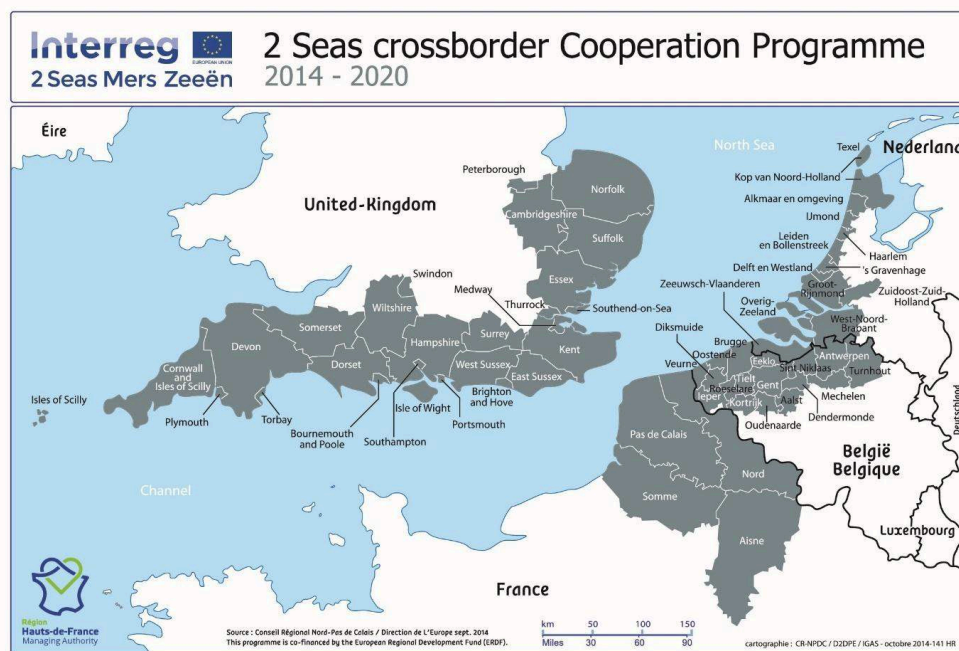
- 18 Nothing new under the sun, then. This is a thorough application of the territorialised matrix to make maritime cooperation fit into European programmes. To some extent, it evokes something ancestral; it indeed calls to our minds the Weald-Artois Anticline with its ‘band of slightly marshy but fertile land between Britain and France’ that until approximately 3,000 years ago occupied the Channel bridging Dover and Calais (Connelly, 2020, pp. 24–27; figure 2). Embedded, as it is, in our minds, the matrix acts as a faculty grasping and reshuffling our world knowledge. It gives consistency to our efforts to identify the contingencies, variables, and operational rules of spatial production. And this matrix undoubtedly accounts for the complexity of the relations between geography, power, territory – and law.

Figure 2. The physical geography of the Channel with the Weald-Artois Anticline visible in the top map.



- 19 In sum, the tunnel played a pivotal role in making room for maritime cooperation. Although it turned the latter into a 'terrestrial' link, this imaginative leap has not been considered particularly innovative. In Odile Heddebaut's words, what was needed was a leap that 'would open up the concept of cross-border activity towards philosophical developments for understanding the specificity' of marine places, which mainstream geographers still term 'undefined spaces'. If I understand her correctly, the leap should make the Channel be 'led by the same rules' applicable to terrestrial borders; at the same time, the leap should be 'able to keep' the Channel's 'own identity', which is also its 'attractive difference' in terms of spatial production (Heddebaut, 2001, p. 71).
- 20 Unlike Heddebaut, I think that the imaginative leap taken by the Nord Pas-de-Calais Regional Council and Kent County Council was that actually needed to open up Interreg programmes beyond terrestrial cross-border cooperation. In lobbying the European Commission, both councils were stating that the tunnel already provided a terrestrial fixed link, thereby deploying their own place-consciousness. These riparian communities were coproducing their own character of life through 'an appropriation and transformation of space and nature'; it is as if they were projecting their own imaginative geography onto 'their' stretch of water. Such a makeover was open to any form of 'cultural practices' involving the 'mobilization of people and resources, especially equipment, publicity and authority' (Driver, 2001, pp. 8–9). With a good dose of approximation, we may say that, in coproducing the Channel as a maritime space, these communities conveyed the outcomes of their imagined geographies and 'reproductive' practices. In so doing, not only did they turn the Channel into a lived geography (that is, a nomic setting politically meaningful to them), but they also changed the meaning of the maritime border.
- 21 Ultimately, this leap made possible a change in the interpretation of EU law. The way the riparian authorities spatially processed the Channel had some bearing on EU territorial cooperation. By funding the Interreg *TransManche* I (1992-1994) and II (1994-1999), Kent was 'the only area of Great Britain to receive Interreg funding' (Church and Reid, 1996, p. 1304), which meant acknowledging the specificity of maritime borders (Church and Reid, 1999, p. 649). The programmes were progressively enlarged, broadening the areas of maritime cooperation to Atlantic Ocean, the Baltic, the Black, and the Mediterranean seas¹². We may also say that this imaginative leap also changed the way EU law conceived of the sea. For example, the patterns of the Interreg around the Channel were replicated with the INTERREG IVA '2 Mers Seas Zeeën' Programme (2007–2013) and V (2014–2020). By involving France, the UK, Belgium, and the Netherlands, this programme was 'totally new in terms of scale and geographical area', as it displayed cross-border cooperation across two maritime spaces, which, on their own, became legally relevant for the whole process of EU integration (figure 3)¹³.

Figure 3. The map of the '2 Mers Seas Zeeën' maritime cross-border program.



Available at <https://www.interreg2seas.eu/en/content/programme-area>

... and the *place* of the law in maritime spatial production

- 22 With their imaginative leap, Kent and Nord Pas-de-Calais successfully made the Channel fit into EU cross-border cooperation. This is an intriguing example of how the law locates itself within the production of space.
- 23 This is apparent in how the French and English riparian local bodies were able to deploy their own place-consciousness to have the interpretation of Art. 10 Reg. (EEC) No 2052/88 changed. Not only did these communities project their own imaginative geography onto what they considered 'their' stretch of water, but they also promoted a change in how the law regulated cross-border cooperation. The interpretation of all subsequent EU regulations on cross-border cooperation shifted from terrestrial to marine frontiers, and eventually to maritime spaces with their peculiar processes of spatial production, appropriation, and transformation of space, nature, and character of life. The type of spatial manufacturing that the tunnel provided accommodated the changes in geographical and human geographies alike to make them fit into the framework laid forth by EU legislation. The shift from terrestrial to maritime cooperation triggered a spatial reshuffling: the very meaning of 'territorial cooperation' underwent a tremendous change; evidently, it is a *relative* concept, which is reshuffled to fit into the space-place-environment nexus that communities produce with their imaginative leap. Its relativity is a by-product of spatial production; in fact, 'place always involves an appropriation and transformation of space and nature', i.e. of both physical and human geography, which is ultimately 'inseparable from the reproduction and transformation of society in time and space' (Pred, 1984, p. 279).
- 24 These changes are made possible because the law is an open texture. When communicating its prescriptive content, every single provision may visualise and

convey different legal meanings and contents. Its features may thus be pragmatically enriched by new factors, which impose a new sense on existing lexical items without the necessity of formally altering the law. This gives expression to the view that, as the place-space-environment nexus changes over time, so too should the meaning of the law.

- 25 Thinking in these terms entails reappraising an assumption that is common in geographical studies, that is, that the law has a pure 'regulatory' role. Instead of seeing it as co-constitutive of spatial production, scholars usually consider it a force that is external to that process. Law 'inscribes spatial practices and orders the material landscape', codifies 'what can be done where and by whom'; and finally, 'enables human territoriality through discourse and practice' (Jepson, 2012, p. 616. See also Delaney, 2003, pp. 78–79.).
- 26 As the Channel demonstrates, though, the law is far from being merely regulatory; it is first and foremost a performative practice creating spaces whose meaning is pragmatically enriched by socio-geographical contexts. Taking the spatiality of the law seriously means ceasing 'to look upon' it 'as a closed, formal, and acontextual system and see it instead as an assemblage of heterogeneous elements' (Hogg, 2022, p. 34).
- 27 Yet, I understand that concepts such as 'production of space' may prevent legal scholars from engaging with the topic under scrutiny. Reducing the law to a geographical practice may indeed be unpalatable also for legal scholars actively involved in cross-disciplinary research.
- 28 Among legal studies, it should be argued that comparative law is well-equipped for assessing the law as a spatial practice. Like geographers, lawyers are also interested in space. Comparative law shows a peculiar attentiveness to it, particularly when spatial production gives voice to the legally relevant relationship between community and its territory. It is a relationship that, following in the footsteps of the English legal historian Frederic William Maitland (1850–1906) (Maitland, 1964), I have elsewhere labelled 'legal geography' (Nicolini, 2022, pp. 38 *et seq.*). With these words, we point to social orders, which become spatially and geographically visible, thus turning the law and geographical elements into *legal geography*.
- 29 Comparative law is thus well equipped for legal geographical analysis, as its cross-disciplinary ambitions disengage legal studies from formalistic and textual approaches (Husa, 2022). This means going beyond mono-disciplinary investigations, shifting from law and geography to legal geography with its admixture of spatial practices, also bringing together different perspectives and methodologies to better understand how places (and their related characters of life) are produced. Legal geography entails attentiveness to situated legal practices, which evidently means adopting an *empirical* and 'problem-based approach' in the study of the law (Siems, 2022, p. 32). This also entails ascertaining how social, economic, and historical features affect its meaning, grasping its 'deep structure' (Legrand, 1996), as well as its 'deep connection' with its geographical contexts (Watt, 2012, p. 84).

The Channel as a nomoscape

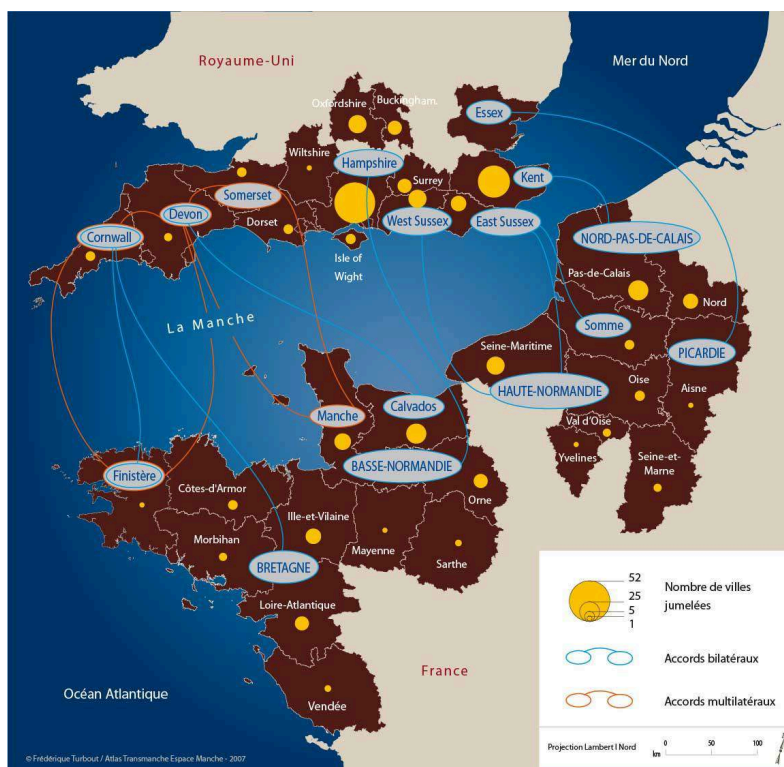
Comparative law and the production of maritime space

- 30 Comparative law helps us to reassess the special relationship between law and geography through the cross-disciplinary lenses of legal geography. If the law is first and foremost a performative practice creating spaces whose meaning is pragmatically enriched by socio-geographical contexts, space is, on its own, also manufactured through legal practices.
- 31 Likewise, the legal-spatial production of maritime cooperation across the Channel displays the same attentiveness to (human, political, and natural) geographical contingencies. This triggers the unceasing reshuffling of its place-space-environment nexus. In legal geographical terms, turning maritime spaces into meaningful places provides a concrete example of Sennett's *cit *: coastal communities promote cross-border cooperation because they share the place-specific 'character of life' linking both sides of the Channel. Together with the US legal geographer David Delaney, we may say that the Channel's borderscape is also a 'nomoscape' (or 'nomic landscape'), *i.e.* a set of legally relevant and geographically meaningful spatial practices. Nomoscapes 'are not simply occupied (as we might imagine figures in a landscape); they are *lived*' (Delaney, 2005, p. 1), because their legal meaning is 'socially constructed and ideologically informed' (Delaney, 2010, p. 104). Using the Channel to promote maritime cooperation is an act of 'geo-graphing' (O'Tuathail, 1996) that reflects the culture-specific relation between the community and 'its' marine space. The seal of the former is impressed into the waves and subsequently entrenched into the EU legal framework for cross-border cooperation.
- 32 Comparative law is particularly useful when it comes to tackling several issues that, across the Channel, seem to be intractable – at least from the geographical perspective. With its empirical approach, it shows attentiveness to the variables populating spatial production, thus pointing to the operational rules that make maritime cooperation work rather than focusing on the black-letter law. Take, for example, the territorial scale of cooperation. Geographers usually stress the asymmetry that exists between Kent County Council, the Pas-de-Calais department, and the *Conseil R gional du Nord-Pas de Calais* (now Hauts-de-France). More generally, they highlight the scalar mismatch between English counties and French local authorities (Bailey and Christidis, 2023). Their being incommensurable partners is also accentuated by the different constitutional systems under which counties, departments, and regions operate: the UK and the French one respectively (Huggins, 2018, p. 139; see also Sparke, 2000, p. 196). As the history of cross-border cooperation demonstrates, its partners need not stand on an equal (*i.e.* scalar and constitutional) footing. Nothing has indeed prevented Kent, Nord-Pas-de-Calais, or other coastal local authorities from undertaking maritime cooperation under EU law. Nor did the situation change when Nord-Pas-de-Calais was merged with the Picardie region in 2016 into Hauts-de-France¹⁴.
- 33 The law-as-a-spatial-practice also had a further implication on the Channel. Not only did local bodies duly comply with the constraints laid forth by their respective constitutional orders, but the instruments of EU cross-border cooperation (namely the Euroregion and the EEIG¹⁵) were also able to fill the asymmetric gaps between English counties and French Regions. This is beyond any doubt an effect of both the supremacy

of the EU law and of EU normative powers on territorial and social cohesion; mainly through the partnership agreements, both directly increase the competences of the actors involved in cross-border cooperation, fulfilling at the same time the objectives of EU integration¹⁶. This is the very positive implication of the Europeanisation of subnational and local powers. Instead of stressing incommensurability and limiting local competences, EU normative powers also acted as spatial practices strengthening cooperation in fields such as culture, regional planning, tourism, transport, and environment. The EU legal framework, I argue, did enhance the binational character of life of both the Channel and the local bodies located along and across it.

- 34 There is another issue that usually makes geographers wrack their minds in cross-Channel cooperation, i.e. its loose level of formalisation and institutionalisation. Although Kent and Calais had been cooperating since the early 1980s, an intergovernmental framework cooperation was absent. Certainly, several Memorandums of Understanding around the Channel were (and still are) signed (figure 4); yet, it is argued that they are simply political declarations of intent, with no legal force, merely listing the areas of interest in which cooperation can take place. In these areas, then, cooperation is based on thematic projects, without a political ‘narrative’¹⁷.

Figure 4. The map outlines the breadth of cooperation at the local level across the Channel.

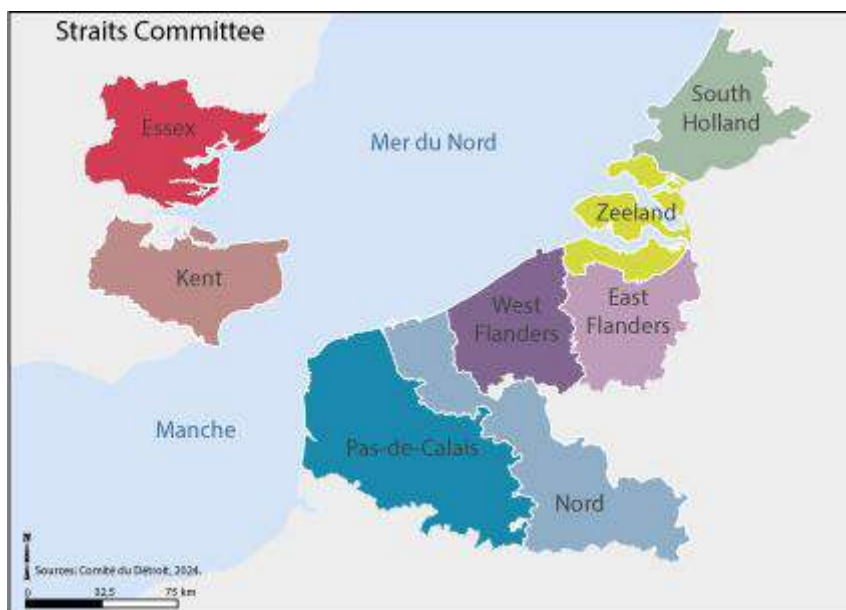


- 35 This predicament is not convincing, as the argument it uses (the political and fragmented nature of the instruments of cooperation) is not particularly conclusive on its own and does not take into account other relevant factors. The first one regards the same promotion of cross-Channel cooperation. The political (i.e. non-legally binding) level of cooperation is nothing else than the application of the above-mentioned imaginative leap; albeit fragmented and thematic, the areas of intervention are part of

the broader place-specific character of life which is the outcome of the Channel imagined geographies and ‘productive’ practices.

- 36 The second factor refers to the operational legal rules of maritime cooperation. When we say that, *on the Channel*, cooperation is political and informal, we forget that the law is one of the spatial practices involved in it; and that what is political is not necessarily legally irrelevant. Across the Channel, ‘political’ cross-border cooperation was developed as a part of the broader UK-France relations (e.g., the Treaty of Canterbury) – and this presupposes the compatibility of cooperation with their constitutional orders in terms of international relations. Likewise, the change in the interpretation of EU legislation to fund maritime cooperation was attentive to the Channel’s place-consciousness. Yet, cooperation across the Channel was not merely informal. Its actors blended Interreg programmes and non-Interreg cooperation networks, which complemented – rather than opposed – each other. Whereas the Hauts-de-France region usually applied for Interreg, Pas-de-Calais adopted an informal approach to cross-Channel Cooperation.
- 37 The way the legal-spatial practices were generated around the Channel acted as a template for other maritime places. Besides the Strait of Dover/Calais, the ‘Arc Manche’ (1996) became a network of French and English local bodies also using a mix of informal networks and Interreg fundings¹⁸. Likewise, the Pas-de-Calais department and Kent county council created the ‘European Straits Initiative’, which today comprises 24 territorial local bodies representing 11 straits, with the aim of promoting the specificity of European straits and their legal-geographical character of life¹⁹. This testifies to the replicability of the imaginative leap undertaken across the Channel. But it has also strengthened its durability, as the activities of the ‘Straits Committee’ (2002) demonstrate (figure 5). Even in the aftermath of Brexit, cross-border cooperation is still seen as a means of promoting the political governance of this geographical area, giving voice to its imaginative leap.

Figure 5. The local entities making up the Straits Committee.



Defying the character of the Channel. Brexit as a form of spatial production?

- 38 As we all know, the UK left the EU in 2020. In the UK's perspective, leaving the EU aimed to revitalise a 'collective place-consciousness' revolving around Great Britain and its insular *mentalité*. The consequences were threefold – at least in terms of cross-border cooperation. Firstly, mainstream Brexit narratives have pointed to a new process of spatial production, that of rebordering. As Robert Tombs highlights in *This Sovereign Island* (2022), rebordering depicts the UK as 'a European country' unlike any other. The British have always imagined themselves *gravitating towards* the continental landmass, which they 'rarely join' (Tombs, 2022, p. 1; For more on this process of place consciousness see Nicolini, 2023, pp. 241 and 253–255). Revitalising such a 'collective place-consciousness' also entails revitalising its imperial ambitions that have projected it out of Europe. Indeed, expressions such as 'Global Britain' or the 'Anglosphere' develop a *mentalité* that reflects its insular distinctiveness.
- 39 Secondly, the global-imperial ambitions are intended to open up the UK to a new oceanic enterprise. During the Empire, the British territories were networked through a variety of geographical connections, such as the 'cascade of islands' (Bottomley, 2020, p. 18) and the 'chains of islands and reefs' across Oceans (Mentz, 2015, p. 52). This insular constellation generated (and partly still generates) corridors aimed at linking territories 'in a hub and spoke model, occasionally with clusters connecting discrete geographical areas together such as the British West Indies' (Bromby, 2021, p. 36).
- 40 Thirdly, such oceanic ambitions unavoidably turn the UK's back on Europe. 'Brexit means Brexit' also because, as I said, it discontinued cross-border cooperation, particularly across the Channel. It is certainly true that 'the idea of the Kent coast as the new 'edge of Europe'' has changed (Hubbard, 2022, pp. 20 and 22). A sense of separation and rupture with Europe will be added to the process of coastal production, if the UK peruses it to impress into the Kentish landscape 'the negative politics of nationalism that accompanied the Brexit vote' with a policy of isolation and securitisation of borders, thus making the English southern coast arcifinous again (Hubbard, 2022, pp. 137).
- 41 This new scenario requires a renovated 'collective place-consciousness' be developed across the Channel. Yet, I assume that maritime cooperation has impressed long-lasting marks there. When referring to this predicament, in the introductory section I quoted from Phil Hubbard's *Borderland*, assuming that Brexit may probably (and progressively) 'strip away most of the layers' related to the Channel's place-consciousness; yet, the powerful legal-geographic feature, which is the same Channel, may help to preserve the 'character of life' of its riparian communities.
- 42 Again, quoting from Phil Hubbard, in this section I undertake a close inspection of the 'deep topography' of the Channel through its 'coastal perambulation' (evidently, an imaginative perambulation) *à la recherche* of the legal-spatial practices that still make up the Channel's character in the aftermath of Brexit (Hubbard, 2022, p. 18). If they want to take hold of their maritime place, communities must rearrange their imaginative leap through a constant exercise in legal geographical creativity to fit imagined legal geographies into the complexity of the post-Brexit real world.

- 43 In examining the deep topography of cross-Channel cooperation, there is the legacy of the Tunnel. What we know for certain is that Art. 3(1) of the Treaty of Canterbury adopts a geometrical approach to the jurisdiction on the 'Fixed Link', i.e. the tunnel. This is cut into two trunks by a linear frontier between the UK and France which is 'the vertical projection of the line' delimiting the continental shelf, thus explicitly extending the territorial matrix to the liquidity of the sea²⁰. Yet, the reality of the tunnel is different. As Article 4 stipulates, 'police and frontier controls' are to be organised in a way which will reconcile, as far as possible, the rapid flow of traffic with the efficiency of the control'; additionally, a protocol may consent police controls in the territory of the other State with 'free circulation throughout the Fixed Link of public officials and other person, so far as is necessary for the exercise of their functions'. No wonder, therefore, that they take place at its access points – and, in the case of railway connections, controls take place at the same railway stations (Folkestone, Calais, London, Paris, Lille, or Brussels). Paradoxically, this makes the 'fixed link' the symbol of the UK as 'a part of a cosmopolitan and networked Europe' (Hubbard, 2022, p. 113).
- 44 Despite the linear thinking of the Treaty of Canterbury, it is evident that tunnel has bolstered the porosity of borders in a post-Brexit period; and the Channel has fostered the idea of 'coastal liquidity'. Coined by Daniel Burdsey, Hubbard borrows it to refer to 'acknowledge the contested pasts, the messy and unfinished presents, and the uncertain futures of seaside and coastal places' (Burdsey, 2016, p. 20). It is a definition fitting for our purposes, particularly at a time of flux as regards the future of maritime cooperation across the Channel. It is fitting, because it also accounts for the paradoxical legacies of such a cooperation on the Kent borderscape in the post-Brexit scenario. Designed to welcome visitors at the rail terminal at Honeywell Coombe, Cheriton, the first legacy is Charles Newington's *White Horse* (1998) (figure 6). This giant figure of limestone dominating the slope over the terminal has been turned into a nationalistic 'addition to the landscape', testifying to the "very British" tradition of chalk figures in the landscape. Vice versa, a second legacy has to do with the White Cliffs of Dover. Like the White Horse, we said they were intended to become *arcifinious* again. Yet, coastal liquidity also affected the contested, messy, and unfinished Brexit; and the whiteness of their chalk hosted two artworks. Jason deCaires Taylor's *Pride of Brexit* (Jeffries, 2019) and the Activist Group Led by Donkey's projection of an SOS message to the EU in 2019 (Bonnie, 2019) was aimed at challenging the insular narrative of the UK departing from the EU (Hubbard, 2022, p. 6).

Figure 6. The Folkestone White Horse.



https://en.wikipedia.org/wiki/Folkestone_White_Horse#/media/File:Folkestone_White_Horse_cropped.jpg

- 45 In percolating the Kentish borderscape, these paradoxes accounts for long-lasting impacts of maritime cooperation on the processes of spatial production across and around the Channel. Certainly, the idea of coastal liquidity reflects the uncertainty of these processes when it comes to the future of these seaside places and coastal communities. Contested, as they are, they ultimately confirm that cross-border cooperation has tremendously changed the *deep topography* of these areas. With this unfinished spatiality, the imaginative leap is now embedded into the borderscape as a form of ‘shared memory and experience’, also giving room to ‘new ways to communicate, new expectations of ... groups regarding ... the needs and actions of political and social formations and institutions’ around the Channel. It does not come as a surprise, then, that these shared expectations perfectly match the very idea of ‘borderscape’, which has been developed to mark ‘a fluid, mobile, open zone of differentiated encounters – a border zone without borders’ (Anderson *et al.*, 2009, p. 21)²¹.

Legal-geographical interfaces. The normalisation of the Channel’s place-consciousness

- 46 My perambulation along the Kentish coastal borderscape has disclosed how the Channel has effectively become an ‘open zone of differentiated encounters’. This is particularly apparent when considering the concept of coastal fluidity as mirrored in the paradox of the linear frontier that the Treaty of Canterbury conceived of an arcifinous line tolerating incursions for the sake of rapid traffic flows and decentralised controls. Like a pendulum swinging back and forth, fluidity is also embedded in the nostalgic images of Britishness. Together with its idealised past, these are projected through chalk figures and artworks into the contested future of Brexit, whose borderscape is anything but finished. Ours is also a tour that has taken us on the other side of the Channel, where its coastal liquidity is less contested. Interestingly, the Channel is a real place of encounter, where identity and belonging are forged when, in Hubbard’s words, the ‘*edge of England*’ and mainland Europe merge into each other.
- 47 No wonder that Charlie Connelly has entitled his recent book *The Channel* – not *The English Channel*. The Channel, I add, *with no adjectives* (figure 7). If I understand him

correctly, his choice (and our ambition) is to disclose new avenues whereby UK and EU identities may meet, sooner or later, again through cross-border cooperation.

Figure 7. *The Channel.*



- 48 There is a further element that outlines the Channel as a place with its own character of life. The University of Caen website hosts the *Atlas TransManche*, which displays the whole bordering area (the sea, the coast, and local authorities)²². This strengthens the imaginative leap to fit imagined legal geographies into the complexity of the post-Brexit real world. This a real act of geo-graphing: through map-making, it gives consistency to the idea that the Channel area is a permanent geographical feature; and ‘what we ... sense is the presence of a code: permanent = important’ (Thompson, 1979, p. 27). This is an ideological, i.e. calculated, use of cartography, which may help us to turn challenges (such as Brexit) into opportunities (i.e. maritime cooperation is investable due to the objectivity of the cartographic representation of the Channel). Undoubtedly, the *Atlas TransManche* cartography is of the utmost importance to legal-geographical representation of the practices of maritime cooperation, as it helps us to code them and its geographical patterns in ways that fit into our conceptual framework. In other terms, the atlas represents – i.e. makes present to us – a particular representation of the Channel; like its borderscape, it becomes a repository of its legal-geographical place-consciousness.
- 49 Brexit or not, this new meaning still conveys the idea that the watery physical geography of the Channel reflects its ‘neutral’ reality. In so doing, the geo-political discourse naturalises the new meaning, turning the political appropriation of physical geography into ‘common sense’. In sum, the new ontology proposed for the Channel is normalised and eventually comes into existence when it finds its place on the map. *This is the strait, the Channel, its coasts, the Atlas says, because the imaginative leap has reshuffled these physical elements by making them part of our own politico-legal decision*²³.
- 50 The leap is particularly apparent in terms of imaginative geography. The character of the Channel is built ‘upon a number of civic town twinning links’ and relationships, and a sense of ‘shared history’ (Huggins, 2018, p. 140). It is, in sum, what Brinckerhoff Jackson would term a ‘political landscape’, which has been evolving ‘partly out of experience, partly from design, to meet some of the needs’ of its communities ‘in their

political guise' (Brinckerhoff Jackson, 1984, p. 12). Not only is this the basis for maritime cooperation, but the imaginative leap also acts as the interface to develop the deep topography of the Channel between physical and human geographies. Their imaginative leap makes it possible, I assume, to integrate the admixture of legal, political, and spatial practices into the character of life. When emphasising how human agencies impact on the environment, the *interface* I peruse is the third 'geography'. As a set of communities, it populates the Channel; as a set of legal geographical practices, it provides policymakers with the practical knowledge needed for manufacturing legal spatialities; in so doing the human/physical interface is reframed and 'deployed in space' (Lefebvre, [1974] 1991, pp. 27–28; see also Bachelard, 1986, p. 6). Finally, as said, the way we reshuffle the world is usually represented through words and maps which normalise our geographical 'dream'.

- 51 Peter Thomas provides us with an example of the construction of the Channel. In Kent and in the British media there were objections – not to say, 'serious misgivings' – as regards the fixed link 'as a potential threat to British identity'. Again, these objections pointed to its arcifinous borderscape represented by the White Cliffs of Dover. I already said that the imaginative leap normalised the maritime nature of cross-border cooperation; an akin process of normalisation started when 'visits to France and Belgium from the UK became a matter of routine and personal mental maps expanded to include locations on the European mainland' (Thomas, 2006, p. 17).
- 52 Likewise, the character of marine cooperation across the Channel cannot solely be reduced to the promotion of an economic space. The vivacity of the Channel has created an area gravitating around itself – *the Channel*, as we saw, without qualification. When promoting cooperation across it, the EU cohesion policy did not intend to make Kent – or, more generally, the British side of the *Arc Manche* – gravitate towards the continental landmass; rather, it aimed to integrate the coastal border regions because of its place-specific challenges. In so doing, it has become more than a cross-border cooperation area; through a constant exercise in legal geographical creativity, it displays a place-consciousness in its own right.

'A sense of commonness'. Concluding remarks beyond maritime cooperation

- 53 The UK leaving the EU seems to have had relevant repercussions on the character of the Channel. If its borderscape substantiates the place-specific 'character of life' of the communities bordering it, Brexit has certainly made it even more politically contested and socially fractured, paradoxically leading us all to acknowledge the legacy of the coastal liquidity triggered by EU-funded maritime cooperation. This character is unfinished – and probably messy, and Brexit will be likely to make the futures of its seaside and coastal places more and more unfinished and messier and messier.
- 54 What Brexit probably aimed to do was to legally discontinue the very idea of cooperation, as this was functional to counter the integration of the coastal border regions on either side of the Channel because of its place-specific challenges. What was contested was, in other words, the cartographic representation of the British side on the *Atlas Arc Manche* –; which could still mean gravitating towards the continental landmass. To this extent, the makers of Brexit realised that, within the processes of

spatial production, the law is a spatial practice that can be moulded so as to change its deep connection with the social, economic, and historical features present in the socio-geographical context of the Channel. The process of leaving the EU probably considered maritime cooperation only an instrument of EU growth and cohesion, that is, servient to framing the EU regional policy within the scope of the EU territory, where integration policies are enforced at a subnational scale. The UK considered the Channel as a synthetic jurisdiction; far from identifying a process of legal-spatial production, it acted as an instrumentality of the EU. In this sense, the Channel was not meant to 'define a prepolitical group' whose 'design' and 'character' was impressed into their territory from "outside" or "above" (Ford, 1999, p. 860.).

- 55 In legally discontinuing maritime cooperation, though, Brexit did so formalistically, by stripping the surface layer (*i.e.* the EU legal framework) of maritime cooperation, without showing attentiveness to the other spatial practices inherent to the Channel. But, also and above all, it did not realise 'that the fragment left', *i.e.* the pieces of legislation which got Brexit done, could not 'bear its own weight' in terms of spatial production (Watson, 1988, pp. 124–125). With its ebbs and flows, could Brexit realistically submerge the vivacity of the communities across the Channel, imposing on them a new character from "outside"? Like other variables, functional criteria may be territorialised, spatially reshuffled, and processed together with human, physical, and cultural geographical attributes.
- 56 The aim of the Channel, it goes without saying, is to create a strong relation between community and territory. Likewise, EU macro-regions and cross-border cooperation areas have the potential to go beyond the functional dimension of the EU, thus generating EU-related belongs of public law that transcend borders. Thomas Perrin, for instance, points to the 'sense of commonness' between the discrete communities of the macro-regions. In this 'commonness', he explains, lies the 'driving force' conveying 'the will or the need to cooperate in a given macro-region'. Environmental or economic issues usually act as drivers broadening the scope of territorial cooperation projects and the delivery of EU policies. At this scalar level, functional territorial cooperation requires 'symbolical and intangible incarnation'; citizens and stakeholders must 'be able to project [their own] vision and/or a representation on a given institution or authority, and to relate it to their own perceived identity' (Perrin, 2019, pp. 162–163; see also Perrin, 2022, pp. 206–213, and 235 for a broader examination of the idea of 'incarnation' of cultural identity in cross-border cooperation). Again, the imaginative geography acts as the interface between physical and human geographies in the production of legal spatialities.
- 57 If the Channel gravitates, it does so by revolving around its coasts, with its connections, separations, networks, and 'common interests such as industrial sector decline, territorial proximity, economic and urban structures', climate change, coastal erosion, and migration. No wonder, therefore, that the *Atlas* is a collaborative project providing a snapshot of the entirety of the Channel. This indeed does not cartographically represent a political narrative in post-Brexit EU-UK relations, but, rather, a sense of commonness (a place-consciousness, then) that still has a legal-geographical fixed link in the Tunnel and in the Treaty of Canterbury.
- 58 It is a sense of commonness that is also reflected in the Straits Committee, which tells us a different story. Created in the aftermath of the Brexit referendum (2016) to give voice to the UK-France governance of the same Straits, it now comprises eight local

authorities in France, the UK, Belgium, and the Netherlands. Launched in 2020 at Arras (Pas-de-Calais), it has a loose structure, adopting its decisions by unanimity; it has neither its own institution nor its own budget. It also has two main objectives: (i) to maintain cooperation with the UK despite the discontinuing of the Interreg; and (ii) to develop a common transnational narrative on issues linked to the Pas de Calais Strait (employment, youth-culture, and environment).

- 59 Again, this political (i.e. non-legally binding) level of cooperation still reflects the imaginative leap that led to maritime cooperation in the late 1980s. Albeit fragmented and thematic, the areas of intervention are part of the broader place-specific character of life which is the outcome of the Channel's imagined geographies and 'productive' practices. Likewise, its being informal does not mean that it will not activate a new process of legal-spatial production; as said, what is political is not necessarily legally irrelevant. These areas of intervention are there, as Brinckerhoff Jackson would have said, 'to insure order and security and continuity ... to remind' those living and producing the Channel 'of [their] rights and obligations and of [their] history' (Brinckerhoff Jackson, 1984, p. 12).
- 60 The maritime character of cross-border cooperation around the Channel, in other words, will probably not disappear. Simmering under the marine border, it will be shaping the futures of the coastal places, of their landscapes, and communities for a long time to come. Even beyond the Brexit narrative.

BIBLIOGRAPHY

- ANDERSON J. *et al.* (2009), "Culture, Co-operation and borders", *European Studies*, 19, pp. 13–29.
- BACHELARD G. [1942] (1986), *L'eau et le rêves. Essai sur l'imagination de la matière*, Paris, José Corti, 267 p.
- BAILEY S. & CHRISTIDIS A. (2023), "Local Government in the United Kingdom", in NICOLINI M. & VALDESALICI A. (eds.), *Local Governance in Multi-Layered Systems. A Comparative Legal Study in the Federal-Local Connection*, Cham, Springer, pp. 301–330.
- BLOMLEY N. (2023), *Territory. New Trajectories in Law*, Abingdon and New York, Routledge, 134 p.
- BONNETT A. (2008), *What is geography?* London, SAGE, 168 p.
- BONNIE C. (2019) "SOS signal beamed onto White Cliffs of Dover calling for Brexit extension", *The Standard*, 4 April 2019, <https://www.standard.co.uk/news/politics/sos-beamed-across-the-channel-to-europe-calling-for-brexit-extension-a4109626.html> (accessed on 20 June 2024).
- BOTTOMLEY A. (2020), "Between Islands: Colonial Legacies and Cultural Imaginaries", *Pólemos*, 14, pp. 1–25.
- BRENNETOT A. (2018), "A step further towards a neoliberal regionalism: Creating larger regions in contemporary France", *European Urban and Regional Studies*, 25, pp. 171–186.

- BRINCKERHOFF JACKSON J. (1984), *Discovering the Vernacular Landscape*, New Haven & London, Yale University Press, 165 p.
- BROMBY M. (2021), “The Cayman Islands: paradoxes of insularity in the Caribbean and other British Overseas Territories”, *Liverpool Law Review*, 42, pp. 35–49.
- BURDSEY D. (2016), *Race, Place and the Seaside. Postcards from the Edge*, London, Palgrave Macmillan, 295 p.
- CAMPLING L. & COLÁS A. (2021), *Capitalism and the Sea: The Maritime Factor in the Making of the Modern World*, London and New York, Verso, 432 p.
- CASTREE N. et al. (eds.) (2013), *Oxford Dictionary of Human Geography*, Oxford, Oxford University Press, 592 p.
- CHURCH A. & REID P. (1996), “Urban Power, International Networks and Competition: The Example of Cross-border Cooperation”, *Urban Studies*, 33, pp. 1297–1318.
- CHURCH A. & REID P. (1999), “Cross-border Co-operation, Institutionalization and Political Space Across the English Channel”, *Regional Studies*, 33, pp. 643–655.
- CONNELLY C. (2020), *The Channel. The remarkable men and women who made it the most fascinating waterway in the world*, London, Weidenfeld & Nicholson, 304 p.
- CORBIN A. (1990), *Le Territoire du vide. L'Occident et le désir du rivage, 1740-1840*, Paris, Flammarion, 411 p.
- DARIAN-SMITH E. (1999), *Bridging divides: the Channel Tunnel and English legal identity in the new Europe*, Berkeley, University of California Press, 273 p.
- DELANEY D. (2003), “Beyond the word: law as a thing of this world”, in HOLDER J. & HARRISON C. (eds.), *Law and Geography: Current Legal Issues*, Oxford, Oxford University Press, pp. 67–83.
- DELANEY D. (2005), *Territory. A Short Introduction*, Oxford, Blackwell, 2005, 165 p.
- DELANEY D. (2010), *The Spatial, the Legal and the Pragmatics of World-Making*, Oxford, Blackwell, 218 p.
- DRIVER F. (2001), *Geography Militant. Cultures of Exploration and Empires*, Oxford, Blackwell, 268 p.
- FORD R.T. (1999), “Law’s Territory (A History of Jurisdiction)”, *Michigan Law Review*, 97, pp. 843–930.
- FRÉMONT A. (1996), “L’espace maritime et marchand : pour une problématique”, *L’Espace géographique*, 25, 3, pp. 203–213.
- GODDEN L. (2020), “Legal geography – place, time, law and method: the spatial and the archival in ‘Connection to Country’”, in O’ DONNELL T. et al. (eds.), *Legal Geography. Perspectives and Methods*, Abingdon and NY, Routledge, pp. 130–148.
- GUDERJA M. (2012), “Local Government and European Integration – beyond Europeanisation?”, *Political Perspectives*, 6, pp. 105–128.
- HEDDEBAUT O. (2001), “The binational cities of Dover and Calais and their region”, *GeoJournal*, 54, pp. 61–71.
- HOGG R. (2022), “Law’s Other Spaces”, *Law/Text/Culture*, 6, pp. 29–38.
- HUBBARD P. (2022), *Borderland. Identity and Belonging at the Edge of England*, Manchester, Manchester UP, 264 p.

- HUGGINS C.I. (2018), “Building Cross-Border Governance in the Channel / La Manche Region: Successes and Failures”, in WASSENBERG B (ed.), *Castle-talks on Cross-Border Cooperation. Fear of Integration? The Pertinence of the Border*, Stuttgart, Franz Steiner Verlag, pp. 137–152.
- HUSA J. (2022), *Interdisciplinary Comparative Law*, Cheltenham and Northampton, MA, Edward Elgar, 256 p.
- JEFFRIES S. (2019) “Three lions on a beach: a sculpture for the age of Brexit”, *The Guardian*, 17 November 2019. <https://www.theguardian.com/artanddesign/2019/nov/17/three-lions-pride-of-brexit-sculptor-jason-decaires-taylor-protest> (accessed on 20 June 2024).
- JEPSON W. (2012), “Claiming Space, Claiming Water: Contested Legal Geographies of Water in South Texas”, *Annals of the Association of American Geographers*, 102, pp. 614–631.
- JOHNSTON R.J. (1991), *A Question of Place. Exploring the Practice of Human Geography*, Oxford, Blackwell, 280 p.
- KRICHER D. (2021), “Making Sense of Borderscapes: Space, Imagination, and Experience”, *Geopolitics*, 26, pp. 1224–1242.
- KRISTOF L.K.D. (1959), “The Nature of Frontiers and Boundaries”, *Annals of the Association of American Geographers*, 49, pp. 269–282.
- LEFEBVRE H. [1974] (1991), *The Production of Space* (trans. Nicholson-Smith D.), Oxford, Blackwell, 464 p.
- LEGRAND P. (1996), “European Legal Systems are not Converging”, *International and Comparative Law Quarterly*, 45, pp. 52–66.
- MAITLAND F.W. (1964), *Township and Borough: The Ford Lectures 1897*, Cambridge, Cambridge University Press, 242 p.
- MENTZ S. (2015), *Shipwreck Modernity: Ecologies of Globalization, 1550–1719*, Minneapolis, MN, University of Minnesota Press, 264 p.
- MOORE M. (2015), *A political theory of territory*, New York, Oxford University Press, 280 p.
- NAYAK A. & JEFFREY A. (2011), *Geographical thought. An introduction to ideas in human geography*, Abingdon and New York, Routledge, 360 p.
- NICOLINI M. (2022), *Legal Geography. Comparative Law and the Production of Space*, Cham, Springer, 296 p.
- NICOLINI M. (2023), “‘A Symptom of an Underlying Condition’. Law, the Humanities, and a Non-formalistic Approach to Brexit”, *Liverpool Law Review*, 44, pp. 239–264.
- OCHOA ESPEJO P. (2020), *On Borders: Territories, Legitimacy, and the Rights of Place*, New York, Oxford UP, 344 p.
- O’TUATHAIL G. (1996), *Critical Geopolitics. The Politics of Writing Global Space*, Minneapolis, Minnesota UP, 328 p.
- PERRIN T. (2012), “La coopération culturelle dans l’eurorégion Nord-Transmanche : une institutionnalisation sans institution ?”, *Fédéralisme Régionalisme, Varia*, 12. <https://popups.uliege.be/1374-3864/index.php?id=1132> (accessed on 28 May 2023).
- PERRIN T. (2019), “The cultural dimension of macro-regions: a prospective reflection”, in ABELS G. & BATTKE J. (eds), *Regional governance in the EU. Regions and the Future of Europe*, Cheltenham and Northampton, MA, Edward Elgar, pp. 152–175.

- PERRIN T. (2022), *La région au XXI^e siècle*, Bruxelles, Peter Lang, 292 p.
- PICOUET P. & RENARD J.-P. (2002), “Les détroits : des nouveaux territoires ? L'exemple du Pas de Calais”, *Mappemonde*, 65, pp. 7–11.
- PRED A. (1984), “Place as Historically Contingent Process: Structuration and the Time-Geography of Becoming Places”, *Annals of the Association of American Geographers*, 74, pp. 279–297.
- RELPH E. (1976), *Place and Placeness*, London, Pion, 166 p.
- SACK R.D. (1983), “Human territoriality: a theory”, *Annals of the Association of American Geographers*, 73, pp. 55–74
- SACK R.D. (1986), *Human territoriality: its theory and history*, Cambridge, Cambridge University Press, 272 p.
- SCHMITT C. [1950] (2003), *The Nomos of the Earth in the International Law of the Jus Public Europaeum*, New York, Telos, 372 p.
- SENNETT R. (2019), *Building and Dwelling. Ethics for the City*, London, Penguin, 368 p.
- SIEMS M. (2022), *Comparative Law*, 3rd edn., Cambridge, Cambridge University Press, 530 p.
- SPARKE M. (2000), “‘Chunnel visions’: Unpacking the anticipatory geographies of an Anglo-European Borderland”, *Journal of Borderlands Studies*, 15, pp. 187–219.
- STEINBERG P.E. (2011), *The Social Construction of the Ocean*, Cambridge, Cambridge University Press, 258 p.
- THOMAS P. (2006), “Images and economic development in the cross-Channel Euroregion”, *Geography*, 91, pp. 13–22.
- THOMPSON M.M. (1979), *Maps for Americans: Cartographic Products of the U.S. Geological Survey and Others*, Washington, DC, Department of the Interior, 265 p.
- TOMBS R. (2022), *This Sovereign Island. Britain in and out of Europe*, London, Allen Lane, 2022), 224 p.
- WATSON A. (1988), *Failures of the Legal Imagination*, Philadelphia, University of Pennsylvania Press, 174 p.
- WATT G. (2012), “Comparison as deep appreciation”, in MONATERI P.G. (ed.), *Methods of Comparative Law*, Cheltenham-Northampton, MA, Edward Elgar, pp. 82–103.
- WHEATHERHILL S. & BERNITZ U. (eds.) (2004), *The Role of Regions and Sub-National Actors in Europe*, Oxford, Hart Publishing, 180 p.
- WOOD D. (2010), *Rethinking the Power of Maps*, New York and London, The Guildford Press, 335 p.

NOTES

1. *On places as repositories*, see also Johnston, 1911, pp. 50–55. *On places as archives*, see Godden, 2020, p. 140.
2. The expression became topical in cultural geography: for a comprehensive survey see Nayak and Jeffrey, 2011, p. 97 *et seq.*
3. On the difficulties related to the Channel crossing see also Connelly, 2020, p. 6 *et seq.*
4. Connelly, 2020, pp. 281–282 reminds us of how ‘an estimated 65,000 Belgians’ fleeing from their mother country (occupied by the Germans) settled in Folkestone at the beginning of WWI in

1914. On the strategic location of Calais and Dunkerque in Anglo-French disputes see Sparke, 2000, pp. 194–195.
5. Due to Brexit, indeed, the 2014-2020 Interreg Programmes *France (Manche) - Angleterre* and *2-Mers* will not be renewed for the 2021-2027 period.
6. See also Darian-Smith (1999) on Kent's ability to stretch the UK borders well beyond the Channel.
7. « un vaste espace homogène de circulation » (my translation).
8. On the cross-border character of life in these French cities see Connelly, 2020, 183 *et seq.*
9. « l'homme ne fait ici que passer. Il ne laisse pas de trace, sauf ses poubelles » (my translation).
10. See also Connelly, 2020, p. 11: 'For centuries, this narrow stretch of sea has been an impenetrable barrier ... keeping [the UK] separate from the rest of the world'.
11. OJ L 185, 15.7.1988, pp. 9–20.
12. The Interreg II 'Rives-Manche' (1996) extended over several local authorities in both France (Somme and Seine-Maritime) and the UK (East-Sussex and Brighton & Hove), the Interreg III FR-UK (2000-2006) merged the TransManche & Rives-Manche programmes.
13. These programmes indeed stretched 'from Cornwall to Norfolk, from Finistère in France to the Delft Province in Westland in the Netherlands'. See The Key of the Cooperation Programme 2007-2013 at http://archive.interreg4a-2mers.eu/admin/page_ext_attachments/InfosclesUK.pdf (accessed on September 1st, 2023).
14. See the French Act n° 2015-29 of 16 January 2015 concerning the new regional demarcation, JORF n°0014 of 17 January 2015. See Brennetot 2018; Perrin 2022, pp. 109–111.
15. As said the 3 Belgian regions (Wallonia, Flanders and Brussels-Capital) joined the Cross-Channel Region in 1991, thus paving the way to the 'Eurorégion Transmanche', which became an EEIG on 08 December 1992. It was the first entity under public law in the European Union to become an EEIG. The Belgian regions left the EEIG in 2001-2002. The Euroregion officially came to an end in June 2003.
16. On the Europeanisation of local bodies see e.g. Anderson *et al.*, 2009, p. 21; Wheatherhill and Bernitz, 2004; Guderja, 2012.
17. Huggins, 2018, p. 138: 'early cooperation initiatives operated outside of legal frameworks and usually lacked formal recognition'; Thomas, 2006, p. 14. The use of the expression 'political narrative' was suggested by Nathan Rizzuto, whom I thank for it.
18. In 2005 Arch Manche became a political network comprising the French local authorities of Basse-Normandie, Bretagne, Haute-Normandie, Nord-Pas-de-Calais, Picardie, Cornouaille, Devon, Dorset, Southampton, Hampshire, West-Sussex, Isle of Wight, East-Sussex, Kent, Essex. It delivered several projects using Interreg funds (the 'Espace Manche Development Initiative' – EMDI, 2004-2008 via Interreg III-B 'Europe du Nord-Ouest'; 'Channel Arc Manche Integrated Strategy' – CAMIS, 2009-2013 via Interreg IV-A 'France (Manche) – Angleterre'.
19. The initiative also uses structural funds, such as in the case of the projects 'Network of Straits' (2012-2014) and PASSAGE (2016-2020).
20. See the 'Agreement Relating to the Delimitation of the Continental Shelf in the Area East of 30 Minutes West of the Greenwich Meridian', signed on 24 June 1982 at London and entered into force 4 February 1983.
21. On the use of 'the "borderscape" concept through a more nuanced treatment of the mechanisms of its construction' see Kricher, p. 1225.
22. See <https://atlas-transmanche-pp.certic.unicaen.fr/fr/> (accessed on 28 May 2024).
23. For more on this see Wood, 2010, pp. 56–57 as discussed in Nicolini, 2022, p. 55.

ABSTRACTS

The essay applies the practices of spatial production to maritime cooperation taking place across (and around) the Channel. Although its geographical features make its crossing particularly difficult, this stormy stretch of water has been a place of connection, co-operation, and separation between the UK and the Continent. This makes maritime cooperation around the Channel and its coastal areas an intriguing field of research in the aftermath of Brexit. Evidently, the Channel's collective place-consciousness will depart from that previously produced under EU maritime cooperation schemes. A renewed collective place-consciousness for the Channel is therefore needed.

Cet essai examine les pratiques de production spatiale comme outil de coopération maritime à travers (et autour) de la Manche. Bien que ses caractéristiques géographiques rendent sa traversée particulièrement difficile, cette étendue d'eau perturbée par les agents atmosphériques a été un lieu de connexion, de coopération et de séparation entre le Royaume-Uni et le continent. Cela fait de la coopération maritime autour de la Manche et de ses zones côtières un domaine de recherche intrigant au lendemain du Brexit. De toute évidence, la conscience collective du lieu de la Manche s'éloignera de celle produite précédemment dans le cadre des programmes de coopération maritime de l'UE. Une nouvelle conscience collective de la Manche est donc nécessaire.

INDEX

Keywords: maritime cooperation, Brexit, comparative law, production of space, place-consciousness, Channel, sense of commonness

Mots-clés: coopération maritime, Brexit, droit comparé, production d'espace, conscience du lieu, Manche, sens du commun

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