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Public safety in the border zone; a task for the euregio?

A study on the function of the Dutch–German euregions in the field of public safety

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Burgsteinfurt/Enschede, 24-08-2001

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“ Scientists are used to this. We know that it is consistent to be able to live and not know. Some people say, 'How can you live without knowing?' I do not know what they mean. I always live without knowing. That is easy. How you get to know is what I want to know.”

-Richard Feynman- [origin unknown]

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Preface

In the last six years I have learned to read and write again. What lies before you is part of this process, but this is not what makes me really proud. It is what I read between the lines that really counts.

I want to thank Peter Krevert and Andreas Kohl, who enabled me to work with them in the European Centre for Crime Prevention. Eric Neef who came looking for me when I was delayed at the station in Groningen. My parents for their general support. Doke Slobbe and Jaap de Wilde for putting me down when I was up and picking me up when I was down. Sonja for being there and making sure I stayed on my feet.

Summary

In recent years states have become more and more interdependent. What happens within one state can have large consequences for other states. This interdependence is especially salient in the border zone. Citizens on one side of the border are affected by things that happen on the other side. Public safety is one area in which this is the case. To effectively confront events that affect people on both sides of the border, there needs to be some kind of co-operation between states. One way this co-operation can take place is through the bottom-up approach of the euregions. This analysis looks at the functions of the Dutch-German euregions in the field of public safety and tries to explain these.

In order to be able to analyse the functions of the euregions in the field of public safety, attention is paid to theoretical constructs about regions, regionalism and borders. The theoretical notions can help to clarify the way an euregio functions and how this euregio can contribute in solving all kinds of problems that can arise in the border area. Within the chapter on regionalism several authors are featured. Their contributions on regionalism are used to formulate a working definition of what a region is. In this definition a region:

1. needs to consist of a territory;
2. needs to have some kind of function;
3. lies somewhere between state and local levels of government;
4. has no sovereignty;
5. can lie across national borders as long as the different national parts meet the third requirement.

A typology, originally designed by Rhodes, is used to demonstrate the position of three layers of government that are involved in a regional approach of border zone problems.

The analysis focuses on three public safety problems that have a specific impact in the Dutch–German border zone: problems related to drugs, police co-operation and disaster control. Drugs are a problem in the Dutch–German border zone due to legal differences between the two countries. Germans travel to the Dutch drug markets and this leads to an increased pressure on the Dutch authorities to cope with these customers. The German authorities are frustrated in their battle against drugs as the German drug users flock to the Dutch markets.

Police co-operation has been given increased attention in the recent past. The Schengen agreement has become a framework for cross border co-operation between police authorities, however, a lot of practical problems still remain to be solved. When a disaster occurs co-operation between auxiliary services in the border zone can be warranted. The border zone is a relatively high-risk area for disasters and the auxiliary services in the border area are less able to draw support from their colleagues across the border.

The euregions can play a role in attending to public safety problems in the border zone. They have an extensive network with relevant actors within the euregio area and have a lot of knowledge of the functioning of the two systems. The euregio, moreover, is a bottom-up movement and local actors are involved with its decision making. These characteristics make the euregio a good institute to amend specific cross border problems, among which are several public safety problems. The euregions, however, are relatively small organisations and therefore they cannot be expected to undertake large programmes by themselves. They are better in a mediating role by bringing parties together and provide them with their knowledge.

The Dutch–German euregions all deploy activities in the field of public safety, but there are differences. The activities are divided in three categories: complete policy, extended policy support and policy support. This division sheds some light on the function of the euregio in the field of public safety. It can be a role in which the euregio makes and executes its own policy, a more passive role in which the euregio supports policy ideas from third parties by supplying funds and assistance in the policy process, or the euregio can limit its role to simply supplying funds to finance policy proposals from third parties.

It is concluded that the function of the euregions in the field of public safety is twofold:

- The euregio can function as a networking organisation that brings people from both sides of the border together and facilitates them in working together to solve specific safety problems that occur or can occur in the border zone.
- The euregio can function as an organisation that executes its own policies.

Both functions entail some demands to be met. The networking function demands an organisation that has a strong commitment from the third parties in the euregional network. The function where the euregio executes its own policy, relies heavily on the quality and capacity of the euregional organisation.

1. Introduction

Every state has its borders. These borders are an essential part of the state, as they define what lies in and what lies outside. Essential as they may be to the state, borders can also be a nuisance for the people living near them. With the growth of the modern state organisations, the hindrance presented by borders is increasing (Uijen, 1999, pp. 82–83). The existence of borders creates a range of problems. Part of these problems concern public safety. These are problems concerning crime, drug tourism and also major disasters like the Foot and Mouth crisis affect. Although these problems are not specific for border regions, they do have a specific impact in border regions. Both the nature of these problems and the way they are coped with in the border area are somewhat different in the border zone compared with other areas. The border signifies a cleavage between systems and responsibilities that is not automatically and easily overcome when the situation warrants good co-operation. The problems that exist in the border areas are becoming more salient in face of the declining importance of internal borders in the European Union and the abolishment of border control. While border control within the European Union is mostly abolished, differences that lead to specific border problems do not disappear automatically. While the importance of territorial borders diminishes, this does not mean that state borders cease to exist: jurisdictions still end at the state border and differences in systems and procedures make it more difficult for auxiliary services to work together across the border. The weakening of the traditional territorial border thus reveals the still existing power of administrative borders. In solving problems that go beyond national borders there is a need for some kind of co-operation. One way this co-operation can be achieved is by means of the euregions, existing of local authorities in the border regions of neighbouring states. In this analysis attention will be paid to the functions that euregions have in furthering co-operation in the field of public safety.

The goal of this project is to shed light on the activities of the euregions on the Dutch-German border in the field of public safety and to look at possibilities for further co-operation in this field. On a more general level this is already analysed by Schobben (2000, p. 3), who aims to look at the current role of the political region in the European context and its possible role in the future. Most euregions have a department that deals with matters of public safety, even though there seem to be no large sums of European Union-money available for this policy

field. This is an indication that safety is indeed, at least locally, seen as an important issue. There exists little research on this topic and most of it is limited to police co-operation and to individual euregions. This analysis aims to deliver a broader view on the subject. Central to this analysis is the question:

What functions do the Dutch–German euregions have in the field of public safety and can these functions be explained?

To clarify what is meant with this question, its constitutory elements need to be defined. One of these is the word ‘functions’. This means what the euregio actually *does* in the field of public safety. The function is determined by activities in which the euregio is in some way involved and (tries to) exert(s) influence. Another term that needs explanation is ‘public safety’. This is a broad term which can mean a lot. The analysis is mainly focussed on crime, disasters, accidents and other safety problems related to the public domain. Most of these subjects have a more or less acute aspect: an accident needs to be attended to without avail in order to save lives and a criminal crossing the border should be pursued in the interest of justice.

European integration entails an increasing strengthening of regional identity. Regions try to seize more and more competencies at the cost of the national government. This process affects the way regions are organised and the tasks they perform. Regionalism contains a set of ideologies and theoretical constructs that shed some light at the functioning of regions. As euregions are a special type of region it is useful to look into aspects of regionalism before analysing the function these euregions have in the field of public safety. The second chapter will be aimed at getting an answer to the question:

What do the theories of regionalism comprise of?

This question is aimed at developing a theoretical framework that can be used to look at the specific aspects of regional development and the increase in (eu)regional activity. Numerous authors have contributed to the regionalism debate. In this study regionalism will be looked at from three perspectives: the European Union, the national state and the (eu)region. Before looking at the activities of the euregions in the field of public safety it makes sense to look at the problems that exist in this field. If there are no specific problems in the field of public

safety that are related to the border and the border region, then this analysis is of a completely different significance. The third chapter is therefore dedicated to the question:

Which public safety problems are specifically related to border regions?

This chapter begins by asking if there exist specific public safety problems directly related to the border. When this part of the question is dealt with, attention will be paid to three specific problems that are said to exist at the Dutch–German border, namely: problems that warrant police co-operation, drug problems and problems related to disaster control.

After completing the public safety background of the analysis, it is time to look at the euregio and its role in the field of public safety. The fourth chapter will take a closer look into:

What can the euregions be expected to do in the field of public safety, in the face of their organisational structure, competencies and international regulations?

This question is aimed at getting an idea of how we can expect the euregio to behave in the specified field, based on its history, organisation, competencies and international regulations. The answer to this question can be used later on to come to a comparison between what the euregions could achieve in theory and what they are realising in practice.

It is interesting to know what the policies of the euregions in the field of public safety are, this knowledge can be compared with their abilities to act in the public safety arena. This again helps to formulate an answer to the central research question. The question dealt with in the fifth chapter is:

What activities do the euregions employ in the field of public safety?

This question is used in the examination of the five Dutch-German euregions. By looking at their activities and their policies, it is possible to determine the actual function of the Euregions in the field of public order and public safety.

The analysis that will be conducted is a qualitative and explorative one. There exist hardly any earlier studies on this topic and of what exists most is aimed at the euregio Meuse-Rhine

and on police co-operation. Most of the literature used is only partially and/or sideways related to the topic. The literature is mainly limited to the theoretical part of this contribution. For the empirical part a lot of information has been obtained from professionals in the field. Open interviews about the topic have been held with five representatives from the Euregions which either are the head of the euregio's administration or are involved with policy making in the field of public safety within the euregio. Next to this a 'snow-ball approach' has been used by asking the first subject where to get more information and literature on the topic. Looking at the type of knowledge that is aspired a qualitative analysis is chosen. The research will be mainly explorative because of the limited existing information on the topic and the limited time available for this research project.

2. Regionalism: a theory?

2.1 Introduction

The theory of regionalism does not exist. Different authors on regionalism use different concepts in describing and defining regionalism. In this chapter some of these contributions are highlighted to arrive at an answer to the question:

What do the theories of regionalism comprise of?

Several authors on regionalism will be displayed and the focus thereby will be on three perspective's: the national state, the European Union and the (eu)region. However before describing regionalism, some attention is given to the definition of what a region consists of.

2.2 The region

Intuitively it is rather clear what a region is. The word region is often used in daily living without thinking about what a region really is. An important aspect of most theoretical debate on regions however, is the definition of the word region. The concept of region used in this analysis is one in which the region is an entity that lies between the levels of the state and local authorities. The first problem that arises when using this limitation is the position of the euregions that do not seem to fit into this definition. This problem will be dealt with later.

Schobben (2000, pp. 10-27) mentions several definitions of a region. He starts with a division between two structuring principles:

- The single feature region, an area defined as a region mainly on one feature.
- The multiple feature region, an area defined as a region on the basis of multiple features.

Schobben furthermore identifies six features that define single feature regions: the region as a territorial division principle, ethnic or historical regions, planning and functional regions, the economic region, the region as a statistical instrument and the autonomous region.

- In the case of the territorial division principle the region consists of a territorial unit which is part of a larger entity, this can be regions of the world, groups of countries or parts of

countries. Schobben (2000, p. 10) admits that all regions essentially are territorial defined entities. On the other hand it can be said that a region only consisting of a certain territory, and lacking any other significance has no practical meaning at all. A region thus always has a territory (the cyber region may be an exception to this) and all regions necessarily consist of more elements.

- The ethnic and/or historical region is an area in which people feel connected with each other through a shared ethnicity and/or history. This is one of the main reasons for the founding of the 'older' euregions, which were founded before the European funds came into the picture. These original euregions were founded by local authorities who felt that the border should not wipe out a shared history and cultural identity.
- The planning and functional regions are aimed at performing a specific task. This task defines the scope of the territory. This type of region does not fit in with existing arrangements of regions, but instead a new division into regions is made to fit the policy it is created for. An example can be the Dutch police regions, which were more or less created to fit the new police organisation.
- The economic region is a region primarily based on economic features. The division can be made on an industrial sector basis, on the basis of economic contrasts or it can be economic development regions defined by the European Union to fit its structural policy. Although these regions differ from other regions in the sense that they are involved with economic issues, it is difficult to say that they are fundamentally different compared to the functional regions described above, they merely constitute a subset of economic functional regions.
- The region as a statistical instrument is best illustrated by the NUTS (Nomenclature of Units for Territorial Statistics) classification that is used within the European Union to divide a member state in five levels. Level 1 consisting of the territorial units directly below the state and level 5 consisting of local municipal government. This classification is based on certain criteria that are said to enable cross national statistical comparison of regions. If possible existing territorial units are assigned a NUTS level and if that is not possible or feasible a new level is sometimes introduced (often without a practical function).
- The autonomous region is characterised by the fact that there exists some kind of autonomy and legitimacy derived from a regional authority which has it's own directly chosen legislative body. Examples of this variant are the German *Länder* and the Dutch provinces.

This division made by Schobben should not be seen as a complete and foolproof division of regions, but more as a guideline to elements that have a different scope and relevance in outlining the meaning of the word region. Not all possible forms of regions are included and moreover, some included features overlap each other. Some of these 'features' will be used in a later stage: there will be some attention for territorialism and functionalism as fundamental components of the region. The ethnic/historical feature and the autonomic region will return when describing regionalism.

When Schobben describes the multiple feature region he mentions that the single featured regions can overlap each other and actually most regions are no pure single featured regions. Most combine one or more features. This leads him to formulating the definition of a multiple feature region: the so called 'political region' which integrates functional, territorial and identity aspects of the region. Schobben identifies eight characteristics that define the 'ideal' political region:

1. Since a region forms some kind of territorial unit, a political region must have a territory.
2. The region's territory is always part of a larger territorial unit.
3. The region's territory can lie within the territory of a national state, but can also cross national boundaries.
4. There needs to be a human community that exists on the basis of a shared feeling of togetherness. The region needs to obtain a minimal amount of support from the population. The basis of this support can lie in a collective history and culture and possibly ethnic and language similarity.
5. There needs to be a more or less autonomous regional-political representation of interests.
6. The region needs to have its own direct democratic legitimisation. This means there needs to be a representative body that is directly elected by the population.
7. The region needs to represent the interests of the community members.
8. The region can only be autonomous within the space allowed by supranational units (like the European Union), the national state and higher regional units.

With this division it is not said that all political regions necessarily need to have all the characteristics described above, they merely paint a theoretical picture of what a political region should look like. In fact if all these conditions need to be met there would be very few regions in Europe and there would be even less, if any, euregions. However most regions meet at least a few of these conditions, like territory (No. 1) and being part of a larger unit

(No. 2) are fundamental for all regions. The definition formulated by Schobben has some weak points. There is some tension between the demand that a region needs to be part of a larger territorial unit and the addition that a region can lie across state borders. Schobben made this addition to avoid leaving out the euregions, but this addition disqualifies the state as the 'larger territorial unit'. Next to this several of the eight demands are more or less normative: Schobben feels the region needs to have a community based on a sense of togetherness (No. 4), to have its own direct democratic legitimisation (No. 6) and represent the interests of community members (No.7). These demands however, as noble as they might be, are not absolutely necessary to recognise a (political) region. Most regions and even political regions can be defined using a less stringent definition. I think it is possible to formulate a less stringent definition of the term region, without including irrelevant entities.

Alen (1975, pp. 42-43), in contrast to Schobben, discerns three forms a region can assume. First there is an administrative region, which is a governmental body that sets the broad lines of municipal policy in the region concerned. Secondly Alen describes the functional region. Here the region is an economic institution that has several functions that serve to synchronise state interventions on the regional level. Third Alen describes the political region that functions as a territorial collectivity that lies in-between the decentralised unitary state and the federal state. Alen describes six criteria that determine a (political) region:

- The national state has to transfer a certain amount of legislative power to the region.
- The region needs some kind of fiscal competency.
- The region needs to become a public or private body.
- There need to be direct elections for a representative council.
- There needs to be an executive board that is responsible to the council.
- The region has a basis in the national constitution.

Some of these criteria seem more or less arbitrary seen from a theoretical point of view. To understand the choices as they have been made by Alen, the reader has to keep in mind that Alen has been writing from a Belgian perspective and with his writing aimed to advise his government how to deal with the internal ethnic-cultural schisms. This means that most of his writings are aimed at a practical appliance in Belgium, but they do demonstrate how a specific region can look like. His definition should not be seen as an effort to a general definition of a (political) region. In addition to his definition of a (political) region, Alen provides a list of matters that need to be considered when constructing regions (Alen, 1975, p. 49). He tries to

formulate a juridical demarcation of the region. First he states that a region needs to have a certain homogeneity in geographical, economic and historical spheres. Second there needs to be a certain heterogeneity that sets the region apart from other regions. There also needs to be some kind of social-economical unity within the region. Furthermore different regions need to be more or less similar in population and size and the region needs to have a minimal number of inhabitants and territory. As said above these matters are heavily influenced by the specific Belgian situation. Nonetheless some of these notions are of a more universal relevance and applicability.

In defining the region Sodupe (1999, p. 59) uses a definition constructed by the assembly of European regions. In this general definition: “a region is a territorial unit immediately below the sovereign state, with a system of self-government”. A region “should have it’s own constitution, statute of autonomy or other law which forms part of the legislation of the state, and which determines how the region is organised and what its powers are”. This definition is rather exclusive and therefore Sodupe proposes to cross off the demand for a form of self-government. The reason for this is the hetrogenic nature of regional organisation in the European Union. What then remains of the definition is that a region needs to be a territorial unit directly below the level of the national government. As a definition of the region this is somewhat too broad: a region is not just a line that is drawn on a map, it consists of more than territory alone.

Keating (1995, p. 11) acknowledges this when he writes on the definition of region in the European context: “While there is consensus that the term refers to space, the notion of space itself can have several meanings: territorial space; political space and the space of social interaction; economic space; functional space. A region is the result of the meeting of various concepts of space”. As refreshing as this contribution may be, Keating does not supply a general definition of the region.

Tägil (1983, p. 18) sees the term region as an umbrella-term that includes: “different types of territorially-determined units distinctively marked off from their surroundings and possessing some form of, or claim to, their own identity”. This description is too broad as it effectively entails that all territorially determined units, if they can be marked off from their surroundings (which will be no problem in most cases), can be a region at will.

Rhodes (1986, p. 1) introduces the term 'subcentral government' (SCG). This term enables him to avoid the need of defining the difference between local and regional government. Subcentral government encompasses all decentralised units of government. This definition also draws attention to the diversity of governmental and political organisations functioning on a decentralised level.

Having dealt with these contributions towards a definition of what a region is, a working definition of the concept 'region' is needed. When looking at all the above, certain aspects stand out. This analysis needs a practical and comprehensive definition that also accommodates for euregions. With these demands in mind the term region can be defined as follows:

1. A region needs to consist of a territory.
2. A region needs to have some kind of function.
3. The region lies somewhere between the state and local levels of government.
4. A region has no sovereignty.
5. A region can lie across national borders as long as the different national parts meet the third requirement.

This definition of the term region might seem more or less arbitrary, therefore all five points will be explained in more detail. It is clear that a region always consists of a territorial aspect, allowing for a possible exception like a cyber region. This is not to say that the region 'owns' this territory, but it is territory on which the region deploys its activities. A region also has a functional aspect, without a function a region only is a random grouping of territory. Even though a region can be a part of any 'larger territorial unit' as Schobben claims, I have chosen to see the state as this larger unit. The reason for this choice is partly given by the fact that the euregio is the focus of this analysis and also because if the larger territorial unit is not specified there is virtually no limit to what a region can consist of. The region lies below the state level and above the level of local government when looked at the size of its area. There can be no sovereignty for a region, as this turns the region into a state. The state is the larger territorial unit and thus cannot be a region itself. To avoid disqualifying the euregions, a region can lie across national borders. This is possible because the definition does not make any assumptions about the region being part of the national state system (comparable with the way a multinational company operates in different countries) and the region has no sovereignty, so there can be no sovereignty problems that would otherwise arise when the

region crosses a state border. That there can be problems in the functioning of regions that are part of different states is of no concern here.

2.3 The border region

The main focus of this study being the euregions in the border region, I now turn to discuss this specific form of region. Before being able to do this, some attention needs to be paid to the notion of ‘border’. A border is where the state begins and ends. According to Christiansen and Jørgensen (2000, p. 63): “This is how the concept of a ‘border’, of an absolute division into ‘inside’ and ‘outside’, has defined the modern state system: the principle of territorial sovereignty, on which states base their legitimacy and power, is unthinkable without the presence of a boundary”. The growth of government in the sense that the government took on an increasing amount of tasks, has increased the impact of state borders. Within the state there also are borders. They mostly are of lesser importance than the state borders, but they can also be rather significant as Christiansen and Jørgensen (2000, p. 64) illustrate: “...the border between one US state and another can be, quite literally, the dividing line between life and death: in roughly half of the states in the US the criminal code provides for capital punishment”. Schobben (2000, p. 104) divides the functions of borders into normative functions and empirical functions. Normative functions of the border, like the placement of the state in the international arena, control, protection, the creation of a feeling of nationality and the monopoly on the use of violence of the state, are exponents of a territorial border and are defined by law. Within the empirical function of the border, Schobben features a table in which he describes four modes of functional boundaries.

Table 2.1 Four types of borders

Type of borderland	The function of the border	Main feature	Empirical manifestation
Alienated	Divider	Hermetic border	Ultra-hard border
Co-existent	Bottleneck, Filter	Porous border	Hard to moderate border
Interdependent	Open border	Open border or ‘soft border’	Expired territorial boundaries, maintained system borders
Integrated	Transnational	Area without borders	Dissolving soft borders through social and cultural integration

Within the alienated borderland, the border is a divider of two areas and as such forms a nearly impenetrable obstacle for interaction. The co-existent border is characterised as a bottleneck or a filter between two areas, interaction is monitored but possible. The interdependent borderland, exists of two interdependent areas that are only functionally divided. The integrated borderland is an area that has virtually no border running through it, actually the border of this integrated borderland itself has become of a greater importance. Schobben (2000, p. 105) claims that in the present West-European context there are co-existent and interdependent borderlands.

At this point the notion of what a border is, should be reasonably clear and so it is time to return to the matter at hand, the definition of a border region. This is very important because the border or the border area is blurred. Is the border area an area that lies within 10 meter or within 100 kilometres from the border? Schobben (2000, p. 106) makes a clear distinction between several conceptions of border areas. First he recognises the ‘border zone’, this is a space that consists of two or more adjacent areas that are divided by state borders and has no clear demarcation. A ‘transnational border region’ is an area that lies within or coincides with a ‘border zone’ and form a geographically well-defined co-operational community, e.g. an euregio. A ‘national border region’ is a region according to national law that lies against the state border. The term ‘border area’ is reserved for the national parts of a ‘border zone’. In the rest of this analysis this classification will be adhered to.

2.4 Territorialism and functionalism

In the above there already has been some attention for territorialism and functionalism in relation to regions. To avoid unnecessary complicating the following discussion on regionalism, which also deals with matters of territory and function, the two terms are discussed separately. Territory and function are the core of every region. No region can exist without having at least a little territory and a small function. The notion of territorialism implies a region that is mainly based on a territory with clear borders that determine where the region’s competencies end. Within functionalism there also is a territory, but the function of the region is more important than the territory. The territory is determined by efficiency considerations (task X can be carried out best with a region of size Y). The region’s discerning feature is the task they perform, not their territory. A functional region is mainly aimed at performing certain tasks and derives its competencies from mainly territorial units

like national states. As a result functional units always are confronted with two borders: the border of their function and the border of the territorial unit they derive their power from (van der Dussen, 1992, p. 25). In short it can be said that with territorialism the function is shaped to fit the territory and with functionalism the territory is shaped to fit the function.

Boschma and Schobben (2000, p. 1) notice a development within the European Union from territorialism (the dominance of the nation state) with stringent often non functional borders to a less hierarchical functionalistic system with less stringent functional borders. They note two processes that led to this development. First they claim a reorientation of policy principles from (Keynesian) welfare thinking based on state intervention towards (Neo-liberal) market principles and later (Third way) associative principles. Second there has been an emergence of multilevel governance. Several competencies are transferred to international organisations or are dealt with on an intergovernmental basis. In the mean time, on the sub-national level, regions are bestowed with or have claimed a stronger position within the national governmental structure.

Christiansen and Jørgensen (2000, pp. 63-64) have contributed on territorialism, functionalism and European integration. Originally European integration concentrated on functional integration: "Integration has been regarded as a process of pooling the governmental functions of states, not of uniting their territories". This quotation makes clear that they see functionalism as the transfer of certain policy competencies to other actors (in this case the European Union) and territorialism as the core of the national state. The increasing development of functional integration makes the national state cling to its territorial sovereignty, which is getting weaker with every advance in the ongoing European process of functional integration.

Keating (1998, p. 19) divides regional space into territorial space, functional space and political space. He starts by saying that a region is a territorial entity, and territorial regional space can be defined as the intermediary between state and municipal government. Keating admits this definition has its limitations. He states that there are cases that do not fit into his definition, but he does not mention any. The functional space of regions consists of powers in the field of planning and programming and also in economic matters. Regions can also play a cultural role in areas where there is an ethnic and/or linguistic particularity. Regions can also

play a role in areas where the state has failed to provide policy. Political space refers to a space where the political debate can take place.

This overview of contributions on territorialism and functionalism is meant to illustrate the transformation that is taking place inside the European Union. This transformation, from a situation in which states are sovereign (territorialism, as the state still is the prime unit when it comes to territory) towards a situation in which several actors fulfil certain tasks autonomously (functionalism, the situation in which an actor has a certain task that does not follow from territorial sovereignty) and the supreme power of the state has come to an end, has important implications for the region. The weakening of the state means there will be more space for the regions to operate on. This development warrants more attention to theories of regionalism.

2.5 Regionalism: an introduction

According to Schobben (2000, p. 30) regionalism is a term used to describe ideologies or political movements that emphasise a specific regional identity. This means that regionalism has a 'bottom up' origin. The population of a region has a sense of togetherness based on mutual traditions, language and history. Regionalism can be set apart from regionalisation (Schobben 2000, p. 27). Regionalisation entails an action from a higher authority like the nation state, that divides areas into regions which are aimed at managing certain problems; a top-down approach. Some authors on regionalism in fact are writing on regionalisation.

Schobben (2000, p. 30) describes four types of regionalism:

- Primary regionalism. This takes the form of cultural and ethnic minorities demanding equal treatment, but not necessarily striving for a specific regional division adapted to their group.
- Secondary regionalism. There are reform movements demanding more political decentralisation. They aim not to defend certain territorial-regional interests, but to counter state centralism.
- The constitutional school. Regionalism is seen as a basis for the formation of regional entities with their own constitutional statutes.
- Europe of the regions. Regionalism is used as an ideology to replace the existing model of the Europe of national states with a new model that exceeds the state system.

Rhodes (1986, pp. 45-51) features three models of triadic relationships between the European Union, states and the regions: The Hierarchic, the Consultation and the Participatory model. These models each describe the relations between three layers of government in the European Union: the supra national government (SNG), the national government (NG) and the sub central government (SCG). According to Nus (1997, p. 38) the European Union forms the SNG level, the Dutch national government, the German *Bund* and partially *Länder* (in so far as their autonomous tasks are concerned), form the NG level. The SCG level is formed by “any and all decentralised units of government” (Rhodes, 1986, p. 2). This means that regions have to be seen as sub central governmental units. Nus claims that these models cannot be directly applied to euregions (1997, p. 38), but Schobben effectively does so when he places his political region in the models formulated by Rhodes: an euregio can in principle be a political region and therefore it falls under the definition of a sub central government.

When looked at the publications of Schobben, Nus and Rhodes, each of the models can be seen as a representation of the ideal situation for one of the three actors involved. The hierarchic model is the best alternative for national governments, in this model they are the gatekeeper between the European Union and sub central governments: nothing passes without their consent. The consultation model is the most ideal from the supranational point of view as the absolute power of the nation state is weakened in favour of the European Union, without bestowing the sub central governments with too much power. The sub central governments profit most from the participatory model. In this model the sub central governments have the most complete participation in national and supranational decision making processes. The three models are dealt with in more detail in the sections concerning their respective protagonists. What needs to be stressed here is that the models are not only just models, but also only represent possible ideal situations.

2.6 Regionalism and the state

As has been said above, regionalism from the perspective of the state often has to be seen as regionalisation. The state divides its territorial space into smaller regions (sometimes the same regions it has historically united into one state). This division is primarily aimed at a more effective approach of certain policy problems, although sometimes it also meets regionalists claims to restore historical regions. Pure regionalism is often seen as a threat to national sovereignty, according to Petersen cited in Schobben (2000, p. 31): “Regionalismus ist für sie

gleichbedeutend mit ‘Sprengstoff’ für ihren Staat”. Leersen (1999, p. 132) makes a two way classification of regionalism: Autonomy and Heteronomy. He describes Autonomic regionalism as a kind of mini-nationalism, with increasingly smaller units that claim their own sovereignty. Heteronomical regionalism (which he favours) implies the willingness of the state to recognise and accept the cultural diversification of its citizens and letting this existing cultural differences blossom through flexible and tolerant legislation, without handing over any sovereignty to the region. Thus described, regionalism is little more than a specific form of nationalism.

Alen (1975, p. 46) claims that regionalism means a splitting of authority. Regions take over part of the authority that once belonged to the state. Regionalism and regionalisation, however, can also have a positive effect from the viewpoint of the national state. By moving the government towards citizens and thus strengthening local and regional authority at the expense of the state, the state also improves its legitimacy and democratic accountability (Armstrong and Taylor, 2000, p. 340). This could prove an incentive for a national government concerned with problems of legitimacy and accountability to stimulate regionalisation and regionalism. Another possible positive effect of regionalisation from the position of the state is mentioned by Wright (1998, p. 45): “... transferring intractable problems or costly welfare obligations down the territorial chain may be a perfect way for central elites to strengthen the centre. It is clearly far more convenient for the centre to stabilise its own tax demands while denouncing the increases in local taxes which are frequently necessitated by the transfer of those obligations”.

Keating (1995, p. 12) speaks of top-down regionalism where Schobben speaks of regionalisation. This top-down regionalism is an effort of the state to deal with problems it is faced with. These could be demands from the regions for a greater amount of autonomy or specific economical problems. The Dutch governmental standpoint on cross border administrative co-operation (de Vries, 2000, pp. 3-5) refers to three forms of regionalisation:

- Regionalisation without creating a regional level of administration. This process makes use of existing administrative bodies that are reorganised to fit their new role.
- Regional decentralisation: new regions are created or existing functional regions are given a more territorial role.
- Political regionalisation: regions are awarded a certain amount of autonomy in their relations with the national government.

The Dutch governmental standpoint on cross border administrative co-operation (de Vries, 2000, p. 6) recognises the emergence of regions in Europe and sees it as its task to guard against the risk of friction between the state and regional levels of government and also to attain a certain synergy between all levels of government in implementing European policy. Seen from the perspective of the national state the Rhodes' hierarchic model is the most feasible.

Figure 2.1 Hierarchic model



The hierarchic model (Nus, 1997, p. 39) is the most basic model of the three. In this model there exists a hierarchic relation between the three levels of government. The national government (NG) is the central actor between both the sub central governments (SCG) and the supra national government (SNG). The national government tries to maintain its dominant position in the wake of the growing power of supra national government. The national government is the axis of the decision making process and functions as a gatekeeper that regulates relations between both supra national and sub central levels of government.

2.7 Regionalism and the European Union

Schobben (2000, p. 49) mentions the subsidiarity principle and the installation of the Committee of the Regions as a starting point for the formal relations between the European Union and the regions. The subsidiarity principle was originally aimed at relations between the European Union and its member states. The principle according to Barents and Brinkhorst (1996, pp. 135-136) is multi-interpretable. The principle concerns those tasks that do not fall under the exclusive competency of the European Union. The European Union only acts:

- when and insofar as the goals of the action cannot sufficiently be achieved by member states themselves;
- and when due to the scope or consequences of the intended action, the set goals can be better achieved by the Union.

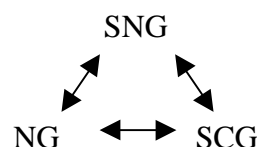
Schobben (2000, p .55) claims the subsidiarity principle should also be applied to the relations between the European Union and the regions and also to the relations between member states and regions. When the principle will be applied to these relations, the regions will acquire a more important role (Schobben, 2000, p. 97). The treaty of Maastricht holds the founding of the committee of the regions. This committee was installed to recognise the interests of the regions of the Union. As to date this committee has remained an advisory body to the European Union. These developments, although not directly increasing the power of the regions, show that within the European Union there is a movement towards the Europe of the regions, where states have a less dominant political role.

The European structural funds also played a significant role in the emergence of European regions. At the start these funds were mainly allocated and divided by member states. In recent years this has changed and now the regions are the prime beneficiaries of these funds, in that allocating and dividing the European structural funds has become a responsibility shared between the European Commission and the regions.

These developments could be seen as an effort of the European Union to weaken the power of the states by applying the old adagio of divide and rule. The diminishing of the importance of the state can also be seen as a condition to the advance of European integration, the idea of one European identity demands that national identities lose their prevalence. This view is more or less supported by Christiansen and Jørgensen (2000, p. 63) when they suggest that European integration, which is predominantly functional, does have territorial consequences. This way functional integration does affect the territorial sovereignty of the state.

When returning to the three models formulated by Rhodes (1986, p. 45), it is the consultation model that best fits the supranational perspective.

Figure 2.2 Consultation model



According to Nus (1997, p. 39), in the consultation model power lies not solely in the hands of the national government. The communal and regional policy of the supra national government (SNG) demands an increasing active role for the sub central government (SCG). The national government (NG) consults the other actors in policy matters. This does not mean

that all three parties are equal, but the absolute dominance of the national government, as found in the hierarchic model, has disappeared.

2.8 Regionalism and the (eu)region

Sodupe (1999, p. 74) describes regionalism as an: "...aspiration on the part of the regions to acquire a greater decision-making capacity, an aspiration which nowadays is largely motivated by the desire to face the challenges of increasing interdependence". In this description it is clear that regionalism emerges from the region as a bottom-up ideal of how to face specific regional problems.

Keating (1998, pp. 14-15) recognises six forms of what he calls bottom-up regionalism. These six forms are ideal types and thus can also be found in various combinations:

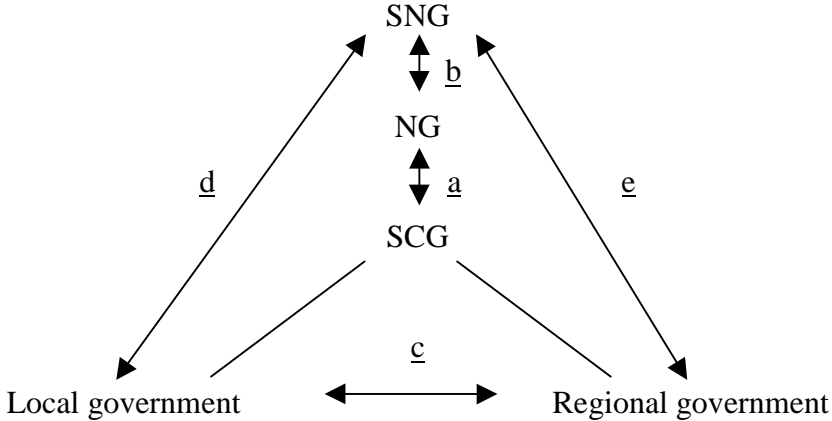
- Conservative regionalism: regionalism is seen as an effort from the community to resist central developments like homogenisation and secularisation of the state.
- Bourgeois regionalism: this is an effort from within relatively advanced regions (industrial, economical) to free themselves from the obstacles placed by the state and other regions that lag behind.
- Technocratic regionalism: here regionalism is seen as an opportunity to depoliticise development and modernisation, the region is then a platform where technical experts can decide on the best solutions to problems from a professional point of view.
- Progressive regionalism: this regionalism is based on notions of unequal development and internal colonialism whereof some regions suffer.
- Populist regionalism: is directed against the centralising state, against income distribution in favour of poorer regions and against immigrants.
- Separatist regionalism: in this form of regionalism, the region aims to separate from the state they currently are part of to form a new independent state.

These forms of regionalisation function as the background reason for the emergence of most regionalistic movements, including the euregions that were founded before the launching of the European structural funds.

When looking at the models of Rhodes, his participatory model fits best the perspective of the (eu)region. Subcentral governments are taken more seriously and have the ability to operate individually and also jointly towards the state and the supranational government. It needs to

be stressed again that this model is to be seen as an ideal model. Where the other two models can be more or less seen in practice, the participatory model still remains utopian:

Figure 2.3. Participatory model



In this model subcentral governments (SCG) almost fully participate in the policy making process of the supranational government (SNG). Here all three levels of government actively interact with each other as more or less equal partners. Rhodes (1986, pp. 45-46) elaborates on this model, which according to him is aspired by several subcentral governmental bodies. He recognises five pairs of relations between the actors involved:

- a. The subcentral government consults and lobbies national government and vice versa.
- b. National government by itself or jointly with subcentral governments consults and lobbies supranational government and vice versa.
- c. Subnational governments consult each other.
- d. Subnational governments individually or jointly consult and lobby supranational government directly and vice versa.
- e. Subnational governments individually or jointly consult and lobby supra national government through a Union-wide association and vice versa.

2.9 Conclusion

This chapter began by asking what the theories of regionalism comprise of. There is not a single theory of regionalism. There are several views on what regionalism comprises of. The purpose of this chapter was to show what these views entail and thus to develop a basis for the analysis on the function of the euregions in the field of public safety. First some attention has been given to the definition of the region. The definition developed from these views is also

adaptable to the euregio, the main focus of this analysis. According to this definition a region: needs to have a territory, some kind of function, lies somewhere between the state and local levels of government, has no sovereignty and can lie across national borders as long as the different national parts lie between the state and local levels of government. After this definition of the region there has been an elaboration on borders and border regions, including the position of the euregio in this sphere. Borders within the European Union are becoming more and more porous. This means that areas that lie directly on both side of the border, together forming the border zone, are becoming increasingly dependent upon each other. Good co-operation is warranted to overcome existing formalities.

Next the terms “territorialism” and “functionalism” have been treated . These terms are at the basis of a lot of literature on regionalism and can be rather confounding. The bottom line here is that all regions are based on both functionalism and territorialism. Some regions are shaped according to their territory and the functions they have are fitted to this territory. Other regions are shaped according to their function and their territory is fitted to facilitate this function.

The chapter has been concluded with an exploration of regionalism. Regionalism is essentially seen as a bottom-up movement from inside the region that strives for recognition of the region on different levels. After a general treatment of regionalism, the term is approached from the perspectives of the state, the European Union and the (eu)region, using three models on relations between different levels of government formulated by Rhodes. The three actors each have a different angle to look at regionalism. The state looks warily at regionalism. Regionalism can eventually threaten state sovereignty. The state wants to counter this threat by partially giving in to regionalists movements in order to maintain sovereignty. Next to this the state can have some advantages when it regionalises its territory: they can avert responsibility and gain legitimacy. The European Union sees regionalism as a way to increase integration as it distracts attention from states and state borders towards regional systems. The (eu)region aspires a bottom up recognition of a certain regional identity and a way to cater to special needs. The notions discussed in this chapter later will be used as a basis for formulating an answer to the central question of this analysis.

3. Cross border Public safety problems

3.1 Introduction

In recent years there has been a substantial amount of attention for border areas and cross border co-operation. Reichenbach, Spoormans and Korsten (1999, pp. 19-20) give an overview of scientific literature on this topic. Most of this literature is on cross border co-operation. Cross border co-operation seems to stem from the existence of mutual problems on both sides of the border. The presence of this kind of co-operation points to the existence of certain problems that are specific to border areas. This chapter explores this notion by examining whether border areas are confronted with specific problems and whether these problems include safety problems.

Which public safety problems are specifically related to border regions?

First attention will be paid to evidence indicating the existence of safety problems specifically related to the border region. Then three cases will be discussed, each concerning a particular aspect of this supposed safety problem: drugs, police co-operation and disaster control.

3.2 Public safety problems at the border

Before turning to some cases of public safety problems in the Dutch-German border zone, it is useful to assess if such problems really exist, as there is little literature on this subject. In 1980 the Dutch committee on “co-operation between lower governmental bodies on both sides of the border with Germany and with Belgium” published a report (Ministerie van Binnenlandse Zaken, 1980, p. 22). This report has been drafted in execution of the demand from the Minister of the Interior to give priority to the study of aid and assistance in case of accidents and disasters. This fact gives an indication of the importance attributed to safety problems in border zones.

Oude Veldhuis (1995, p. 39) states that differences between the judicial systems of the Netherlands and Germany can lead to problems in fine tuning the co-operation warranted by the opening of the border and the completion of the internal market, which can lead to more

cross border crime. Oude Veldhuis also notes problems with co-operation in case of accidents and disasters. In its Handbook on transfrontier co-operation for local and regional authorities in Europe, the Council of Europe mentions that a national system of police and justice generates: "...confrontations, imbalances or even conflicts in regions crossed by a frontier: often their systems will contradict and ignore each other, because there are not enough bridges or contractual procedures between them...". The same report also notes an alternative way of defining border regions as areas that cross borders and face common problems (Council of Europe, 1995, p. 14). The existence of the voluminous publication of Hertogs and Rambach (1997) fully dedicated to disasters occurring on the border indicates that there is a problem concerning disasters in combination with state borders.

The report from the study group "Cross border co-operation region Limburg" (werkgroep grensoverschrijdende samenwerking regio Limburg, 1999, p. 52) acknowledges that there are practical problems in matters concerning the police that warrant co-operation across the border. This report also points to the problem that arises in the situation when there is no clear indication to where the border exactly lies, as could become the case in the so called 'integrated borderland', that is being constructed in the form of a cross border industrial area between Aachen and Heerlen. Herzig (interview) points at public safety problems that arise from differences in rules and especially the differences in maintaining rules. When rules are maintained strictly on one side of the border problems, like drug consumption in public, will cross the border. Some public safety problems thus function according to the famous physics law of communicating barrels: when one country sharpens the rules the neighbouring country will suffer the consequences.

The contributions mentioned above point to the existence of a public safety problem in the border zone. Police, fire departments, ambulance services and other authorities concerned with public safety are faced with specific problems that have a connection to the existence and nearness of the border. In the previous chapter most European border regions are indicated as being either co-existent or interdependent borderlands. European integration will probably mean that most borders zones will become interdependent or maybe even integrated borderlands. This development will lead to a situation of expired territorial boundaries and maintained system borders, when no actions is taken. This difference between territorial and functional borders leads to increasing problems, some of which lie in the field of public safety. Aside from this aspect, public safety also is a problem in border zones because

disasters and crime do not adhere to the border like people do. Having established the existence of a public safety problem in the border zone, it is time to give some attention to three specific public safety problems that exist on the border: drugs, police co-operation and disaster control.

3.3 Drugs

Drugs are a much-debated issue. The reason to discuss this issue here, is the difference that exists between German and Dutch legislation on the topic. The liberal Dutch drug policy is different from the more stringent German policy and in the border zone these differences clash.

The Dutch drug policy makes a clear distinction between hard drugs like cocaine and heroin and soft drugs like cannabis. The reason for this classification is to separate the soft drug market from the hard drug market and thus prevent the advance of soft drug users to hard drugs (Weijenburg, 1996, pp. 248-249). The Dutch legal system uses the opportunistic principle, which means that authorities can refrain from prosecution when it is in the public interest. This leaves the possibility of a tolerance policy in which certain criminal acts, like using and possessing small amounts of drugs, have a very low priority and are not prosecuted in practice. Soft drugs fall under the policy of tolerance, which means in practice that the possession and sale of small amounts of soft drugs are tolerated. The reason for tolerating the sale of soft drugs is that it allows for regulation of soft drugs outlets and a separation of soft and hard drug markets (www.minjust.nl). It remains illegal to produce and trade these substances on a larger scale. Hard drugs are mainly seen as a public health problem. The possession of small amounts is not actively prosecuted, although these amounts are confiscated upon coming across them. However, sale and production of hard drugs are actively prosecuted (Pvda, 2000, p. 60).

The German drug policy makes no distinction between soft drugs and hard drugs. All drugs are considered illegal. In Germany the legality principle is central in the prosecution of crimes. This means that the German authorities have to prosecute every criminal act they encounter. A 1994 ruling from the *Bundesverfassungsgericht* made it possible for the possession of small amounts to become non-punishable (Weijenburg, 1996, p. 270). The prosecutor can refrain from prosecution in drug cases when there is only a small amount of

culpability (www.minjust.nl). This is the case when no harm has been done to third parties, there is no public interest in prosecution and only small amounts of drugs are involved. The discussion on the German drug policy is still going on. There is a lot of interest in the Dutch approach, but also some scepticism on the desirability of certain aspects of this policy (Schwind, 2000, p. 551). Despite this interest and recent German policy changes, drugs are still far more easy to obtain and use in the Netherlands.

The difference in drug policy is leading to some inconvenience in relation to the border when German drug tourists visit the Netherlands to buy and often also use their drugs. Several relatively small Dutch cities in the border zone like Enschede, Venlo and Arnhem are frequently visited by German drug users. (Pvda, 2000, p. 64). Other Dutch cities outside the border zone, like Amsterdam and Rotterdam are also frequented by drug tourists, but these cities mainly cater to domestic clients. The International Narcotics Control Board (INCB) of the United Nations concluded in 1992 that the Netherlands had such a large number of selling point for soft-drugs that they could only survive by at least partially catering to foreign consumers (Weijnenburg, 1996, p. 258). German drug tourism leads to more drug related crime in the Netherlands, as drug users need to obtain resources to pay for their drugs, and other problems related to drug tourists like parking problems, addicts hanging about, scattering syringes from hard drug users and threats to subjective safety of Dutch citizens. An invasion of German drug tourists of cities in the border zone puts more pressure on the system, than it does in the larger cities like Amsterdam and Rotterdam. On the German side of the border the Dutch policy has profound effects on the German drug policy, which are not all that welcome (Schwind, 2000, p. 551). Drugs are easy to obtain in the Netherlands and, with the largely abolished border controls, fairly easy to import into Germany.

An example of this problem is the situation that exists on the Dutch German border in the Dutch municipality of Enschede. Enschede lies directly adjacent to the border, the first coffeeshops are located almost directly on the border. When travelling on the bus service from The German Gronau to Enschede, the author noticed that roughly one third of the German passengers directly head towards these outlets of soft drugs upon arriving in Enschede. Leene (1999, p. 156) states that in the first half of the 1990's, the impression emerged that drugtourism in Enschede formed an increasing nuisance. This nuisance had an objective component with more public order incidents and littering of syringes and other drug using equipment reported, but an increase of (subjective) feelings of insecurity was also noted

among the local population. According to Leene an important part of this increasing drug problem was caused by German drug tourists. There would be around 150 to 200 German addicts who had to come to Enschede for the purchase of their hard drugs. Next to this Enschede was the main source for soft drugs to a considerable number of German citizens. This became a nuisance as these drug tourists also had to use their drugs in Enschede, because possession is illegal in Germany. Lacking a proper place to use their drugs they hang around in town, thus creating an even greater nuisance.

The research of Leene (1999, p. 165) on the subject of possible co-operation on the drug nuisance in Enschede, has resulted in the conclusion that this would be a 'bridge too far' at the moment. On the Dutch side there has been considerable enthusiasm for this co-operation. This enthusiasm, however, was mainly based on the incorrect assumption that local authorities in Germany would have more or less the same tasks and competencies as their Dutch counterparts. Moreover, apart from their lacking competencies, German authorities were not much inclined to co-operate on what they saw as mainly a Dutch problem, caused by their lenient drug policy. As a result of these setbacks until now, aside police co-operation, there has been little co-operation between Germany and the Netherlands on the drug issue. This is where the euregio could jump in and try to mediate between Dutch and German authorities and help them to understand each other and thus try to get the process of co-operation going. The euregio has a lot of experience with and knowledge of the differences between the Dutch and German cultural and political systems and can thus make sure that co-operation initiatives are adapted to these differences, so that they can be successfully executed.

3.4 Police

In 1995 the Schengen aquis went into force. This set of agreements has a considerable impact on the Dutch-German border. The Schengen aquis entails the abolishment of border controls on the internal borders of the Schengen area. One of the consequences of the agreement, according to Twuyver and Soeters (1999, p. 145), is the need for tight co-operation between police authorities in border areas to fight cross border crime. The Schengen agreement facilitates this co-operation on three levels (Claus, 1997, pp. 229-243):

- Information exchange. Article 39 of the Schengen execution agreement (SEA) deals with information exchange or mutual assistance without the use of force. The actual application

of this article on the Dutch-German border still needs a prior bilateral agreement. Until today no such agreement has been arranged. According to Claus however, there are no juridical barriers for such an agreement. Next to this face-to-face kind of information exchange, Title IV SEA provides for the Schengen Information System (SIS), a computerised database for registering wanted persons and objects, that can be used by all countries participating in the Schengen aquis to exchange operational information.

- Observation across the border (Art 40, SEA). This means that foreign police officers do not have to end their observational surveillance when the subject they are observing crosses the border. Cross border observation is bound to severe conditions and limitations.
- Cross border pursuit. Foreign police officers are allowed to cross the border in pursuit and use their endowed powers as long as they stay within the law of the country they currently operate in. Article 41 SEA states options for the operational regulation of cross border pursuit and apprehension, that need to be chosen from upon ratification of the SEA itself. Hofstede (1993, pp. 28-29) elaborates on the choices made by Germany and the Netherlands.

There still exist some difficulties when these provisions for cross border police co-operation are implemented in practice. There needs to be some kind of agreement on the national level how to implement the Schengen agreement, because at the moment the complete implementation is hindered by existing differences between Dutch and German law, the lack of operational agreements as described in article 39.4 SEA and the impractical demands stated in article 40 SEA.

In 1997 the Treaty of Amsterdam modified the Treaty on the European Union. Provisions about customs, asylum, immigration and judicial co-operation on civil cases were taken out of the third pillar. What remained in title VI were the provisions concerning police and judicial co-operation in criminal cases (Art. 29 EU treaty). These provisions are aimed at battling and preventing: racism and racial hatred, terrorism, trade in people and crimes against children, illegal trade in drugs, illegal trade in weapons, corruption and fraud. The European union tries to achieve these targets through (Art. 29 EU treaty):

- close co-operation between police forces, customs authorities and other competent authorities in the member states, directly as well as through the European police authority Europol;
- close co-operation between judicial and other competent authorities of the member states, directly as well as through Europol;

- where necessary, mutual adjustment of provisions concerning criminal cases in the member states that are involved.

Article 30 of the treaty gives an insight in what is meant with this co-operation between police forces and other competent authorities. The co-operation comprises:

- operational co-operation between police forces, custom authorities and other specialised agencies of the member states to prevent, trace and investigate criminal acts;
- gathering, storing, processing, analysing and exchanging relevant information possessed by agencies entrusted with law enforcement, notably through Europol;
- co-operation and joint initiatives concerning education, exchange of liaison officers, detaching, the use of equipment and forensic investigation;
- the joint assessment of certain techniques of investigation concerning the search of severe forms of organised crime.

According to Janssen (1997, p. 46) the provisions on police co-operation in the European treaty are not directly aimed at stimulating operational police co-operation like the Schengen aquis. Nevertheless title VI of the treaty plays an important role for operational police co-operation in the border zone. Title VI functions as a coat rack to which all other regulations, like the Schengen aquis can be attached.

Several authors (Twuyver and Soeters, 1999; Claus, 1997; Hofstede, 1993) have delivered contributions focussed on police co-operation in the transnational border region of Meuse-Rhine. These contributions are of a general nature, so they are largely applicable to the entire Dutch-German border zone. Twuyver and Soeters (1999, p. 146) claim that existing agreements and institutions on international police co-operation, of which Janssen gives an extensive oversight (1997, pp. 38-52), are insufficient to be implemented in the daily practice of police work in border zones. Twuyver and Soeters recognise four aspects that hinder operational police co-operation in the border zone (1999, pp. 147-150):

- Differences in law and the competencies of police officers.
- Different interpretations of how to apply existing law and competencies.
- Differences in organisational structure.
- Cultural differences.

Any agreement on co-operation has to deal with this differences in some way to be of any operational use. Hofstede (1993) has conducted an elaborate analysis of police co-operation in

the euregio Meuse-Rhine. Most of the co-operation takes place on a personal and informal level and involves information exchange. Hofstede's research has pointed out that there is a lack of clear regulations concerning cross border police co-operation. At the moment this research is slightly outdated due to the Schengen agreement and the recent changes of the European treaty, but still not all problems have been solved. According to the report of the workgroup on cross border co-operation (Werkgroep grensoverschrijdende samenwerking regio Limburg, 1999, p. 51). The Schengen treaty has cleared the issues of pursuit and observation and the 1996 Dutch–German Memorandum of Understanding enables non-executive police co-operation to be realised.

One project that entails a practical implementation of the Schengen agreements is the Euregional multimedia information-exchange (EMMI) (van Haaren, 1998). This project is started on the initiative of the Dutch police region in the southern part of Limburg. The project is aimed at improving the co-operation in information exchange between police forces in the euregio Meuse-Rhine. Until the start of the EMMI-project, police officers had two options to obtain information from their counterparts across the border: the informal use of personal networks or the slow and bureaucratic process through Europol or Interpol. EMMI is a network of police computers in the euregio area, that can easily exchange information. The heart of the system is the Information and co-ordination centre in Maastricht. Information requests are directed to and returned by this centre through EMMI's intranet network. The EMMI project is designated by the European Commission to function as a blueprint for similar projects along the internal borders of the Union.

3.5 Disasters

Border regions are often more or less remote areas seen from a national perspective. According to Hertoghs (1999b, p. 168) the border zone has a relatively high proportion of (military) airfields, nuclear power plants, chemical plants, and other installations that can become sources of a major disaster. This fact makes that border areas are more likely to be struck by a major disaster. There are two types of disasters that can occur on the border. First the proximity of the border makes that both countries can be affected when a disaster crosses the border. This can be the case when a nuclear power plant leaks or explodes, or when chemicals are leaking into a border crossing river. When such a disaster occurs, there needs to be some kind of co-operation in sharing information and opposing the threat. Examples of this

are the major river floodings in the 1990's and more recently the poisoning of the Danube river. In the second case a disaster occurs affecting only one of the two countries. Here there is a possibility that the foreign emergency services are quicker to assist the local units or that they are better trained and equipped for the task. An example hereof is the explosion of a fireworks factory in Enschede in 2000. When there are no clear agreements on how to act in these cases it is difficult for authorities on both sides of the border to co-operate effectively when a disaster occurs. Large disasters often are subject to exceptions, special regulations and direct willingness to co-operate, but the victims of small 'everyday' disasters and accidents that occur in the border zone disproportionately suffer from the lack of operational cross border co-operation between auxiliary services.

To overcome these problems Germany and the Netherlands struck an agreement on mutual assistance in case of disasters or large scale accidents, that went into force in 1997 (Hertoghs, 1997, p. 597). This agreement is aimed at co-operation in case of disasters or large scale accidents. When a catastrophe occurs authorities can ask assistance from the competent authorities in the neighbouring state, which then will comply to the best of their abilities. This co-operation will take place on the level of Dutch provinces and German *Länder*. However, allowance is made for agreements of assistance by border communities. Next to this assistance in case of a disaster there also are some provisions to guarantee a continuously increasing co-operation on:

- Exchange of all relevant information of a scientific or technical nature.
- Organising meetings.
- Entamating joint research to acquire a better understanding of causes of disasters and to improve means of prediction and methods to prevent and battle disasters.
- Exchange information on risks and dangers that can have an impact on the other country.
- Organising courses for technicians, managers and personnel of the other country.

A special feature of the agreement is the way it deals with border formalities. In case of an emergency foreign units that are on assistance tasks, are freed from most border formalities. They however need to carry a document stating the task to be carried out, the type of units and the personnel and equipment they carry, this is not necessary in case of an extreme emergency. The costs of this assistance in principle are carried by the supplying party, and the demanding party supplies housing and service during the duration of the assistance.

3.6 Conclusion

This chapter has dealt with the question of specific public safety problems in the border zone. One thing has become clear and will be the central point in this conclusion: there are public safety problems that are more or less directly related to the border and have a specific impact on the border zone. This vision is supported by a number of publications on this subject that have been featured in this chapter. The most important origin of these problems lies in the fact that auxiliary services in border zones are often of a lesser ability to draw effective support from their colleagues in neighbouring area's:

- The sometimes peripheral position of the border zone makes that colleagues are less able to come to assistance of auxiliary services in the border zone.
- The barring function of a national border makes it difficult to draw assistance from and co-operate with foreign authorities.

Furthermore it can be argued that auxiliary services in the border zone, apart from being less able to deal with safety problems, also are more prone to be subject to them. In this case the border leads to all kinds of safety problems. After establishing the existence of a public safety problem in the border zone, this chapter has also featured some examples of these problems. The question that remains is: are these problems best solved in the border zone where they emerge? Or is it better to deal with these problems on a higher level. This is a question of subsidiarity which is difficult to answer. The next chapters will return to this question when attention is given to the activities of the euregio in the field of public safety.

4. The euregions and their possibilities in public safety

4.1 Introduction

After discussing the theoretical constructs of regions, regionalism and specific public safety problems related to the border, we will now look at the role of the euregions in these matters. The central question to be answered in this chapter therefore is:

What can the euregions be expected to do in the field of public safety, in the face of their organisational structure, competencies and international regulations?

This chapter discusses the Dutch-German euregions in more detail. First there will be a discussion of the (international) regulations and treaties concerning euregions and specifically the safety policy of the euregions. After this the organisation of the five euregions will be separately discussed especially aimed at their role in the field of public order and public safety. The chapter will be concluded by looking back at the question posed in this introduction and going into the expectations that can be derived from the preceding analysis.

4.2 The history of the euregions

Before the end of the 19th century, governments mainly were relatively small bodies which exerted little influence on their citizens. Most governments merely functioned as a night-watchman, providing rudimentary security so that the citizens could sleep safely at night. The central government was something distant and especially the people living at the border of the state did not have much to do with it. They had more contacts with their direct neighbours in the other state than they did with their own government: they visited foreign schools and other institutions, found jobs and marriage partners in the neighbouring area. Two events have altered this situation (Uijen, 1999, pp. 82-83). In the first place the role of the government has grown. From the Napoleonic times and into the 20th century, governments have become large and complex organisations that took up more and more tasks. This has altered cross border contacts between citizens of neighbouring states. They grew increasingly dependent on their national government's rules and regulations, citizens started to turn their back to their direct neighbours. They started focussing on the central government and that contributed to the

fading away of their cross border relations. The second event that has had an impact in the Dutch-German border regions is the Second World War. After the war there was a deep gap on the place where the Dutch-German border had been before. Former good neighbours became enemies and, most important, mutual trust had been violated. Time, the existence of mutual problems and increasing European integration eventually have partially bridged the gap. Time restored much of the violated trust and healed most of the wounds struck by the war. Mutual problems like unemployment (Uijen, 1999, p. 83) and pollution led to the realisation that common measures were needed to counter these problems. Increasing European integration also played an important role in the bridging of the gap and furthering the ideal of a united Europe in which the internal borders lose much of their impact (Uijen, 1999, p. 85).

These events led to the birth of several co-operational bodies along the Dutch-German border. The first of these was the so called EUREGIO in the Dutch region of Twente and the German area around Gronau. The EUREGIO, founded in 1958 by the mayors of municipalities in the area, met resistance from the central Dutch government who stated that Dutch municipalities were not authorised in acting across national borders. The mayors of the municipalities participating in the EUREGIO withstood this resistance and the first Dutch-German euregio had come into existence (Uijen, 1999, pp. 83-84). In the 1970's, four other euregios followed, most with some kind of legal status which the EUREGIO remained without. In 1999 the last possible Dutch-German euregio was founded, the euregio the *Wadden*, comprising the Danish, German and Dutch islands in the *Wadden* sea area (de Vries, 2000, p. 10). This euregio still is in its infancy and organisationally assigned to the Ems Dolard Region (EDR), where it has one staff member (Neef, interview). There also is no direct infrastructure between the three national areas. Because of these reasons the euregio the *Wadden* is not included in this analysis.

4.3 (Inter) national regulations concerning the euregions

There are different regulations aimed at cross border co-operation. In this section some of these regulations will be looked at. Specific attention will be paid to the relevance these regulations have for co-operation in the field of public order and public safety.

In 1986 cross border co-operation through euregions received an enormous boost as the European Community started with the European Regional Development Fund (ERDF). Participating in this project, euregions could make use of money from the ERDF and could propose projects to be partially funded by ERDF. ERDF carried a maximum of fifty percent of the costs involved with the project. The rest had to be contributed by the project carrier: the euregio, community, province, state or private party. This kind of financing meant a boost to opportunities and an increase in activity for the euregio.

In 1989 the ERDF project was followed by the European Community's Interreg I program that worked more or less like the ERDF, but was more structured. For the allocation of the funds, steering groups with representatives of co-financiers were formed. Under the ERDF they often were assigned to the euregions. Under the Interreg they were formally disconnected from the euregions. The euregions in practice remained very influential in the allocation of the funds. The reason for this is that grown power relations and expertise meant that the euregio could maintain a large say on the spending of the funds in the pre-decision phase as well as in the post-decision phase. Only the actual decision was the exclusive terrain of the steering group (Uijen, 1999, p. 89). With the emergence of the Interreg I programme the amount of money involved increased as did the diversity of policy areas. Interreg works on policy fields as (Wouters, 1999, p. 97): public spacing, environment, education, social integration, economy and technical development. Within Interreg I there is no title on public safety, however most of the activities in the field of public safety are undertaken with funds for social integration.

Interreg I was followed by Interreg II in 1994. In the Interreg II programme there was more attention to the viability of projects. It was important that the project could be completed within the duration of Interreg II, or that the project would be able to fetch for itself after the conclusion of Interreg II in 1999. The Interreg programme did not place an accent on co-operation in the field of public order and public safety, probably because this area had no direct relation with the goals of the ERDF. These goals are dependent on the area concerned: compensating for the deteriorating industry or structural adaptation of agricultural areas (Jeurissen, 1999, p. 108). As with the Interreg I programme, this has not been an obstacle for the euregions to develop and co-finance projects in the field of public safety.

In 1998 the European leaders decided to continue the Interreg program for the period 2000-2006. This Interreg III program is built on the foundations of its predecessors. The Interreg III program also has no direct focus on the field of public order and public safety. The Interreg III programme is more Spartan than the previous programmes, there are stricter rules for participating projects and the co-financiers have to supply the majority of the funds. Interreg has changed its role from a “money making machine” into a fund that stimulates valuable initiatives that improve life in the border region.

In 1980 within the framework of the Council of Europe, in Madrid the ‘European Outline Convention concerning transfrontier co-operation between territorial communities or authorities’ was signed (Trb. 1980, No. 129). The treaty defines transfrontier co-operation in article 2 as: “ ...any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of an arrangement necessary for this purpose.”. The main aim of this treaty is drawing a framework for transfrontier co-operation and thus creating a better basis on which transfrontier co-operation can be build. The European Outline Convention is not sufficient to juridically facilitate transfrontier co-operation, the involved countries have to make additional bilateral or multilateral arrangements (Ministerie van Binnenlandse Zaken, 1993). The convention is little more than a declaration of intent and there are no obligations or deadlines in it. The treaty holds five model inter-state agreements, that have a gradual increase in intensity. When one or more of these agreements are signed, it becomes possible for the local authorities to use one or more of the six outline agreements or contracts between local authorities. The treaty is not meant to restrict possibilities for cross border co-operation, but to provide guidelines to transfrontier co-operation and to support it by doing so.

In 1991 the so-called Anholt-agreement between Germany and the Netherlands was reached. In this treaty both counties regulate their cross border co-operation, the way it was meant in the European Outline Convention of 1980. The most encompassing model inter-state agreement is hereby used as a basis. The public body that can be founded based on this treaty has no power to make binding decisions. However there can be some delegation of competencies from local authorities towards this public body. The treaty is the first formalisation of cross border co-operation between Germany and the Netherlands.

In 1995 a supplementary protocol to the European Outline Convention was signed in Strasbourg (Trb. 1996, No. 352 and Trb. 1998, No. 240). The main reason for this protocol to be signed is that with the signing of the European Outline Convention two important obstacles for cross border co-operation remained (TK, 1996-1997, 25260). The first obstacle is that the original treaty does not prescribe specific measures the signing states have to take. The second obstacle is that the treaty provides little basis for national law to solve problems as:

- the structuring of co-operation within a public law framework;
- the legal power of transfrontier decisions within the national law;
- the juridical status of the public and private bodies founded in the framework of the treaty.

The protocol aims to solve these problems. It opens the possibility for co-operational bodies to be equipped with decision making power that is binding under national law, but is only possible when both contracting parties agree to it and if it is allowed under national law. At the signing of the protocol this was not the case in Germany, where the constitution prohibited the passing of competencies to transfrontier public bodies. For most countries the protocol has more obligations than the original treaty of 1980, because even if there is no binding decision power for the transnational bodies, with the signing of the protocol their decisions have to be implemented by the territorial communities or authorities in conformity to national law. For the transfrontier co-operation on the Dutch–German border the Anholt Treaty already anticipated on the provisions of the protocol. The Netherlands merely signed the protocol to encourage other countries to do the same and because with this protocol no separate treaty is warranted for the trilateral co-operation with Germany and Belgium in the euregio Meuse-Rhine (TK, 1996-1997, 25260, p. 4). In 1992 there was a change in the German constitution that made it possible for transnational bodies to acquire binding decision power towards citizens (de Vries & Bos, 2000, p. 8). To obtain this it is necessary to adjust the Anholt treaty and until today there seems to be no hurry on the German side to do so.

4.4 The organisation of the Dutch-German euregions

It now is clear what different international agreements influence the organisation of the Dutch–German euregions. At this point it makes sense to take a closer look at these euregions to see how they adapted differently to these rules. It is important to see how these euregions are organised in general, but also in respect to the area of public order and public safety. In this section the organisational structure of the five euregions will be discussed. This structure will be discussed by, among other things, using a classification made by Schobben that recognises four forms of crossborder co-operation. Before describing the different

organisational structures of the euregions, first there will be some attention for the classification as made by Schobben (Schobben, 2000, p. 120).

Table 4.1 Forms of transfrontier co-operation

Forms	Extent of institutionalisation	Characteristics
1. Not legally binding		
1a. Informal/non-formal	None	Not legally binding, no organisation, irregular contacts, personal initiative
1b. Institutionalised co-operation	Low to high institutionalisation (non juridical)	not legally binding, agreements on political-moral grounds (good neighbour), regular contacts, ad hoc workgroups, no formal democratic legitimisation
2. Legally binding		
2a. Private bodies or agreements	Moderate legal institutionalisation	No transfer of juridical tasks, sometimes a juridical defined organisational structure, formalised co-operation, continuity, no democratic representation
2b. Public bodies or agreements	Moderate to high legal institutionalisation	Delegation of juridical tasks, fixed duties and tasks, good organisational structure, formal co-operation, democratic representation in public body is possible

The division made in Table 4.1 is of interest to the application of the European Outline Convention, the first protocol to this convention and the Anholt Treaty between Germany and the Netherlands. The founding of public bodies has been made possible by the conclusion of the Anholt Treaty. The first protocol to the European Outline Convention makes a distinction between public and private bodies and the European Outline Convention recognises all of the four forms of co-operation.

4.5 Ems-Dollard-region¹

The Ems-Dollard-region (EDR) has been founded in 1977 and consists of 87 municipalities, *Kreisen*, chambers of commerce and other public bodies in the Dutch provinces of Groningen and Drente, the German *Kreisen* Aurich, Leer and Wittmund, the German city of Emden and the *Landeskreis* Emsland. Today, the Ems-Dollard-region is a transfrontier public body in

¹ This paragraph is mainly based on information extracted from: www.edr.org

conformity with article three of the Anholt agreement (Trb. 102, 1991) and category 2b of table 4.1, however it does not have a democratic legitimisation. The main task of the EDR is furthering, supporting and co-ordinating regional cross border co-operation between participants on various policy fields, among which 'healthcare', 'disaster control' and 'public order and safety' are most relevant for this analysis.

The EDR gives advise to participants, citizens, enterprises, authorities, and other institutes on cross border activities in these fields. The EDR also carries out projects in these fields, acquires finances from third parties and distributes (part of) these funds to other third parties.

Within the EDR the council is the highest body. Each participant appoints two members of the council. For Dutch municipalities one of the appointees has to be a member of the city council. For German municipalities or regional government bodies the participants are the chief civil servant or his legal representative and the chairman of the council or his deputy. For other participating bodies one of their representatives has to be the director, secretary-general or his representative. The council chooses a chairman and a deputy chairman from its members. The chairman also chairs the Board. The Board consists of 12 members chosen by and from the council. The Board prepares and executes the decisions of the council. Insofar as this is not the responsibility of the secretary-general. The secretary-general and his deputy direct the administration. The secretary-general prepares and executes decisions from the different bodies within the EDR insofar as he is authorised to do so by the board. The council can and has created workgroups to advise them on different subjects. None of these workgroups is directly involved with public order and public safety. This euregio also has an extensive parallel organisation responsible for the allocation of Interreg funds.

4.6 EUREGIO²

This euregio is the first that was founded in the Netherlands in 1958. It consists of 149 Dutch and German municipalities, cities and regions in the border area roughly between the rivers Rhine, Ems and IJssel. It is a regional platform for local and regional authorities engaging in transfrontier co-operation. Their main goals are:

- Improving the standard of living, the possibilities on the labour market and the common prosperity of the inhabitants of the border region.
- Enlarging the mutual understanding between Dutch and German citizens in the border area.

² This paragraph is mainly based on information extracted from: www.euregio.nl

- Supporting lasting transfrontier structures on different fields of interest for daily life.
- The stimulation of cross border mobility through information and advise on rights and duties of citizens and companies in the transfrontier framework

The organisational structure of the EUREGIO consists of the member convention that consists of representatives of all participating members of EUREGIO and meets at least once a year. This member convention chooses the members of the council, which is the highest political body of the euregio. Appointment takes place on a basis of factors as political colour, and regional origin and number of inhabitants. At this moment the EUREGIO council has 82 members. The council judges proposals, decides on projects, suggests on transfrontier activities and formulates statements on actual developments in the border area. The council meets four times a year on average. The council formally has no authority over her participants. The euregio falls within category 1b of Table 4.1 because it has no legal basis but there defacto is a functioning organisation behind it. The fact that there is an indirect democratic legitimisation through the members is of no concern because the entire organisation is based on goodwill and there is no legal structure. The participating local authorities however take serious account of the council's decisions. The daily board consists of 32 officials, mainly mayors and councillors from the EUREGIO area. The daily board is responsible for the execution of decisions of the Member convention and the preparation and execution of decisions of the council. The administration, with at the head a secretary and a staff of 26, prepares and executes the decisions of the other authorities of the EUREGIO. Both the administration and the daily board are governed by the INTERREG steering group when INTERREG funds are concerned. The steering group consists of representatives of the European Union, the ministries of Economic affairs of Germany and the Netherlands, the German district authorities, Dutch and German municipalities and the EUREGIO. The different workgroups all cover a certain policy field. The workgroups consists of representatives from various organisations, associations and institutions. For this analysis the workgroup 'police, fire department and medical services' is the most important.

4.7 Euregio Rhine-Waal³

The euregio Rhine-Waal has been founded in 1978. On the Dutch side of the border the euregio consists of the cities of Nijmegen and Arnhem and their surroundings, the southern

³ This paragraph is mainly based on information extracted from: www.euregio.org

part of the Veluwe, the southern part of the Achterhoek, the north-eastern part of the province Noord-Brabant and the most northern part of the province Limburg. On the German side of the border it consists of the *Kreise* Kleve and Wesel as well as the *Stadt* Duisburg. In 1993 the euregio became a public body in the sense of article three of the Anholt-agreement (Trb. 102, 1991) and just like the EDR has to be categorised as a type 2b organisation in table 4.1, because it is a public body according to the Anholt treaty, even though it has no democratic legitimisation. There currently are 53 organisations, mostly municipalities and chambers of commerce, that are member of the euregio Rhine-Waal. The euregio has the task to further, support and co-ordinate the regional cross border co-operation between its participants. To do this, the euregio acquires and receives finances from third parties and distributes these funds to other third parties. It advises participants, citizens, companies, authorities and other institutions on border crossing activities and problems. The cross border co-operation within the framework of the euregio takes place on several policy areas of which ‘healthcare’, ‘disaster control’ and ‘safety policy’ are relevant. The euregio council is the highest body of the euregio. All participants have one to three representatives in this council that have to be appointed from their highest administrative body. Next to these representatives all participants have one representative with a special background:

- Dutch municipalities assign a member of their local council as a representative to the euregio council.
- The German municipalities and regional authorities appoint their mayor or their highest civil servant or his legal representative.
- The other participants appoint their chairman, director, secretary-general or his representative.

The participants have to appoint an alternate to each of their representatives. The council chooses his own chairman and vice-chairman from its midst. The board consists of the chairman and vice-chairman of the council, the chairmen of the three committees and two representatives from the council. The board prepares and executes decisions of the council insofar as this is not a responsibility of the secretary-general. The secretary heads the administration. He is responsible for preparing and executing decisions from the board, insofar as the board has instructed him to do so.

The euregio has three mandatory commissions each consisting of 18 members of the euregio council: The commission on finances and projects, the commission on economical affairs and the commission on transfrontier understanding. The council can install other commissions and found ad hoc workgroups to do preparatory work for their commission.

4.8 Euregio Rhine-Meuse-north⁴

The euregio Rhine-Meuse-north has come into existence in 1978. The founders saw co-operation across borders as a good way to solve problems on both sides of the border in a region far away from the national government. The euregio Rhine-Meuse-north consists of the middle and northern parts of the Dutch province of Limburg, the German cities of Krefeld and Mönchengladbach and the *Kreise* Neuss, Viersen and the southern part of Kleve. The four chambers of commerce in the area are also members. The euregio is a voluntary co-operation structure aimed at improving the cross border co-operation between the Dutch and German participants. It is a voluntary co-operating structure, which means that it has no juridical form and has no authority whatsoever over her members or any other party. It therefore has to be placed in category 1b of table 4.1, because there defacto exists a structural form of organisation. The euregio wants to contribute to eliminating existing barriers in the border region and bring the people in the area closer together. Therefore the Dutch and German members of the euregio strive to (www.euregio-rmn.de):

- Solve problems on both sides of the border through mutual co-operation.
- Research present structural deficiencies.
- Realise concrete projects to improve the settlement climate.
- Organise cultural manifestations and sport contests, so that people on both sides of the border get to know each other better.
- Giving the euregio more publicity through publications about the goals and the results of activities of the euregio.

The euregio Rhine-Meuse-north has two main bodies: the council and the commission. The council is competent in 'all cases of fundamental importance'. It determines what activities the euregio has to undertake and all its decisions take the form of recommendations to the members. The council consists of 84 representatives of its members, half of which are German and half are Dutch, and meets at least once a year. The representatives choose a Dutch and a German representative to function as president and vice-president for a period of two years each. The regional commission is a body functioning under the council in the centre of the structure. It prepares and carries out the decisions of the council and is competent in daily matters. The commission consists of 16 civil servants or their representatives, they can not be members of the council at the same time. The commission can also have some advisory members, they solely have an advisory role. The presidency of the commission is chosen in

⁴This paragraph is mainly based on information extracted from: Jaarverslag euregio rijn maas noord 1997/1998

the same way as with the council. The commission meets at least two times every year. The secretariat provides the euregio with the administrative support and helps the commission in making and implementing euregio policy. The principles commission prepares decisions of fundamental importance for the commission.

The euregio also has five workgroups each working in a different field. The workgroups consist of officials working in the specified field. A workgroup can also have advisory members. One of the workgroups is focused on public order and public safety. All workgroups work under the responsibility of the commission's president. The funds originating from INTERREG are dealt with by the workgroup for regional development.

4.9 Euregio Meuse-Rhine⁵

The euregio Meuse-Rhine, that came into existence in 1976, is different compared to the other euregions in several ways. Most important is that the euregio consists of five areas in three countries: the southern part of the Dutch province of Limburg, the Belgian province of Limburg, the city of Luik, the German speaking part of Belgium and the region of Aachen, in which three languages are spoken (Dutch, German and French). An other difference is that the members of this euregio are the five parties named above and therefore the municipalities are not directly involved. The euregio has the form of a foundation (*stichting*) in accordance with Dutch law and thus falls into category 2a in table 4.1, it is a formal organisation according to Dutch law but there is no delegation of juridical tasks and no real democratic representation. However there are some aspects like a developing structure of representation that could warrant a 2b categorisation, but as it still is a private body category 2a applies. The board of the *stichting* euregio Meuse-Rhine consists of the political leaders of each of the five participants. Each of the five participants can appoint three additional members of the board. Together they form the so-called 'Governors consultation', they meet three to four times a year and speak about the projects proposed by the workgroups. Since 1995 the euregio has its own 'parliament'. This parliament has been revised in 2001, now consisting of 81 members in two chambers. The chamber of political representatives consists of 51 members from political parties and the chamber of society representatives consists of 30 members from organisations like universities, trade unions and chambers of commerce. This 'parliament' meets at least twice a year and primarily functions as an advisory body to the board and the commissions.

⁵ This paragraph is mainly based on information extracted from: www.euregio-mr.org

There are four commissions created around several themes, one of which is healthcare, social integration and safety. The commissions consist of 11 members from the board, 11 members from the political chamber and 7 members from the societal chamber. The commissions prepare the 'Governors consultation' and the projects, after decision in the board they execute decisions and evaluate projects. There is a secretariat based in Maastricht that supplies a secretary for the daily governance of the commission. The secretariat also has a co-ordinating function for the entire organisation. The region Aachen has its own Bureau which supports the German members of the workgroups, takes on the promotion of the European structural funds and also manages the complaints commission. The last two bodies of the euregio are the Interreg oversight committee and the Interreg steering group consisting of representatives of national or state bodies (mainly economic oriented). These bodies have the task to judge whether a project fits in the operational Interreg programme.

4.10 Conclusion

This chapter started with the question:

What can the euregions be expected to do in the field of public safety, in the face of their organisational structure, competencies and international regulations?

In this chapter several issues leading to an answer to this question have been discussed; history, regulations, organisational structures and even some relevant policy fields. When looking at the treaties and European policy in the field of public order and public safety it is clear that a lot of developments are relatively recent. The Schengen agreement for instance has had a major impact on cross border co-operation in this field. Even as recent as in 2000 and 2001 there have been some significant events. The emergence of the Interreg programme has boosted the importance of the euregio, because major European funds are involved. This however has no direct impact on the area of public order and public safety as this policy area is no part of the programme. The indirect impact that Interreg could have on the policy field is potentially a negative one: the prize money lies in other areas so it is not unlikely that attention shifts from issues concerning public order and public safety to issues specified as liable for funding through the Interreg programme. However as will be pointed out in the next chapter, most of the euregions at least claim to give attention to the field of public order and public safety and three of them in fact have one or more workgroups operating on this field.

At the end of the previous chapter three examples of specific areas on which co-operation can be useful are described: drugs, police and disasters. From these examples it becomes clear that co-operation within the euregional network has its limitations, but also that it can be very fruitful in solving mutual or mutually occurring problems. In the second chapter on regionalism, it has become clear that within the European Union there exists a subsidiary principle. According to this principle decision making should take place on the lowest level possible. For some problems this means that solutions have to be sought on the regional level. A lot of public safety problems in the border zone can best be solved on the level where they occur. The national governments can draw up agreements and frameworks for co-operation in solving these problems, but the actual co-operation can best be worked out by the people who need to co-operate, the people who meet within the euregional network.

What can be expected from the euregions on the basis of their limitations and possibilities? It has to be said first that the euregions are relatively small organisations that are limited in their resources and thus expectations have to be modest. This does not mean that all expectations need to be abandoned, not all euregions are of the same size and structure. Some of the euregions put a greater emphasis on public safety while others are only sideways deploying policies in the field of public safety. The euregions that claim to have some or even extensive activity in the field of public safety raise higher expectations. The euregio Meuse-Rhine raises high expectations: there has been a lot of academic attention for this euregio in the field of public safety and there are several innovative and unique projects that take place. Furthermore the euregio Rhine-Meuse leans on provincial facilities and support for its organisation, this makes it an organisation that should be able to operate on a relatively professional level. EUREGIO and the euregio Rhine-Meuse-north each have a workgroup that specifically operates in the field of public safety. The existence of such a workgroup indicates that a reasonable amount of production can be expected from such a workgroup. The euregio Rhine-Waal and the Ems-Dollard-region have no specific workgroup or commission that is concerned with issues of public safety, these euregions call for more modest expectations concerning activities in the field of public safety. Within this spectrum of expectations one should keep in mind the ongoing European integration and the border region as the ideal place for the ever closer integration that is championed by the European Union.

The prime role that the euregions are likely to play is that of mediator in the process of furthering co-operation between comparable organisations on both sides of the border. This

role fits the euregions, because it relies on the knowledge and contacts that these organisations have on both sides of the border and asks for only a limited amount of time and funds from the euregio itself. In the euregions aspiring a high involvement with public safety, more is to be expected. These euregions claim to be relatively active in the field of public safety and thus raise expectations. An other important role for the euregio can be the distribution of European funds, the euregions are examples for European integration: citizens from two countries act as real European citizens in a bottom-up organisation. This concept is appealing for the European Union and it is stimulated by the European Union through the Interreg fund as well as through more incidental subsidies. These funds can also be utilised for public safety projects.

5. Euregions and public safety policy

5.1 Introduction

In previous chapters attention has been paid to theories on regionalism, public safety problems in border zones and expectations that can be held on the actions of euregions in the field of public safety. This chapter takes a look at the actual functions of the euregions in the field of public safety. The central question, which this chapter is aimed to answer, reads:

What activities do the euregions employ in the field of public safety?

The answer to this question is sought by interviewing representatives of the five Dutch-German euregions. The activities or policies of the euregions will be analysed using a typology designed by Hoogerwerf. According to Hoogerwerf (1993, p. 52) a policy consists of three aspects: goals, means and time choices. Although time choices are an important part of policy, they will not be used in this analysis as they play a relatively minor role. A policy goal is that what the organisation has determined to accomplish. An actor who determines what needs to be done, sets the policy goals. In regard to the policy means this lies somewhat more complicated. The means of a policy are all things that are or can be used in furthering one or more of the policy goals (Hoogerwerf, 1993, p. 55). To this there is an additional distinction that needs to be made: there are direct and indirect means or instruments, as they are also called. Direct instruments are instruments that can contribute to the goal without inference of other instruments. An example can be the publication and distribution of a local disaster plan: the mere availability of such a plan can lead to a more adequate response to occurring calamities. Indirect instruments are used to make direct instruments available. Examples of indirect means are the appointment of staff to work on a certain policy and the acquisition and allocation of funds to finance the policy. From this account a three-way classification of policy types can be distilled, to which the policies of the euregions in the field of public order and public safety can be accommodated:

- Complete policy: the euregio invents, works out and finances policy. This means that the euregio decides what needs to be done and how it needs to be done. The euregio sets the policy goals, and uses direct and indirect means to accomplish these goals. Policy

implementation can and often will be partially left over to third parties as euregions typically have a rather small staff.

- Policy initiatives: the euregio invents and finances policy. The euregio determines what needs to be achieved, but has little interference with how this is done by others. The euregio sets the policy goals and supplies indirect policy instruments to enable third parties to reach the set goals. This method is useful to the euregio as it entails a relatively light burden for the small euregio staff.
- Policy support: the euregio finances external ideas. Here the euregio plays a financially supporting role, in which it reacts on certain initiatives of third parties, by distributing money. The euregio merely supplies indirect means to third parties to enable them to achieve their own policy goals. This can be the case when funds are acquired by third parties through the European Interreg programme.

5.2 Ems-Dollard-region

The Ems-Dollard-region (EDR) in recent years has seen a lot of activity in the field of public safety. Most of these activities are in the police sphere, but there also is some activity in other parts of the public safety arena. One of the earliest public safety initiatives of the EDR is a meeting between Dutch and German police officers on the executive level. This meeting took place in the early 1990's in Emmen (NL). The goal of this exchange meeting was comparing the procedures used on both sides of the border and look into the meaning given to different legal terms on both sides of the border. The EDR provided for the modest costs of the meeting. An other exchange that took place was organised by the court of Aurich (D). This exchange in the form of a one day seminar was mainly aimed at offering the German participants a view on the Dutch legal system. The seminar was supported by the EDR with a subsidy from the Interreg fund. A prolongation of this exchange could take the form of a seminar in the Netherlands in order to give the Dutch participants the opportunity to look into the German legal system.

Within the framework of the research project "border monitor police" there has been a population survey in the cities of Groningen (NL) and Wittmund (D). The aim of this survey was to get an idea of the popular opinion on police performance on both sides of the border. The results are used by Dutch and German police forces as a basis to learn from each other. The EDR has subsidised this project with funds from the Interreg programme.

The EDR in co-operation with EUREGIO has looked into the possibilities to overcome bottlenecks in the Dutch–German co-operation that exist within the framework of the Schengen treaty. This project is financed with funds available for the effectuation of the treaty. The project looked for solutions to bottlenecks as: language, knowledge of each others area and mutual communication.

A few years ago the local unit of the Groningen police in Scheemda received funds to implement the Schengen treaty. To effectuate these funds representatives from the unit approached the EDR with the request to find them a German partner with whom a co-operation project could be set up. Differences in organisational structure between the Dutch and German police eventually led to a failure to launch this co-operation. The German police units were sympathetic to the Dutch initiative, but had no mandate to co-operate on their own. Such a co-operation needed to be approved on a much higher level. This bureaucracy was too much for the police unit in Scheemda and the entire project was put in the freezer.

Dutch and German high level chiefs of police in the EDR area meet regularly in the so called *Chefs-gespräch*. This meeting is used by Dutch chiefs of police organised in the ICCN (international co-ordination centre for the northern Netherlands) and the German *Bezirksregierung* and *Polizei-Verbindungsstelle* in Lingen organised in the KODAG (co-ordination workgroup) to consult each other. This consultation, among other things, led to the expression of the wish to found a Dutch–German police office that would be working on police policy co-operation. This wish was communicated to the EDR who offered space and facilities for this office in their new building at the border in Nieuweschans. The new Dutch–German police office will offer working space for four Dutch and German police officials. The new police office has no executive tasks, it merely serves as a policy co-ordination office between the Dutch and German police in the EDR area.

Within the EDR area there has been little need for a co-operation in the field of disaster control. The reason for this is the relatively low density of population in the border zone and the relatively small amount of potentially dangerous industry that lies adjacent to the border. These factors explain the absence of a disaster plan for the EDR area. There is a special disaster plan for the nuclear facility in Lingen and the Chemical complex in Delfzijl. Good contacts that are acquired within the framework of the EDR ensure a good co-operation between the different auxiliary services on both sides of the border when an emergency

occurs. These contacts have resulted in a disaster exercise, that has been organised by auxiliary services from both sides of the border, without interference of the EDR.

The municipalities of Rhede (D) and Bellingwedde (NL) have taken the initiative to come to a formalisation of mutual co-operation between their fire brigades. This formalisation took place on the basis of the Anholt treaty, and the example set by the co-operation between the municipalities of Vaals and Aachen in the euregio Meuse Rhine. This project is supported by the EDR by laying contacts with Vaals/Aachen, helping with the formulation of the text of the agreement and by organising the festive meeting where the agreement was signed.

The EDR sees little necessity for cross border co-operation of ambulance services, because both countries have a sufficient ambulance coverage and there are no gaps in this coverage or places where the ambulances of the other country can be on the spot substantially faster. The EDR however strives to keep co-operation between ambulance services on the agenda. There are, for example, efforts to look at the possibility for the German ambulance services to purchase geographic information systems that are compatible with the systems that have recently been purchased for the Dutch ambulances. There also is a concept agreement that will deal with co-operation between the ambulance services of the *Landkreise* Leer, *Grafschaft* Bentheim and Meppen with the Dutch provinces Groningen and Drente.

With Interreg funds the EDR has co-financed the FSI, a bureau for prevention and information on addictive substances. The goal of this bureau is (FSI, 1999):

- to initiate and co-ordinate cross border networks for addiction prevention and care for addicts;
- to acquire and develop new and useful approaches and ideas in the field of addiction prevention;
- to support projects through a knowledge database, project support and advise and support in acquiring funds;
- to supply general information on the theme of addiction prevention.

In 1999 and 2000 the FSI has held three symposia on theme 'borderless Prevention?'

5.3 EUREGIO

The EUREGIO is the only Dutch-German euregio that deals with two German states at a time as it encompasses parts of the state of *Nordrhein-Westfalen* and *Niedersachsen*. This influences co-operation in the field of public safety, as both German states have differently organised their public safety structures.

The EUREGIO workgroup on *Euregionale Problematik* in 1995 has published a report *Integrale Sicherheit* (EUREGIO, 1995) This report aimed to come to a cross border euregional approach of problems related to public order and public safety. The report has led to the installation of an euregional workgroup on police, fire department and ambulance services.

With the Schengen agreement the police and customs authorities are working together in the euregio area without the direct interference of EUREGIO, who supports this co-operation with Interreg funds. The euregio has thus contributed to the joint police post in Dinxperlo and will support a project aimed at the exchange of know-how, rules and procedures of police controls on highway truck transport.

In 1996 EUREGIO used Interreg funds to fund an initiative of the universities of Twente and Münster to found an institute that specialises in crime prevention. The European Centre for Crime Prevention (EZK) aims to (www.ezkev.de) further the cross border prevention of crime in Europe through scientific research and the supply of information. The EZK functions as a partner to various actors in the field of crime prevention.

Within the euregio there is extra attention for disaster control, especially since the fireworks disaster in Enschede. The euregio has prepared and supported the founding of a workgroup on disaster cross border disaster control. The euregio helped with the bridging of language and cultural gaps and also funds the project manager using Interreg funds. This workgroup will work on a better cross border co-operation in case of emergencies. Within the euregio there already are four disaster plans that cover the euregio area. These four plans will be linked so that they can function as one when the situation calls for it.

At the moment drugs are no issue in euregional policy, in the past there have been some attempts to co-operate on the drug issue, but these attempts have been abandoned as was described in the third chapter of this contribution.

5.4 Euregio Rhine-Waal

The euregio Rhine-Waal organises the so called 'round table police', which is a platform for Dutch and German police, military police (border police), criminal investigation departments and customs to consult each other. The goal of the round table is to function as a pool of knowledge and to offer a possibility for information exchange. The meetings of the round table are held two to three times a year and take place at the office of the euregio. During these meetings various subjects are discussed that can be worked out into more concrete measures and modes of co-operation on a later occasion.

The German police had a mobile command and communication vehicle, that was financed by several companies, at its disposal. This vehicle was equipped with a German police radio. On the initiative of Dutch and German police forces the vehicle was fitted with a Dutch police radio. This operation was supported by the euregio with a subsidy from the Interreg fund. This adaptation of the Vehicle made it possible to use the vehicle as a mobile command and communication centre for joint Dutch–German police operations.

Next to the round table for police, that has been discussed above the euregio Rhine-Waal also has a round table for other auxiliary services that functions in a similar way. This round table consists of fire department, ambulance services, the German technical assistance and several Dutch and German semi-public auxiliary services. This round table discusses matters that concern disasters, accidents and other emergencies that can occur in the border zone.

The euregio Rhine-Waal has no disaster plan at this moment, but the euregio looks over the shoulder of its neighbour the euregio Rhine-Meuse-north. When the disaster plan that is being developed by this euregio is finished and optimised, the euregio Rhine-Waal wants to adapt this plan to fit its own area.

In the near future the euregio has planned a large-scale euregional disaster exercise. This exercise takes place on initiative of the *Rettungsdienst Kreis Kleve* and will be supported by

the euregio. A large number of organisations responsible for disaster control on both sides of the border will participate in this exercise that will simulate a plane crash.

Fire departments on both sides of the border train and work together with colleagues on the other side of the border. This co-operation takes place without interference of the euregio. The euregio has been involved with the acquisition of adapters for hoses and equipment in order to facilitate effective operation of fire departments on the other side of the border. The purchases themselves are made by the individual fire departments.

The euregio is planning a project aimed at informing youths on the dangers of drug use. The project will be subsidised by the euregio using Interreg funds. Co-financiers are GRIFT (a Dutch regional organisation that provides care for addicts) and Caritas (a German charitable institution). The project will be executed by the euregio in co-operation with BINAD (a Dutch–German institution that is engaged in giving information on drugs). Within the project youths are informed of the dangers of using alcohol and drugs in combination with participation in traffic. The project is mainly aimed at young visitors of discos in the border zone.

5.5 Euregio Rhine-Meuse-north

In the year 1993 the euregio established the workgroup public order and public safety. One of the events that triggered this were major floodings of the rivers between which the euregio lies. This disaster made clear that there is much to gain from cross-border co-operation when a major disaster occurs.

In 1996 the workgroup finished her first major task and published the euregional safety handbook. This handbook is meant to stimulate and facilitate the cross border co-operation between the various parties involved in public order and public safety. The book consists of three main parts, one for the fire department, one for the hospitals and health service and one for the police. Each part has maps with the locations of the involved units, names and phone numbers of people who can be reached for all kinds of co-operation. It also contains information about the availability of special equipment and the radius of ambulances and helicopters. The handbook has been updated in 1997 and 2000 and is in the possession of all parties mentioned in it.

The publishing of this handbook gave cause to a disaster exercise between the parties mentioned in the book. This exercise, called EUREX took place in 1996 and at that date it was the largest cross-border disaster exercise ever held, with a total of 1211 participants from police, fire department and medical service. The exercise was mainly aimed at getting to know one another and learning to co-operate in major disasters.

In 1997 the workgroup public order and public safety organised a symposium in continuation of the EUREX-exercise, to discuss it's results and implications. One of the things discussed was the fact that ambulances and police- and fire department vehicles are not allowed to use their flash lights and sirens while operating on foreign soil. This is an unnecessary hindrance in the cross national co-operation. Continuing lobbying from the side of the euregio has contributed to the implementation, in 2000, of a treaty between the Netherlands and Germany removing this problem, at least when there is an emergency.

In 2000 the symposium *notfallseelsorge* has taken place. The subject of this symposium was: the provision of spiritual care for victims. It was organised by the euregio and held at the police office in Venlo. Several Dutch and German professionals involved with victim care where enabled to learn from each other on this topic.

The problem of drugs is a difficult issue and there are two workgroups within the euregio that have looked at it: the workgroup culture and youth and the workgroup public order and public safety. The workgroup public order and public safety recognised that the major problem in the co-operation between Germany and the Netherlands lies in differences in drug regulations and differences in legal capacity; if there is a violation of criminal law German police officers *have to* intervene while Dutch police officers *may* do so. The workgroup concluded that there was little that could be done by the euregio, because the respective laws were clear. Moreover they were aware of the drug problem and it's border crossing nature, but nothing could be done because of these differences. The workgroup culture and youth has also looked into the drug problem, it focussed on how the problem was coped with in the social sphere in Germany and in the Netherlands. It finally decided not to develop co-operation on the euregio level. The reasons for this decision were that the euregio lacks the specific knowledge necessary to develop a useful co-operation in this field. The most important reason to abstain from developing any euregional activities, was the existence of a lot of national institutions

active in the field of drug prevention and information, that also displayed forms of cross border co-operation.

At the end of 2000 there will be a workshop organised by the workgroup public order and public safety and the *Schule für Katastrophenschutz* on the chances for co-operation between the Netherlands and Germany in the field of disaster control. This workshop will also go into difficulties arising from differences in organisation and definitions between the two parties.

An other future development is the plans that exist for the construction of a Regional disaster plan. This plan will be an addition to the security handbook it will provide a script of what to do when a disaster occurs. It will be distributed to only a few parties that play a co-ordinating role in case of a disaster. The realisation of this project depends on the willingness of the European Commission to make a financial contribution. The European Commission will only fund this project if it is coupled with a workshop to which representatives of all members of the European Union are invited.

5.6 Euregio Meuse-Rhine

The euregio Meuse-Rhine obtains most of its own means from contributions of the five areas that are its participants. The interest on Interreg funds which the euregio had in stock used to be another source of finances. This source has recently dried up because the European Union has decided to bar this creative use of the Interreg funds. This led to the decision of the euregio to modify its organisational structure and mode of operation. The number of commissions has decreased and the commissions that remain now have a broader and more co-ordinating role. The new commission on healthcare, social integration and safety thus has a similar role and mainly functions as a source of knowledge for all kinds of third parties within the euregio area and offers them a cross border network which supports the co-operation within the euregio.

A special problem in the euregio Meuse-Rhine is the trilingualism. Especially the French language leads to problems in co-operation. The reason for this is that there are few people, outside the French speaking area in the euregio, who can speak French and vice versa. To cater to this problem the euregio has designed trilingual notification forms. These forms are used by alarm centres within the euregio to notify each other of cases that have a (potentially) cross border impact. The forms can be faxed to other emergency centres within the euregio.

Next to these forms the euregio also constructed a multilingual (Dutch, English, French and German) list of concepts for fire brigades and ambulance services. This list is located inside vehicles that can be deployed across the border.

On request of the police, the euregio in 1999 has organised a colloquium for police personnel. During this meeting discussions have been held about the options to achieve co-operation in the field of police education. This would result in cross border police co-operation getting a place in the police education, for instance by starting a module cross border co-operation. Each year the euregio also organises a three-day police seminar, with participants from the middle management of police organisations on both sides of the border. During this seminar the attention lies on the exchange of information and specialised knowledge.

A special case within the police co-operation in the euregio Rhine Meuse is the situation in Eurode, the cross border co-operational association between the municipalities of Herzogenrath and Kerkrade. These two municipalities that lie directly next to each other and on the border, have decided on a close co-operation, also in the field of police. Police officers from both countries patrol together and both make reports of offences, this because initially it is not always clear in which country a certain offence has been committed. Eventually the country in which the offence has taken place decides on the way the case will be settled or prosecuted.

The euregio Meuse-Rhine is very active in the field of disaster control. First the euregio is drawing up an euregional risk map. This map is meant to get a survey of the risks that confront the euregio. The goal is to get an insight in the potentially dangerous situations that exist within the euregio area. This information will be entered into a geographical information system (GIS) and subsequently the information can be exchanged between the euregional alarm centres in case of an emergency. The costs for this ambitious project for the most part come from a direct subsidy from the European Union. The Dutch province of Limburg already constructed a risk map for its area, this map will be integrated into the euregional map. When the euregional risk map is completed it will be used for the disaster plan of the euregio Rhine-Meuse-north. This euregio is developing an euregional disaster plan and this plan eventually will be used by the euregio Meuse-Rhine to develop their own version of this plan. In 1999 there has been a disaster exercise on the level of administrative management. Within this exercise the euregional disaster management, consisting of the highest civil servants in charge of disaster control from the five areas that are part of the euregio. In 2000 a

large euregional disaster exercise, Eurocat III, has taken place. Auxiliary services from all parts of the euregio have taken part in this exercise. The exercise was a simulation of a large accident with cross border effects.

The euregio also takes on more small scale problems. The fire brigades in the euregio area have exchanged connection pieces, to be able to effectively operate across the border. Agreements have been made about the deployment of ambulances in the different countries in order to achieve a complete and efficient coverage by letting some deployment areas cross the border and by allowing ambulances to drive to foreign hospitals if these are closer or better equipped for certain tasks. Also the safety of the future cross border business area near Aachen (D) and Heerlen (NL) will be organised within the euregional framework. In Aachen there is an euregional educational institute called Eucrew, which caters for ambulance- and helicopter personnel. Within the framework of its safety policy the euregio also is engaged with various activities in the field of information and communication technology. Digital maps and forms are exchanged and there has been a mutual adjustment in communication systems. Above this the police and the university of Maastricht have developed the innovative EMMI project, that has been described in chapter three.

Within the euregio consultation takes place between organisations involved with the prevention of drug use. The drug issue and the way to cope with the nuisance that comes with it has also been discussed in the police seminars that are treated above.

In the future the euregio wants to play a simulation of a severe large scale disaster. The simulation will be played by all officials that are administratively or politically responsible for disaster control. The simulation will create a very chaotic situation, in which it is not clear where the border lies and who exactly is authorised to act. The goal of this simulation will be to cultivate the understanding that in case of a calamity competence, authority and finances should be set aside and the joint battling of the disaster at hand has to become paramount.

5.7 Analysis

Looking at the policies of the five Dutch-German euregions, it becomes clear that most policies described are of a relatively recent origin. One of the reasons for this can be the fact that the European integration has intensified since the treaty of Maastricht in 1992 and the

safety problems in the border zone have increased with the subsequent weakening of the borders. Also important are the Interreg funds that gave an enormous boost to the budget of the euregions. This increased budget made that the euregions could take on more challenges than before and more possible partners started looking at the euregions, not only for advice but also for funds. The activities of the euregions are mostly financed by Interreg funds. This also goes for policies on public safety, even though these funds are not specifically meant for use in public safety projects. What is done with most public safety projects is that they are built to fit the Interreg criteria. Most euregional projects in the field of public safety are Interreg projects and in these projects the euregio mainly acts as a distributor of funds, they primarily have a policy-supporting role. Their policy support is not limited to the distribution of funds, as they also have extensive knowledge on cross border co-operation. This knowledge is utilised to advise the project parties on the approach of specific problems they are faced with.

Table 5.1 Frequency of three policy types in the Dutch-German euregions

	Complete policy	Policy initiatives	Policy support
EDR	1	-	8
EUREGIO	1	-	4
Rhine-Waal	2	-	3
Rhine-Meuse-north	5	-	-
Meuse-Rhine	7	-	3

Table 5.1 gives a summary of different activities employed by the euregions in the field of public safety. The different activities are divided according to the three types of policies derived from Hoogerwerf in the beginning of this chapter. What instantly becomes clear is that this typology is not the best that could have been used here. The main flaw in this typology is that most activities that fall in the category policy support are not only financed by the euregio, but the knowledge of the euregio played an important role in the process. The typology constructed using Hoogerwerf ignores the possibility that a project is invented by a third party and also carried out by this party, but with financing and advice from the euregio. Including this in the description of policy support would solve the problem. However, there is a difference in projects that are only financed by the euregio and projects that also utilise knowledge from the euregio. The typology therefore is of limited use to analysing the activities of the euregions. What does become clear is that the euregions abstain from using

others to work out their ideas. When the euregions have a policy ideas they work them out by themselves, sometimes in co-operation with others. Another difficulty we are faced with is determining what exactly is an activity of the euregio and what not. The euregio is a networking organisation that is involved with other actors that are present in the border zone. Most processes in this field are difficult to separate from each other. Therefore it is not easy to say what exactly has been the role of the euregio in achieving a particular goal. This aspect is most salient when it comes to policy support from the euregio. Most of the time it has been difficult to say what exactly is contributed by the euregio. Does the euregio merely deal with supplying funds or is there a more substantial contribution? Also it is hard to say if certain contacts outside the euregio framework would have also have taken place without the presence of the euregio.

It therefore seems prudent to go beyond the limited possibilities for analysis, offered by our present typology. What I am actually interested in is the involvement from the euregions in all kind of public safety activities in their area. Following the results of the interviews I recognise four types of activities. First there are activities without involvement from the euregions. These are activities like the drug issue that is being left alone in the euregio Rhine-Meuse-north and the co-operation in disaster control in the EDR. These activities can be picked up by other parties or be left alone all together. Second there are activities that can be seen as the ‘classic’ policy support, which are only supported financially by the euregions. Third there are activities that are not only financially supported, but also supported by the euregio in other ways. This support can take the form of providing knowledge and contacts, doing research or lobby with different levels of government and possibly also subsidise the policy. The fourth possibility is the complete policy as outlined before. When we combine these forms with the original typology it seems that when we switch the ‘policy initiatives’ for ‘extended policy support’ it seems that we can move on.

Table 5.2 Frequency of three adapted policy types in the Dutch-German euregions

	Complete policy	Extended policy support	Policy support
EDR	1	4	4
EUREGIO	1	1	3
Rhine-Waal	2	-	1
Rhine-Meuse-north	5	-	-
Meuse-Rhine	7	3	-

Table 5.2 provides a clearer picture of the actions of the euregions in the field of public safety. Each individual euregio shows a different approach of the public safety issue. The EDR is very active in a supporting role to other parties that are active in the field of public safety, here the euregio functions as a network organisation that offers funds and know-how to third parties. EUREGIO is mainly active in creating the conditions under which co-operation between third parties is possible and since it is the oldest euregio a lot of co-operation takes place outside the direct involvement of the euregio. The euregio Rhine-Waal itself is not showing much activity in the field of public safety, but a lot of co-operation takes place within the framework of the two 'round tables' that are organised by the euregio. The euregio Rhine-Meuse-north primarily works on its own projects, and has a clear line in the development of their safety policy which is mainly aimed at disaster control. The euregio Meuse-Rhine is also very active in the field of public safety and is very much involved with concrete projects.

5.8 Conclusion

In the beginning of this chapter we made an assumption on the types of policies an euregio would display. Using contributions of Hoogerwerf we constructed a typology of policy types which made a distinction between complete policy, policy initiatives and policy support. During the interview sessions it became clear that this assumption was not entirely correct. To be able to analyse the results of the interviews, the typology had to be adapted. The new typology divided policy types in complete policy, extended policy support and policy support. This new typology gives a clearer insight into the different policy types of the euregions. This is especially important as it splits the original category policy support in two. The activities that remain in the box 'policy support' are activities that are only financially supported by the euregions. These activities can be looked at sceptically, do they really belong to the euregio? Seen from the theories of regionalism the euregio should be more than just a money distributor for the European Union. The euregio should also be involved in the policy making process so that it can play a co-ordinating role in the cross border co-operation and not stand on the side-line. From the interviews it has become clear that most euregions are far from solely being a distributor in the European Union's money carousel. Although the euregions differ in their approach to the issue of public safety all euregions are quite active on this field.

6. Conclusions and recommendations

6.1 Introduction

This last chapter will be devoted at looking back at all that has passed in the previous chapters and answering the central question posed in chapter one. Next to this I will also try to supply some points that can be taken for further research. The central question which I aimed to address with this analysis is:

What functions do the Dutch–German euregions have in the field of public safety and can these functions be explained?

6.2 Conclusions

This contribution started with an analysis of theories on regionalism. There are several theories on regionalism. Using these theories I have formulated a working definition of the term region, that also encompasses the euregio. This definition thus makes the theories of regionalism applicable to the euregio. Regionalism is essentially seen as a bottom-up movement that strives for recognition of the region on different levels. What is important here are the described perspectives on regionalism held by the three main actors involved: the region, the state and the European Union. These three perspectives illustrated by the models of Rhodes can be used to explain the increased activity of the euregions in the field of public safety. Since the second half of the 20th century there has been a movement in Europe towards increasing co-operation and integration resulting in a weakening of state sovereignty and the emergence of the European Union. The European Union is taking over part of the activities that previously had been catered to by the state. The European Union started dealing with regions in a more direct way through the granting of various subsidies. One of these subsidy programs that has been of great significance for the euregions, is the Interreg programme. The arrival of Interreg meant a boost to the significance of the euregions which were appointed to distributing these funds. Before the arrival of Interreg most euregions played a far more modest role in bringing together the people on both sides of the border. However the influence of Interreg on the functioning of the euregio might not be all that positive seen from a regionalists point of view. The involvement of the European Union with the Interreg

programme is so massive that it threatens to overwhelm the original euregio and its bottom up style. The effect of this is that initiatives that do not meet the criteria set by the European Union and are considerably less attractive for the euregio.

Public safety is the prime responsibility of the state and therefore the state will provide for this commodity until other parties can partially take over this task. In the border area this task is somewhat difficult as measures taken on one side of the border can have profound influence on the other side, especially when crime and accidents are involved as these do not follow the lines drawn by politicians and statesmen. Therefore it is important that authorities on both sides of the border co-operate in the field of public safety. The state border often also is the border for systems of crime and disaster control, this makes co-operation even more difficult.

The attention that is paid by euregions to issues of public safety is relatively recent, most euregions have been deploying activities in this field for little more than a decade. There are several reasons for this. One is the fact that in recent years the attention for public safety issues has increased both on the national and the supranational level (for instance with the Schengen agreement). The opening of internal borders in the European Union means that state governments can no longer hide behind their sovereignty and also have to co-operate in more sensitive areas like public safety, that can have negative effects on their sovereignty. This increasing attention for public safety means that euregions have to increase their efforts in the field of public safety to prevent that they will be put aside by other actors. If the euregio cannot supply adequate assistance to co-operation, parties will go looking elsewhere.

The emergence of funds like Interreg gave a boost to activities of the euregions in general, also increased attention that was paid at public safety. In practice it has been possible to use the Interreg funds for projects in the field of public safety, as long as these projects met some of the goals specified in the Interreg programme. Most of the Public safety programmes that were subsidised by the euregions with Interreg funds therefore are fitted with some kind of exchange component.

In chapter five we have seen that euregions differ in the way they approach the public safety issue. Some euregions function mainly as a networking organisations in bringing people and organisations together and facilitate them in solving specific public safety problems. Other euregions follow a more individual path with their own executive policy on public safety.

These two ‘functions’ of euregions in the field of public safety have different origins. The ‘networking’ function rests on the extensive contacts of the euregio on both sides of the border. The ‘own policy’ function rests on the large amount of knowledge on both countries and on cross border co-operation that has been accumulated within the euregio organisation.

For the networking function to be successful some demands have to be met. The members of the euregions mostly are local governments within the euregio area. They have to be willing to co-operate, the euregio has to be a platform where they meet and discuss options for co-operation. The euregio can facilitate this process by offering information on possibilities and possible partners for co-operation. This is what most of the euregions, in some way, actually do at the moment. When the euregio works its own programme and executes its own policies, it relies on the persons that work for the organisation. As euregions are relatively small organisations their own policy making ability is limited.

6.3 Recommendations

The strong point of the euregio is their network and knowledge of people and structures on both sides of the border. Therefore the euregions should focus on these points and use them to bring together citizens and organisations on both sides of the border. The Interreg funds should thereby be used only as a bonus for co-operation not as the prime reason (as this only leads to sub-optimal allocation of funds). In this light the Interreg funds could be streamlined to subsidise only a marginal percentage of the total costs or a contribution to cover starting costs. This might also keep the hyenas away; there are some members and aspirant members of euregions that in all reason lie outside the actual border zone, whose only reason for membership of the euregio are the Interreg funds. When a large part of these funds go, they might decide to quit and enable the euregions to focus on actual problems in the border zone.

If the European Union really wants to encourage regionalism and cross border co-operation it should fund the euregions directly without demands on the policy followed. This would prevent sub-optimal allocation of European funds and would also be in line with the subsidiarity principle that is advocated by the European Union, which means that decisions are to be made on the lowest level possible. When euregions can really make their own policies with the European funds, they can choose for quality projects that work on actual problems in stead of just cashing the money because it is there.

This analysis aimed to cover cross border co-operation between Dutch–German authorities in the field of public safety within the framework of the euregions. It could prove fruitful for future research to look at cross border public safety co-operation from other points of view in order to get a more complete oversight of this policy field within the frontier areas of European integration, as the Union’s internal border zones are the prime areas where the Europe of tomorrow is being made.

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