



# From Internal Security to Urban Security: The Role Of European Cities \*

*A comparison among territorial strategies for urban security in the cities of Modena, Lille and Tilburg*

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## **1. Introduction**

The security policy is a sensitive argument for Europe, nowadays, as well as in the past. It could not be differently. Security, both as internal public order and external defense, is one of those basic needs the Leviathan should guarantee for the good of the individual and the collectivity.<sup>1</sup> It is now an issue for the European Union (EU) as well.<sup>2</sup> Also for the

<sup>1</sup> For example when Hobbes (1967, 58) talks about the two fundamental rights (or powers) “spada della giustizia” (Sword of Justice) and “spada della guerra” (Swords of War) and when (Ivi, 82), he presents the four main points of view for the good of citizens, among them: «I. Che i cittadini siano difesi dai nemici esterni. II. Che essi conservino la pace interna» (I. That citizens are defended by external enemies. II. That they keep internal peace).

<sup>2</sup> See this relevant quotation, mainly for internal security before the Lisbon Treaty, COM(2006) 332 final, *Evaluation of EU Policies on Freedom, Security and Justice*, par. 8-9:



city, security was and is a central issue, especially in terms of safety, today.<sup>3</sup>

The paper deals with the security policy from a double point of view: the one of Europe and the one of cities. Is there any space for a European urban security policy? Why should we pay more attention to it? On the one hand, these questions need a preliminary clarification of what European security could signify for the integration process. The European competences involved in the security policy are several and not easy to explicate. For example, shall we include in them the immigration policy? Does it fall in the intergovernmental or in the communitary governance system? On the other hand, an analysis of what European security really means - when it is linked with the adjective “urban” - is due. The *European forum for Urban safety* (Efus), despite being one of the oldest among all the urban networks of cities with a European relevance and the only one to be entirely dedicated to urban safety, is the less institutionalized.

«Freedom, security and justice is one of the EU’s most diverse policy areas. The objectives to be achieved encompass some of the most topical issues: free movement of persons, terrorism and organised crime, police and judicial cooperation, asylum and migration policy, all of this while respecting fundamental rights and promoting the rights of Union citizens. Often national sovereignty considerations necessitate compromises at EU level or make implementation difficult. Therefore, any new evaluation mechanism will have to take account of this political context. The complex and ambitious policy goals sought are further complicated by a sometimes confusing legal framework, a mix of decision-making and compliance procedures».

<sup>3</sup> This was particularly true in the absence of a central power, such as during the Roman Empire. A typical physical feature of Medieval cities is, then, the presence of external walls. In the ancient world, only Sparta can be remembered as a city without walls. See Weber (1922, *passim*).



Its relations with the European Commission are apparently weaker than in other cases, for example, Eurocities or the Covenant of Mayors. However, a new partnership for security in public spaces has been recently added in the context of the European Urban Agenda, involving at last the Efus network. With the support of the European Commission and urban networks, cities can adopt strategies for urban safety with a certain degree of uniformity across the continent. This scenario actually appears in many situations, as the following paragraphs will demonstrate through the cases of the cities of Modena, Lille and Tilburg.

Because of the unusual institutional linkage observed - the local-sovrational one - the Introduction is completed by an overview on the European Urban policy and by the description of the methodology adopted. Then, the article will be divided in two main parts. The first one describes the European legal framework on European urban security (mainly internal security). The second one develops the comparison, observing the specific administrative tool at work in each city. The analysis ends with conclusions for both the micro level (the three territorial strategies for urban security, with similarities and differences under the European influence) and the macro level (what cities mean for Europe and how they can contribute in facing continental problems, such as security).

### *1.1. Cities and the European Commission in the framework of the European urban policy*

Cities are an important element in the history of Europe. Notwithstanding many differences, they have some similar characteristics all



over the continental territory and across time, in particular since Middle Ages.<sup>4</sup> For example, they are medium-size urban areas compared to North American and Asian larger ones; they are then more densely populated than the American ones but less than the Asian ones.<sup>5</sup> For this paper, cities are considered as local authorities, in particular as municipalities under certain statistical parameters.<sup>6</sup> The idea is to propose a combined definition of the city in Europe, on the one hand, as a territorial entity, directly elected and with general competences (this entity normally corresponds with the concept of municipality).<sup>7</sup> On the other hand, it can be defined “urban”, according to a European average based

<sup>4</sup> Cavalli and Martinelli (2015, 154 ff.). Cfr. Le Gales (2002); see also Therborn (1995), especially ch. 9.

<sup>5</sup> See European Commission (2016).

<sup>6</sup> M. Weber observes, in its essay on cities (1922, 5-8), that the simplest way to define and to compare cities is to look at their dimension and population, in other words, to describe them through data. He writes, also, that this is a limited approach, but a necessary starting point to simplify the painting. Gradually the economic, social and political dimensions will be added, and finally, also the formal-legal issues will be analyzed.

<sup>7</sup> In order to consider the city as the “municipality” in Europe today, it is necessary to take into account the national legal system. This means to observe a kind of local autonomy that is, firstly, legal (as self-government and normative) and secondly, political (the capacity to make public policies). See Giannini (1951, 39 ff.) The choice to define the city as a municipality helps to consider the original political autonomy of European cities, in other words, that autonomy before the birth of the National State. This involves a conception of the city as an “association” in Weberian terms and the first intermediate form between individuals and collective structured organizations. It is also important to imagine a city with a dormant *imperium*: in the sense Romano (1907-1932, 487).



on population density (source EUROSTAT-2014).<sup>8</sup> The density parameter is relevant at the city-municipality level but also at its urban area (that is, where the city-municipality is located, provided that the city-municipality is the main or one of the main centers of the regional or functional area). This distinction is relevant because Eurostat estimates the cities' average population on the base of the total population in urban territories (350.000 inhabitants).

The decision to consider the city as a “municipality” has many pros in terms of legal certainty and political-administrative analysis in Europe: clear administrative borders, traditional studies on the comparison among local government systems, the possibility to analyze also political and representative processes and to observe if new urban authorities - similar to municipalities but with larger sizes - are emerging. Considering the city as a statistical unit has advantages, as well: it permits a comparison across Europe, the adoption of a European common language and the possibility to take into account all manifestations of functional urban areas.

<sup>8</sup> EUROSTAT (but also OCSE adopts a similar approach) analyzes the urban phenomenon on three levels: “local administrative unit (LAU)”, “Functional Urban Area” (or “Larger urban zone”, LUZ) and “Greater city”. The procedure to obtain average data consists, first of all, in identify the “urban center” that is «a cluster of non-diagonal contiguous cells having more than 50.000 people and a population density of 1.500 inhabitants per km<sup>2</sup> or more» (Clark gradient, 1951). Once the urban centers data set is obtained, all municipalities (level LAU2) with at least half of their population inside the “urban center” are selected to be considered as cities. See [http://ec.europa.eu/eurostat/statistics-explained/index.php/Archive:European\\_cities\\_-\\_the\\_EU-OECD\\_functional\\_urban\\_area\\_definition#A\\_harmonised\\_definition](http://ec.europa.eu/eurostat/statistics-explained/index.php/Archive:European_cities_-_the_EU-OECD_functional_urban_area_definition#A_harmonised_definition) (March 2019).



For many years, cities have been at the center of the European Commission's interest, so entering the history of the EU, as well.<sup>9</sup> Initially, cities were managed by different policies, but it is quite recent the birth of a specific European Urban policy, thanks to the framework provided by the Urban Agenda for the Ue, the so called Pact of Amsterdam (2016). Urban areas appear as special territorial targets, requiring comprehensive and coordinated approaches to tackle the current challenges. Hence, a specific feature of the European Urban policy is its “multi-sectoriality”.

<sup>9</sup> In 2000, the Lille Programme; in 2004, *l'Acquis Urban*; in 2005, Bristol Agreement; in 2007, EU Territorial Agenda and the Leipzig Charter; in 2008, Marsille Declaration and in the same year the network Covenant of Mayors is formally recognized by the European Commission and the Mayors Adapt initiative also joins the program in 2014 (since 2015, they are been merged); in 2010, the document J. Hahn (European commissioner for regional affairs), *Cities of the future* is published; in the same year, the new Urban and Urbact programs start and the European capital for culture Award and the European green capital Award are launched. In 2011, the 2020 EU Territorial Agenda is approved. In 2012, the European Commission publishes a communication titled *Cities and smart communities-European innovation partnership*. In 2014, the Commission proposes the draft of a European Urban Agenda and it organizes a CITIES forum – *Cities of Tomorrow: Investing in Europe* in Brussels. In 2016, the Pact of Amsterdam is adopted. Hence, the European Urban Agenda is anticipated by different conclusions, communications, documents and resolutions by all European institutions: the Committee of the regions, the European Commission, the Council and the European Parliament, respectively COR-2013-06902-00-00-AC-TRA (EN) 6/82, COM(2014) 490 final, Council Conclusions of 19 November 2014 (Doc. 15802/14), PE (2014/2213(INI)) approved in 2015 and also the Declaration of Ministers towards the EU Urban Agenda, Riga, 10 June 2015. Recently, COM (2017) 657 final, European Commission, *Report from the Commission to the Council on the Urban Agenda for EU*. On 3<sup>rd</sup> July 2018, the European Parliament adopted a resolution entitled *On the role of cities in the institutional framework of the Union*, in the form of a *own initiative procedure* (2017/2037(INI)). The time available for the Commission reply has expired without any further discussion.



While being unique, the territorial target has twelve different priorities. Through the adoption of the Urban agenda, the diffusion of standards, the realization of partnerships and the financial support, the European Commission seeks to integrate the twelve priorities among them: for example, the connection of the urban policy with environmental, social or security ones.

This also means that, nowadays, cities are recognized more explicitly by the European Commission as main actors in the European governance, similarly to the regions. More precisely, in the Amsterdam Pact it is written that the Urban agenda for the EU's activities is coordinated by the *DG meeting on Urban Matters*, a body composed of all the general directors who meets, at least once for each change within the Council Presidency (therefore, at least twice a year), to discuss the urban aspects of their policies. This is also the reason why in the Agenda the DG is addressed as "The meeting of the Directors-General on Urban Matters" (DGUM). The DGUM can periodically update the Urban Agenda's Working Program, subjected to approval by the national ministers responsible for urban affairs. To this aim, a summary document of the proposed amendments has also to be sent in advance to the General Affairs Council office. The DGUM is in turn assisted and controlled by the *Urban development group* (UDG), that is an informal advisory body linking the Council and the Commission. The UDG, therefore, plays a double role: on the one hand, it leads the general discussion on urban affairs in the Council; on the other hand, it reports the guidelines to the DGUM. Given this dual activity, the UDG has a variable internal organization on several levels. It includes national urban business experts from the European Commission, the European Parliament, other advisory bodies





(such as the Committee of the Regions), the European Investment Bank and associations representing urban authorities (such as EUROCITIES). Other national partners, URBACT, ESPON and EUKN participate as observers, while other stakeholders can be invited by the Presidency of the Council of the European Union. The latter one prepares and organizes the meetings and, together with the Commissions, presides over it. The Working Program of the Urban Agenda for the EU, as an integral part of the so called Pact of Amsterdam, states that the DGUM provides non-binding guidelines for the implementation of the program, although they are based on the UDG address, given by consensus in the Council. However, it is an informal guide. What is interesting is that DGUM operates in a collegial way, in continuity with the traditional working method of the Commission and thus recognizing the cross-cutting nature of the subject of urban development.

This working method has had consequences on the internal organization of the Commission, in particular on *DG Regional and Urban policies*, although in all the other DGs there are sub-divisions for the evaluation of the effects of sectoral policies on urban systems.<sup>10</sup> This is necessary because all the DGs are involved in the DGUM. Nevertheless, this work organization is still evolving and the human resources allocated to urban affairs are relatively limited. There are also risks related to the duali-

<sup>10</sup> Information based on semi-structured telephone interviews with key actors involved in the implementation of the Agenda, May-July 2018 (European Commission and Eurocities). The team more directly involved for the implementation of the Urban policy in the *DG Regio and Urban affairs* is composed by eight people. The team leader is, at the moment, Thomas De Béthune.



ty of UDG and DGUM governance, in particular for continuity in political commitment, since the Presidency to the Council of the European Union alternates every six months (the same risk had already been observed in past for the territorial Agenda). Furthermore, the lack of political commitment on the part of the Council could strengthen the role of the Commission, an element which should be considered positive or negative depending on the theoretical approach adopted for European integration. In fact, this reinforcement took place because, on the one hand, the last presidential trio Estonia, Bulgaria and Austria did not plan any informal meeting among the ministers for urban affairs (against the provisions of the Pact of Amsterdam, according to which a meeting would be advisable at least at each change of presidency); on the other hand, the Commission has formed a technical secretariat, involving the cooperation not only of the human resources of the DGs but, also, the ones belonging to Eurocities and EUKN.

### *1.2. Methodology*

In the American legal doctrine, some academics have recently applied successfully the Comparative Urban governance method to global cities analysis.<sup>11</sup> It must be observed that this technique tends to overlap the Comparative Law method with the sociological and qualitative case-study approach.<sup>12</sup>

<sup>11</sup> See Rodriguez and Shokedy (2014); Nicola and Foster (2014)

<sup>12</sup> The methodology adopted and the way in which cities are defined and compared seem to be influenced by a sociological approach. In particular, cities appear as original



However, in order to be replicated for European cities, the aforementioned method has to be adjusted according to the European legal system and local continental tradition. First of all, a detailed policy must be chosen (i.e. urban security or urban mobility) together with a specific legal tool (i.e. the territorial strategy for urban security or a sustainable urban mobility plan, SUMP). In this phase, the relevant soft and hard law at the European level has to be rebuilt. Besides, a selection of the specific instrument according to its impact is recommended; contrary to common thinking, it is better to focus on a less impactful one, because in this way the comparison between cities' policies is not distorted. In the case of territorial strategies for urban security or SUMPs, they will probably have a huge impact in the future but, at the moment, their diffusion is not so wide and homogeneous. Secondly, the selection of cities has to be justified. Thirdly, since the comparison is among cities, the features of the local government systems need to be clarified. Fourthly, a core choice resides in the way of observing the policy. In the example of SUMP, each city's plan will be probably studied in terms of adoption

and independent constitutional cells (socio-economic orders with semi-autonomous political and legal systems) that are able to develop a personal internal language and identity. At the same time, they are able to communicate reciprocally and with other social systems through law. Hence, the capacity to communicate through law is presumed. However, the paper does not want to be a study in Sociology of Law but, rather, a legal one. What is mainly observed is, in fact, Law. The attention for the environment is central in the sense it helps to understand the learning process of the legal system. In addition to this, it must be noted that here the pluralism is not extreme, because the basic idea is that cities are using the legal communication in a supra-legal system that is the European one. About the origin of the case study methodology and for some suggestions in adopting it, see Harvey (2009).



procedure contents, legal nature, possible binding effects and geographical implications, such as taking into account externalities on wider urban areas. In the example of a territorial strategy for urban security, it will be observed in terms of contents and spaces for local powers (i.e. which is the definition of urban security), in terms of the adoption procedure and the actors involved or in terms of its legal nature. Fifthly, an extra step should be added for the European case: the study of the national or regional normatives about spatial and sectoral planning (for SUMP) or of national security approaches (for territorial strategies for urban security) but, also, the declination of the single national urban agendas.

## I PART THE EUROPEAN LEGAL FRAMEWORK

### **2. The European legal framework on urban security and the overlapping in public policies**

The legal framework for European security will be presented, to begin with. This analysis will involve a quick reference to hard law provisions and a clarification on what European security is for the scope of the article. Then, through the relevant soft law, goals and principles, the paragraph will explore the variant for a “European urban security”. Useful questions to keep in mind are the following: what happens if, from the urban point of view, it is discovered that the definition of a European (mainly internal) security needs to be updated to achieve the general



goals appointed in the treaties? What does it mean in terms of competences and powers for the implementation of the security policy in Europe? And in terms of a European urban policy?

*2.1. The EU's competences and powers in the field of "internal" security: the hard law and a broader definition of security towards a European urban security*

The word "security" appears in art. 3, par. 2 TEU for the first time, after the Preamble. "Sustainable development" is also recalled in the same article. "Development" and "security" are mentioned separately in par. 2 and 3. Then, they are in pair in par. 5. While par. 2 embraces an idea of "European" security, such as par. 3 does with the sustainability, par. 5 clearly refers to a "global" security and sustainability.<sup>13</sup> The combination

<sup>13</sup> For the connection between development and security in a global scenario and, again, for a wider definition of "security" beyond the states see Sen (2003), box 1.3: «Human security is concerned with reducing and – when possible – removing the insecurities that plague human lives. It contrasts with the notion of state security, which concentrates primarily on safeguarding the integrity and robustness of the state and thus has only an indirect connection with the security of the human beings who live in these states. That contrast may be clear enough, but in delineating human security adequately, it is also important to understand how the idea of human security relates to – and differs from – other human-centred concepts, such as human development and human rights. These concepts are fairly widely known and have been championed, with very good reason, for a long time, and they too are directly concerned with the nature of human lives. It is thus fair to ask what the idea of human security can add to these well-established ideas». Cfr. Arévalo (2011) for a linkage between urban security and sustainable development, when in the very introduction it is stated: «Jusqu'à présent, très peu d'élu-es écologistes se sont vus con er dans les municipalités des délégations dans la sécurité ur-



“European-Global” is not, of course, the equivalent of “internal-external”. For the second comparison, it is better to compare art. 3, par. 2 with art. 4, par. 2. It is there established that the Union respects State functions, including ensuring the territorial integrity of the State and safeguarding national security.

The “security” in this case-study will be the “internal” one, as it was shared between the first and the third pillars in the past and, today, as a mix between the community and the intergovernmental systems. “External” security, originally placed in the second pillar for a “common foreign and security policy”, does not fall within the scope of this study. Nevertheless, the separation between internal-external, as European-Global, is not always plain, because of different factors: for example, because the guarantee of an area of security without internal frontiers depends also on the protection of external borders (art. 67, par. 2, TFEU), or - as it happens also for the area of sustainable development - global tendencies in security policies may affect the European legal system as well (art. 3, par. 5, TEU).<sup>14</sup> This ambiguity needs to be, at least conceptually, considered.

We will now have another look to art. 3, TEU. The disposition in par. 2 clarifies the borders of the European internal security policy. The Un-

baine. Deux raisons expliquent cela. Une première est que leur histoire militante les conduit naturellement à se saisir en priorité de domaines d’action dont ils se sentent coutumiers. La deuxième, il faut le dire clairement, est que la sécurité urbaine confronte au pouvoir de restreindre les libertés individuelles et à celui de la capacité à réprimer; or ces logiques sont mineures dans le socle de la pensée écologique. [...] É lu-es écologistes, nous aspirons à assumer la totalité de la gestion de nos communes».

<sup>14</sup> See for example Koutrakos (2018).



ion shall offer to its citizens an “area of freedom, security and justice” without internal frontiers, in which the free movement of people is ensured in conjunction with appropriate measures. Then, the policy is better specified in the Title V, TFEU. The policy is one of the most “compound” in the European legal system.<sup>15</sup> On the one side, it involves many other sectorial policies for the same goal (just to mention the disposition in art. 3, TEU: internal market for free movement of persons, respect to external border controls, asylum, immigration, the prevention and combating of crime; more specifically, fight against fraud, with a clash with the European financial policy, or infrastructure protection, linked with the territorial agenda). On the other side, in terms of competences, it is managed through shared normative powers (art. 4, par. 2, TFEU, lett. j), area of freedom, security and justice, but also lett. k), common safety concerns in public health matters, for the aspects defined in the treaty).

The complexity depends, also, on the polysemy of the words “internal” and “security”.<sup>16</sup>

The latter, theoretically, can respond to a broad definition, as the generality of goals in articles 3 and 4 of TEU, suggests (see, also, articles 36, 67, 73 and 79, TFEU): the concept of “peace”, “social justice”, “protection”, “safeguard”, “mutual respect”, “assistance”.<sup>17</sup> In this sense, the

<sup>15</sup> See Chiti and Mattarella (2008, esp. 313 and 328).

<sup>16</sup> Ortega Álvarez (2005, 25 ff.). Always about a broader definition of security, cfr. Crawford (2002, *passim*).

<sup>17</sup> Deneulin and Shahan (2009, 62): «Along with human rights, another idea that was increasingly prominent during the 1990s was human security. The idea of security has



goals of integrated sustainable development, peace and respect of human rights are prevalent and they all have a sovranational relevance, according to specific principles (sustainability, solidarity and human dignity).<sup>18</sup> Concretely, “security” responds to a stricter definition in the sense of “prevention” from some serious dangers that physically threaten people, as it is demonstrated by the short list of serious dangers directly approached (organized crime, drug addiction, some aspects of the illegal immigration, some aspect of health safety), the features of administrative powers (in terms of prevention, instrumentalism and coordination rather than repression and final powers) and the limited number of European instruments available (in terms of administrative and penal

long been central to the military world. Again, narratives that unfolded in the 1990s played a role in emphasizing the importance of security considerations beyond the military arena. Indeed, the rise of internal conflicts in many developing countries led to an increasing consolidation of security and development goals. Under-development, poverty and injustice have also been considered as breeding grounds for civil conflicts. Development, along with the reduction of poverty and inequality, was therefore seen as a way of achieving security and peace».

<sup>18</sup> For example, in the light of these goals, it is possible to read art. 36, Tfu, in particular in its capacity of balancing art. 34 and 35, Tfu. Here, the single market’s goals are balanced, even though not in the sense of an “arbitrary discrimination”, mainly in terms of a broader internal security definition: “public morality”, “public security” and “protection” in health, artistic, historic and archeological values. The balance is in between the economic and the social dimensions, where the latter really matters for the national and local territory and where the EU has shared and coordinated competences, *ex* art. 4 and 6, Tfu (welfare safety and health, turistic, educational and cultural policies, protection of the environment and of the cultural heritage, etc.). Also art. 67, par. 3 is relevant, in particular, the reference to “prevent and combat crime, racism and xenophobia”. These three threats are really central topics for security in cities, as the Urban Agenda for the EU and the Manifesto of Saragoza of the Efus demonstrates (see below).





sanctions, compared with the Competition policy, for example). It appears as a policy that still suffers the strengthness of the National State, as the tendency to a strong “legality” in European normative provisions on security proves (“the European Union wants to be sure to remain in its competences”).<sup>19</sup>

In order to clarify the former adjective, “internal”, it is useful to look again at art. 4, TEU. The norm clarifies what is not in the European competences. Adopting a strict interpretation, it is easy to explain why the European internal security policy is focused on “people” rather than on “the defense of the territory”, with the (partial, today) exception of internal borders.<sup>20</sup> What can be accepted is an extraterritorial effects of a regulation on people, rather than a direct effect on the national territory. However, art. 4 affirms that the essential State functions must be safeguarded, including ensuring the territorial integrity of the State, maintaining law and order and guaranteeing national security.

There are two reasonings that can be proposed to look at this provision through the lens of a broader definition of European “internal” security.

First of all, security is not only the maintenance of “public order” but also, and especially today, a matter of *safety* or “perception of security” normally included in the competences of regional and local territories

<sup>19</sup> For this opinion see Chiti and Mattarella (2008, *passim*).

<sup>20</sup> See for a recente judgment by the European Court of Justice the case C-444/17, according to which an internal border of a Member State at which border control has been reintroduced cannot be equated with an external border within the meaning of the “Returns Directive”.



(in the sense of subsidiarity, proximity or self-government principles, in the very meaning of each Member State). This means to think in terms of “urban security”.<sup>21</sup>

Secondly, what is prevented by the Treaty is the sovranational interference with the prerogative of the State to guarantee the integrity of the territory. Nevertheless, respecting this last competence does not mean a lack of care of its “own” territory by the Union.<sup>22</sup>

Reasoning about these two elements leads to the attempt to figure out: what are these empty spaces in a “composite” security policy in Europe? Is “urban security” an option? Then, how can they be filled with European competences? And, finally, how can these competences can be considered legitimate? Is the role of cities relevant? Some research efforts will be necessary, in particular, working for goals and principles, through the linkage between policies (always respecting all the relevant

<sup>21</sup> Actually, the security as “safety”, “perception”, “prevention”, “social inclusion”, “strategies against radicalism”, “collaboration and network method” are normally the base for regional and local competences in many member states, in the sense of “urban security”. Being also a matter of welfare, regions and local authorities can have a wider margin of manouvre; indeed, they often collaborate with the central government on these tasks. Many of these powers characterize, surprisingly, also the European security policy, that act in the sense of “prevention”, “fight against terrorism”, “management of immigration”, “religious and social integration”, “urban planning”. Chiti and Mattarella (2008, *passim*).

<sup>22</sup> Consequently, which is the European territory? This is not a question that can be answered here. However, what is proposed is not to separate, conceptually, the internal security at a sovranational level (with a clear European resonance through the movement of people) from the internal security at the national level but still with a European dimension (that has a clearless European resonance because the territories, for sure, cannot move).



provisions in the treaties) and thanks to the role of soft law. And it is, actually, the same working method adopted for the European Urban policy, at least for the moment.

## 2.2. *A European urban security through the lens of soft law*

International and European soft law is particularly important for the study of “integrated” and “sustainable” urban development in Europe, of which urban security is a part. Even though it is not binding and it is not about direct implementation (at least apparently), it clarifies interests in the political dimension and in the civil society. This means that the European soft law attempts to steer hard law and executive powers, opening spaces for institutional actions. It is useful, in this regard, to remember the importance of the *Manifesto for a new urbanity* (2008). This is the second European charter issued by the Council of Europe on the topic, after the first declaration in 1992. The 2008 version re-affirms the relevance of the urban *aquis* and the importance to clarify which can be the European competences in urban development.<sup>23</sup> Curiously, the ex-

<sup>23</sup>*Manifesto for a new urbanity*, European Urban Charter II by the Council of Europe, 2008, available here [https://5cidade.files.wordpress.com/2011/06/urban-charter\\_en.pdf](https://5cidade.files.wordpress.com/2011/06/urban-charter_en.pdf) (October 2019), 17 but, also, 22: «We believe, moreover, that some issues can not fall exclusively within the scope of local management (urban sprawl, transport and information infrastructure, right to housing, environmental protection, etc.) and that it should be possible for local policy issues to be regulated at regional, national and European level on the basis of a balanced and respectful partnership».



explicit recognition of how instrumental is the “partnership” method to achieve urban development is similar in both documents.<sup>24</sup>

The Council of Europe addresses the topic of Urban security in chapter six of the 1992 Charter. It states that security is the concern of everyone and that the “right to a town” cannot be fully enjoyed until the inhabitants’ security is guaranteed and fear of crime is reduced. Crime has, indeed, a wide variety of causes and the responses must therefore be both diversified and coordinated: involvement of all members of the community, close co-operation between the police and the local community, an effective local anti-drug policy, alternative programs to incarceration, support for victims and increased financial resources.<sup>25</sup> In the Declaration on urban rights, immediately following the Charter in 1992, the first to be mentioned is “security”, as a “secure and safe town”, as far as possible and especially in terms of crime, delinquency and aggression. Is the absence of an explicit reference to security in the European Urban Charter II a real problem? Actually, it is not. Indeed, what is different between the two documents is the approach towards urban development: in the first one, the method is simply sectorial and for single goals; in the second one, the tendency is towards a more comprehensive and integrated vision for social, environmental, economic and governance sustainability. Security, as well as all the other single challenges, is absorbed in a more strategic vision, especially in the sense of social cohesion and inclusion.

<sup>24</sup> The Partnership method is a key tool in the Urban Agenda for the EU and it is well known, even in other forms, in the EU Regional Policy and in the Territorial one.

<sup>25</sup> European Urban Charter I by the Council of Europe, 1992, chapter 6.



A reference to “urban” or “city” is in general absent in the hard law for security, especially when it is linked with free movement of people, immigration asylum<sup>26</sup>, with some exceptions<sup>27</sup>. For the soft law, the situation is quite different, since many references can be found in Commission’s communications and other sources.<sup>28</sup> In particular, the references

<sup>26</sup> For example in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221 / EEC, 68/360 / EEC, 72/194 / EEC, 73/148 / EEC, 75/34 / EEC, 75/35 / EEC, 90/364 / EEC, 90 / 365 / EEC and 93/96 / EEC. COM (2011) 561 final, Schengen Governance - Strengthening space without internal border controls and the second generation Schengen Information System. Regulation (EU) n. 1053/2013 of the Council of 7 October 2013, establishing an Evaluation and Control Mechanism to verify the application of the Schengen acquis and repealing the decision of the Executive Committee of 16 September 1998, establishing a Standing Evaluation and Evaluation Commission of Schengen application. Regulation (EU) n. 516/2014, which establishes the Asylum, Migration and Integration Fund, which amends Council Decision 2008/381/EC and which repeals Decisions n. 573/2007/EC and n. 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC. Council Decision (EU) 2015/1601 establishing temporary asylum measures for the benefit of Italy and Greece. Recommendation (EU) 2015/914 on a European Resettlement Program. Regulation (EU) 2016/399, the regime for crossing the borders by persons.

<sup>27</sup> For example, see the Council Decision 2009/902/JHA, setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA, when the crime is also characterized as “urban” but where the involvement of local authorities, for example about information exchange *ex art. 5*, passed away through national authorities.

<sup>28</sup> A good example of the interaction between the EU and cities through soft law for the topic of security as “prevention”, linked with those of infrastructures’ protection and urban planning, are the *European standards for Crime Prevention through Urban Design and Planning* (CP-UDP) by the European Committee for Standardisation (CEN/TR 14383). The discussed CEN standards are not mandatory in this case, differently from other



to urban security in soft law are in the sense of immigration, integration, terrorism, and radicalization, as four topics linked to a broader definition of security. They all require a key role of local authorities.

First of all, there is a reference to cities in the *EU internal security strategy* (2010).<sup>29</sup>

Secondly, the role of local authorities is openly recognized in both the 2015 *European Agenda on Security*<sup>30</sup> and *European Agenda on migration*<sup>31</sup>,

fields, and they have not been transfused in European acts; notwithstanding this, in case of an emergency security, the liability of the authority or the owner responsible for the public space can depend on the observations of these standards. They are based on ideas about the prevention of crime and fear of crime which have been put forward by people like Jane Jacobs (1961). This new design, led and environmental approach to crime prevention has been connected with a managerial approach according to the international standards on quality management (ISO 9000 series). If these standards are a good tool, why are not they implemented more widely in cities? Because the price is high and dissemination has been weak until now. See European Cooperation in Science and Technology (2014). Cfr. Cardia (2014).

<sup>29</sup> COM(2010) 673 def., where the Commission states its support to experimental projects to prevent crime in cities. In addition to this, in the Action III it is underlined the will to increase protection of strategic infrastructures, especially: regional and local rail transport and high speed. It is then states: «To date, EU level activity has been limited to exchanging information and best practice, reflecting subsidiarity concerns and the absence of an international organisation comparable to the International Maritime Organisation or International Civil Aviation Organisation requiring a co-ordinated European approach. The Commission considers that as a first step towards further action, it would be useful to explore the establishment of a standing committee on land transport security, chaired by the Commission and involving experts in transport and in law enforcement, and of a forum for exchanging views with public and private stakeholders».

<sup>30</sup> COM(2015) 185 final, *The European Agenda on security*. With respect to the previous Agenda, in particular for the support to experimental project, it is recognized that, 15: «The EU has been a pioneer in helping communities under pressure to learn from other



although their content has to be constantly monitored on the base of the ongoing intense political and legislative debate.

Thirdly, the *Common agenda for integration* (2005) is also relevant, in particular for the attention paid to third-country nationals.<sup>32</sup>

parts of the Union. [...] The [*Radicalization Awareness*] network [RAN] enables the exchange of experience and practices facilitating early detection of radicalisation and the design of preventive and disengagement strategies at local level». There are, then, two other significant references to local authorities, one to tackle organized crime and one to prevent radicalization. In the first case, 18: «Local authorities have a critical role to play in tackling organised crime, alongside the work of law enforcement and judicial authorities. Organised crime often thinks globally but acts locally and thus requires a multi-disciplinary approach to effectively prevent and counter it. The EU has accordingly developed an approach that combines tools at administrative level to prevent infiltration in the public sector or the economy. In many cases, local authorities are in the front line to identify and prevent the infiltration of the licit economy by criminal networks, for example when allocating public tenders or granting casino licences, and they should have the tools to share information with other public administrative authorities or law enforcement. More prominence should also be given to the work of the European Union Crime Prevention Network. With financial support from the EU, the network shares best practices in preventing crime». In the second case, 16: «Local actors are the people in direct contact with those most at risk of radicalisation [...] the Commission will promote the exchange of best practices and training on de-radicalisation and prevention of radicalisation in prisons. Training and support can usefully be extended to other actors, such as social workers, teachers and healthcare workers».

<sup>31</sup> COM(2015) 240 final, *A European Agenda on migration*, when it affirms, in the first pillar on “Reducing the incentives for irregular migration”, that there is the need to mitigate the impact of crisis at a local level. In this sense and in the attempt to address long-term root causes, the Commission, 8: «sustained effort: more than 70% of the world’s refugees and Internally Displaced Persons (IDPs) are trapped in situations of displacement for five years or more. The EU is a leading international donor for refugees [...] ».

<sup>32</sup> For example: «[...] the reinforcement and development of consultation mechanisms at local and regional level to maintain a dialogue between migrant communities and lo-



Fourthly, more recently, Europe has made some efforts in sustaining integration policies through the adoption of three editions of the *Handbook on Integration* (2004, 2007, 2010), of a *European agenda for the integration of third-country nationals* (2011)<sup>33</sup>, of an *Action Plan on the integration* (2016)<sup>34</sup> and the *Skills Profile Tool for third country nationals* (2017).<sup>35</sup>

In all the abovementioned documents, the true core of the analysis is always based on the action of the local government and on the importance of the local territory.<sup>36</sup>

cal people, institutions and others involved in the integration process. This is particularly important in the towns and cities where many immigrants settle» or «At EU level, strengthening the integration dimension in Social Inclusion and Social Protection Policies is important» or «Integration is not an isolated issue, it cuts across various policy fields, such as employment, education and urban policies». As set out in par. 4, art. 79, TFEU, whilst the competence on integration lies primarily with the Member States, the EU may establish measures to provide incentives and support for Member States in promoting integration of third country nationals residing legally in their territories and it has an important role in supporting, stimulating and coordinating Member States' actions and policies in this area.

<sup>33</sup> COM(2011) 455 final, *European agenda on the integration of third-country nationals*.

<sup>34</sup> COM(2016) 377 final, *Action Plan on the integration of third country nationals*.

<sup>35</sup> For updated information about European integration policies, see [www.integrazionemigranti.gov.it/normativa/normativaeuropea/Pagine/Quadro-europeo.aspx](http://www.integrazionemigranti.gov.it/normativa/normativaeuropea/Pagine/Quadro-europeo.aspx) (November 2019).

<sup>36</sup> For example, in the *European agenda on the integration of third-country nationals*, of the three main actions, the first two are “integration through participation” (in the sense of “local” participation) and “more actions at the local level”. At the beginning of Action 2, 9: «Integration policies must be formulated and implemented with the active involvement of local authorities. Local authorities, responsible for a wide range of services and activities, play an important role in modulating the interaction between immigrants and





For example, in the *European agenda on the integration of third-country nationals*, of the three total actions, the first two are “integration through participation” (in the sense of “local” participation) and “more actions at the local level”.<sup>37</sup> For the scope of this paper two elements highlighted here by the Commission are really relevant: first of all, the reference to the tool of “territorial pacts” and that to the future perspectives for European funding on integration, starting from the European Fund for the Integration of third-country nationals established in 2007.<sup>38</sup>

Another example can be found in the *Action Plan on the integration*, which links its context with that of the Urban Agenda for the EU, remembering that partnerships will offer a framework for cities, Member States and other stakeholders to exchange experiences and best practices on the urban dimension of diversity and migration, including tackling

the host society» and, then, it is explored, among the others, the problem of particularly disadvantaged urban areas, a better correspondance.

<sup>37</sup> At the beginning of Action 2, the Commission affirms, 8: «Integration policies should be formulated and implemented with the active involvement of local authorities. Local authorities are responsible for a wide range of services and activities and they play an important role in shaping the interaction between migrants and the receiving society». Then, three concrete areas of intervention are explored: addressing especially disadvantaged urban areas, improving multi-level cooperation and more European funds to sustain local actions.

<sup>38</sup> In the document it is written, 9: «The focus of future EU funding on integration should be on a local, more targeted approach, in support of consistent strategies specifically designed to promote integration at local level. These strategies would be implemented mainly by local or regional authorities and non-state actors taking into account their particular situation».



geographical isolation and ghettoisation and identifying bottlenecks and concrete actions to eliminate them.

Finally, there has not been a specific urban partnership on security until recently. However, it is written in the Pact of Amsterdam that the Agenda «will contribute to the implementation of the UN 2030 Agenda for Sustainable Development, notably in the Goal 11, “Make cities inclusive, safe, resilient and sustainable” and the global “New Urban Agenda” as part of the Habitat III process». Among the twelve partnerships, two of them, n. 1 (Inclusion of migrants and refugees) and n. 3 (Urban poverty), concern some factors that have a huge influence on security in cities.<sup>39</sup> The temporary lack of a specific partnership on urban security can be partly explained with the influence that EURO CITIES has had on the adoption of the Agenda. The network, indeed, does not have a specific working group on the subject, while it has one on the theme of “integration” (see below). A thirteenth partnership on *Security in public space* has been recently created (February 2019) and Efus is involved (see *infra*).<sup>40</sup>

<sup>39</sup> See Action plan “Partnership on Inclusion of migrants and refugees”, available at [https://ec.europa.eu/futurium/en/system/files/ged/action\\_plan\\_inclusion\\_of\\_migrants\\_and\\_refugees.pdf](https://ec.europa.eu/futurium/en/system/files/ged/action_plan_inclusion_of_migrants_and_refugees.pdf) (November 2019), for example 4: «Migration is a local reality. Cities are places where both migrants and non-migrants interact, be it through working, studying, living or raising their families. Cities offer great opportunities for migrants and refugees, but cities are also faced with challenges regarding integration and inclusion». See Action plan “Urban poverty partnership”, available at [https://ec.europa.eu/futurium/en/system/files/ged/action\\_plan\\_urban\\_poverty.pdf](https://ec.europa.eu/futurium/en/system/files/ged/action_plan_urban_poverty.pdf) (November 2019), for example 4, «Action 7 – Cohesion policy post 2020: Local pact for the regeneration of urban deprived areas and neighbourhoods (UDAN)».

<sup>40</sup> See <https://ec.europa.eu/futurium/en/security-public-spaces/was-security-public-spaces-partnership-kick-meeting> (March 2019).



The *Action Plan on the integration* remembers also the importance of other networks, mainly the *European Integration Network* and the *European Migration Forum*, as an evolution respectively of the *Network of the National Contact Points on Integration* and of the *Integration Forum at European level*. However, they are not urban networks based exclusively or principally on the participation of cities. In this sense, the EUROCITIES network is more significative, with its “migration and integration” working group and the Integrating Cities program. The latter was launched in Rotterdam in 2006 and it is a partnership between EUROCITIES and the European Commission, to promote local level implementation of common basic principles on integration; the process has been further developed through the INTI-CITIES and DIVE single projects and, also, thanks to the adoption of the *EUROCITIES’ Charter on Integrating*. Another important urban network of cities is, of course, Efus, with its thirty-years experience but a lower degree of institutionalization with respect to its involvement with the European Commission. Differently from EUROCITIES (that is “generalist”), Efus is a “sectorial” network and it is unique in the field of urban security with a European relevance. The recent involvement of Efus in the European urban agenda is to be seen as an improvement in the Union’s ability to interpret needs coming from the European society.

### **3. Efus’ Manifesto and Methodological tools for the definition of local security policies: security, sustainable development and integration**

“Urban networks of cities of European significance” are key organizations for the implementation of European urban policy. They are im-



portant for the functioning of both European governance (thanks to their ability to strengthen its horizontal dimension) and the European government (by strengthening vertical dialogue among European, national and local institutions). If governments and local governments join a network, this means that they are ready to exchange good practices, to learn from each other and to work for common goals. Some networks, such as EUROCITIES, play also a peculiar “representative” role, being fully involved in the implementation of the Urban Agenda. In this sense, it is not important if a specific city has not joined the network because it will be influenced in any case. This kind of networks does not substitute or really overlap the role of the Committee of the Regions, which plays its yet marginal powers mainly in the legislative phase, through consultative powers. They are more involved in the “coumpound” European administration, sometimes as mere, even strong, *stakeholders* and other times as quasi-agency of the European Commission, with a specific expertise. It is important to remember, indeed, that although they are formally non-governmental organizations, they are in all respects networks of local administrations. This is the case in which is really useful to legally define European cities as municipalities under certain statistical parameters: notwithstanding the importance of their governments, they are still considered infra-national administrations.

In the previous paragraph, the relevant *soft law* in terms of Commission’s communications and other institutional documents has been rebuilt. Here, another kind of *soft law* is presented, in terms of guidelines and policy declarations by a relevant urban network of cities: Efus. The scope of this analysis is to highlight the political-administrative path that is suggested to cities in the achievement of shared policy goals in the



field of security. In particular, the paragraph will put in evidence the necessity of vertical and horizontal administrative cooperation that has to be pursued by each city, through different tools, according to its national tradition and autonomy, such as security or territorial pacts or strategies, creation of territorial consortia or steering committee, etc. Then, the second part of this study will describe strategies in three cities with different national traditions, but all involved in the network.

The *Security, Democracy and Cities: Co-producing Urban Security Policies* by Efus is an action plan for local authorities that can be followed in the coming years. It was adopted at the end of 2017 during the closing session of the Efus International Conference in the city of Barcelona. It is a continuation of the principles and recommendations of the Manifestos *Security, Democracy and Cities: the future of prevention* (Aubervilliers and Saint-Denis, 2012), *Security, Democracy and Cities* (Saragossa, 2006) and *Security, Democracy and Cities* (Naples, 2000).

In the introduction, the Manifesto observes that Europe is going through an unprecedented confidence crisis; indeed, Europeans find it hard to identify with institutions, whether European or national ones, considering them distant and detached from their concern.<sup>41</sup> The empowerment of citizens in local authorities should be recognized more explicitly, especially referring to security, since it is strictly linked with confidence, and especially for urban security, taking into account at least

<sup>41</sup> *Manifesto*, 9.



two elements:<sup>42</sup>firstly, the evolution, across Europe, of local administrative and political structures into larger entities, such as urban agglomerations and new personalized governance mechanisms are necessary;<sup>43</sup> secondly, security is a key component of sustainability or the *sine qua non* condition of sustainable development in the sense that «the more inclusive a city is, the safer it is» and, for this, the fight against social and economic inequalities in cities (such as to face terrorism and radicalism phenomena, linked to spot events of the last years that have shown how cities and local citizen can be resilient) assumes a National and European relevance.<sup>44</sup>

The Manifesto affirms that Efus acknowledges the benefits that the construction of the European Union has brought to citizens. However, the network is also well aware of serious local-territorial challenges, which are similar in their contents, but, at the same time, they have a transnational nature. All across Europe, these challenges are faced by local authorities “alone” in the national systems, despite they should be addressed commonly.<sup>45</sup> Hence, there is a clear request to be heard by European institutions.<sup>46</sup>

<sup>42</sup> *Ivi*, 11.

<sup>43</sup> *Ivi*, 12.

<sup>44</sup> *Ivi*, 12 and 14.

<sup>45</sup> *Ivi*, 10: «Rooted locally, our horizon is European but also wider [...]».

<sup>46</sup> *Ivi*, 15: «We call on the European institutions to adopt these guidelines and contribute to implementing them throughout Europe. We, European local and regional authorities, have the capacities to knowledge and the instruments to provide security to citizens».



According to Efus vision (that is the vision of at least 250 local governments), European cities should be sustained in sharing knowledge, in the expansion of common references and the exchange of standards. The goal should be to create a community of practices and thoughts, despite the tools employed in each local scenario are new or traditional or the networks created are formal or informal.<sup>47</sup>

Efus has chosen the co-production approach to urban security policies. This means that the Manifesto is suggesting a holistic approach which entails adapting institutions, including police (administrative repression as approach to security), justice system (penal repression as approach to security) and stakeholders from the civil society to a new working method founded on “mediation” over “confrontation” and “judicialisation”. In this scenario, also cities have competences and capacities to offer.<sup>48</sup>

It is not just the approach to be holistic, but the definition of security as well. First of all, what is stressed is the validity of “prevention”.<sup>49</sup> Secondly, security is defined in different parts of the document as: a common good (a term that highlights the dimension of a democratic legitimation); a public good (a notion referring to principles of social welfare and rule of law); and a human right, as guaranteed in all relevant universal charters such as *the Charter of fundamental rights of the EU* and the *European Convention on human rights*.<sup>50</sup>

<sup>47</sup> *Ivi*, 10.

<sup>48</sup> *Ivi*, 11.

<sup>49</sup> *Ivi*, 15: «[a] balance between prevention, sanction and social cohesion».

<sup>50</sup> *Ivi*, 13-14.



In the second part of the *Manifesto*, Efus presents eleven subjects as themes. For five of them, the network clearly calls for European intervention.

About “Cities and organized crime”, European institutions should involve local authorities in European strategies for the prevention against it, for example encouraging administrative approaches, and provide tools aiming at seizing more properly criminal assets and investing them in the community.<sup>51</sup>

Concerning “drugs and addictions”, any drug prevention policy should be based on the *EU Action Plan on drugs 2017-2020*, that seems an implicit reference to national policies not aligned with the *European Agenda 2013-2020*; in addition to this, Efus calls for more cooperation at local level and suggests to the Union to intervene for the regulation of cannabis.<sup>52</sup>

For the topic of “Diversification of security stakeholders”, the *Manifesto* remembers that there is not a common European culture on how the private sector should be involved in security matters, because of the lack of harmonization in national laws: this problem should be overcome as soon as possible. Besides that, it is recognized the value of smart cities strategies for securities challenges and the associated investments, also at a European level.<sup>53</sup>

With regard to “security risk management and cross-border cooperation”, it is written in the document that “European local and regional au-

<sup>51</sup> *Ivi*, 20.

<sup>52</sup> *Ivi*, 22.

<sup>53</sup> *Ivi*, 28.





thorities” should provide coordinated and collaborative responses across administrative borders and that States and the European Union should provide significant support to cross-border projects.<sup>54</sup>

Also for the recommendation “technologies for prevention”, it is stated that a clear and transparent European legal framework about the uses of social media and storage of data should be defined, also in the sense of instructing territorial security actors or using the tools to improve knowledge, prevention, communication and transparency with citizens.

The remaining recommendations are: a responsible nightlife, designing and managing public spaces, preventing radicalisation leading to violent extremism, preventing violence against women; relationship between citizens and institutions, reviewing the collection and assessment of evidence. In some of these, the paragraph two has already showed a European involvement through hard and soft law, especially for the prevention of radicalism and planning of urban spaces. Concerning the assets of institutional relationships and data collection, the Urban Agenda for the European Union can be considered a new frontier also in terms of security and safety.

In 2017, the guide *Methodological tools for the definition of local security policies in Europe* was published, as a result of a work carried out between 2013 and 2016 in the framework of the respective European project. It was co-financed by the European Commission and brought together the European, French, German and Italian Forums for Urban Se-

<sup>54</sup> *Ivi*, 38.



curity as well as the cities of Rotterdam and Stuttgart as partners. It was preceded by another Efus publication in 2007, *Guidance on local safety audits: a compendium of international practice*.

The purpose of the new guidebook is to encourage and help European local policy-makers and practitioners to build and review their security policies, starting from the collection of reliable information and local-based participation of all relevant institutions and stakeholders.

The adoption of a urban security policy is a three steps process: audit, strategy and implementation.

The audit phase (the first part of the process) is a systematic analysis undertaken to gain an understanding of the crime and victimization-related problems in a city and, consequently, to evaluate priorities, principles and contents of the future program. It takes normally between six and twelve months: three months for planning and about nine months to implement the four sub-stages. In the audit phase is important to establish who will lead the process (i.e. a steering group), to carefully select the personnel involved and to plan the attribution of tasks. These points are important because in this first phase the citizens will be involved and the process must be led with consciousness and responsibility.<sup>55</sup>

Then citizens will be also involved in the implementation phase (the third part of the process). Indeed, logically, different tasks require the use of different tools or combination of tools. The challenge of the program will be to recognize and understand the diversity of these tasks

<sup>55</sup> *Methodological tools for the definition of local security policies in Europe* (since now one, the *Guidebook*), 21 ff.



and tools in the process of implementing a strategic approach to urban security and, of course, to match them.<sup>56</sup>

However, this case-study will pay more attention to the strategy phase (the second part of the process), in particular to the analysis of the form that a crime prevention program can assume along the process in a local administration, especially from a legal point of view. Since “urban security” is a complex issue, it involves different competences and different levels of government. Based on a strategic vision, the program will be therefore the occasion to coordinate all the relevant institutional actors or the program itself with other relevant planning instruments. The audit phase, on the contrary, is relevant in a more political sense and it is necessary to justify the content of the urban security programme, whatever legal nature it will assume. The implementation phase is important as well, in particular because the direct effects a document is able to produce say a lot about the nature of the general tool in itself. Nonetheless, because of the complexity of the urban security, the concrete implementation will be based on a mix of different instruments that is impossible to analyze in details and that depends also on national traditions. Thus, the analysis of too specific tools runs the risk of losing a comparable level among cities, justifying again the choice of focusing on the only strategic phase.

<sup>56</sup> *Guidebook*, 36.



## II PART

### THE LOCAL LEGAL FRAMEWORK AND NATIONAL BACKGROUNDS

#### **4. Cities' profiles**

The three cities have been chosen considering uniform elements, so that they are easy to compare. Nevertheless, the differences and their specific peculiarities - which are impossible to completely eliminate - are the proof that, despite the diversified backgrounds and challenges, European cities can adopt similar policies and legal instruments if they share common goals. Modena, Lille and Tilburg are all small-medium cities in terms of population (a bit below the European average) and they are geographically distant from capital cities.

Although they are said to be cities “at the margins”, these cities have been able to resist to the time (they all have at least Medieval origins, even though they were born as rural villages) and to play a significant role in their territory (as it normally happens in Europe, they belong to polycentric areas, more or less institutionalized and where the urbanization density is high). Two of them, Lille and Tilburg, are also border cities, in the sense that they are at the frontier with other national states. What about Modena? It is at the frontiers of the State in itself, as its history demonstrates. Looking at the wider picture of security policies at the national level, it is quite obvious (culturally speaking) that Modena has been the first to adopt the pact of security in the country, even before the central government started to be interested in and despite it



hosts the National *Accademia militare*. It belongs to that part of Italy where the original municipal soul is still relatively strong.

The adoption of a territorial strategy for urban security will be observed for each city. The potential of the instrument has not been fully tested in any of the selected legal systems, although it has been experimented in Italy and France for many years. Therefore, it could have a strong impact in the future, but at the moment it is an experimental stage (this is an element required by the methodological approach, see above).

Each city has a different maturity in the adoption of the instrument. The comparison regards both the contents and the formal features that the strategy spontaneously acquires during the institutional dialogue or negotiation with the upper levels of government and with citizens. In any case, the more suitable starting point for the analysis is always the content, being the element which is more subjected to “European” common understanding, compared to its institutional frame, that depends on the national legal system.

Moreover, since the matter of the challenge is the functioning of a European Urban policy also in the controversial field of urban security, the choice of cities depends on the selection of National States. Cities are selected according to their belongingness to national system where the supremacy of the State has been historically (and it still is) strong, for example in terms of autonomy of the local government system (they are all, at least at the beginning, unitary states). France is the State for antonomasia and the Napoleonic influence invested the entire Europe starting from there, overcoming also the Asian border with the Russian campaign; Netherland is part of that Central-North group of states that are



still monarchies and where the central prerogatives are quite strong, having experimented the Napoleonic domination as well; Italy is one of those States that experimented both the Napoleonic invasion and an authoritarian drift but where now the national arena is challenged by the regional powers, under the legislative point of view, and where also the principles of subsidiarity, collaboration and proportionality play an important role for the local autonomy, under the administrative point of view. They are, as well, all states having experimented in the last thirty years a series of fluctuating security reforms (also because “security” is a field particularly influenced by the right-left political function) and they are now living new seasons in the approach to internal security (in particular, from repression towards prevention and come back or in a combination of the two; or in the integration of urban safety, immigration, terrorism and fight against radicalism). Curiously, as it will be shown, alternative seasons are not only in the sense of a “prevention-repression” tendency, but also of a “central-local” cleavage, that leaves space to investigate the role of local autonomy also in unitary or merely decentralized states (additional considerations on the opportunity to define cities as municipalities can be found at the end of this paragraph, in section 4.4).

As the last clarification needed on the selection of cities, it is reported an element that is in between the “uniformity-diformity” and the “dependence from the kind of State” criteria above presented. The cities belong to countries where the national urban policy has been (or it has not been) settled through different approaches, as more or less coherent, comprehensive and explicit. This can also explain the different ways the states have chosen to coordinate their national urban policy with the Ur-



ban Agenda. In general, the quality and intensity of the relations with the European Union (especially with the Commission in those hot-spots of competences where they both challenge the State) depend on the internal dialogue with the State (i.e. in terms of financial or political autonomy). Consequently, an important role for the common understanding of urban problems at the European level is, of course, the cities' participation in urban networks with continental relevance. In particular, the three cities are members of the European forum for Urban safety (Efus). At the same time, they have not been chosen because they are involved in the same more thematic and smaller partnerships or working group. A "direct linkage" (that is, to work on a same project) is not necessary anymore because, at this point, the circulation of ideas, knowledge, standards or good practices starts to be strong enough to guarantee common or similar understanding of urban problems in Europe.

#### *4.1. Lille's profile*

The city has a population of 232.741 (2015) within its administrative limits and an urban population of 1.182.127, making it the fourth largest urban area in France<sup>57</sup>. Indeed, the *European Metropolis of Lille* was created in January 2015, replacing the previous *Communauté urbaine de Lille*. Lille is also part of *Lille-Kortrijk-Tournai Eurometropolis*, the largest cross-

<sup>57</sup> *L'Aire métropolitaine de Lille, un espace démographiquement hétérogène aux enjeux multiples*, in *Pages de profils*, 98, 2011, pp. 2-3.



border metropolis in Europe across Belgium and France (with a population that is at least the double of that of the only French metropolitan area)<sup>58</sup>. The last two institutions are both authorities with sectorial competences (for the former, the transfer of competences from the Department must be agreed in a convention, *ex art. 90, loi n. 2015-991 du 7 août 2015 portant nouvelle organisation territoriale de la République*). In addition, it is also part of the region *Hauts-de-France* and of the *Département du Nord*.

The *Ville de Lille* has been the European capital of culture for 2004. As *European Metropolis of Lille*, but not as the *Ville*, it is involved in Eurocities (to respect the population requisites asked by Eurocities to be a full member). As municipality, it participates to Efus (also in the National sub-network) and to the Covenant of Mayors.

It is a city with at least Medieval origins. The first mention of the town, indeed, dates from 1066 and it was called *apud Insulam* (Latin for “at the island”), because it was located on a island at that time and in old French the name was *Isle* (again, “the island”). Today is also known as the “Capital of Flanders”, because the city and its surroundings belong to the historical region of the Romanesque Flanders, in the province of French Flanders but not part of the linguistic area of West Flemish. Lille has had a turbulent history from the Middle Ages to the French Revolution. It belonged to the Kingdom of France, the Burgundy state, the Holy Roman Empire and the Spanish Netherlands, before being definitively taken over by the French Louis XIV at the end of the War for the Spanish

<sup>58</sup> See for more information <http://fr.eurometropolis.eu/qui-sommes-nous/territoire.html> and [www.lille.fr/Votre-Mairie/Les-relations-internationales/Une-capitale-internationale](http://www.lille.fr/Votre-Mairie/Les-relations-internationales/Une-capitale-internationale) (November 2019).





Succession. It was still besieged in 1792 during the Franco-Austrian war and very hard hit by the two world conflicts, during which it was occupied and partly destroyed.<sup>59</sup>

Lille is part of a country where the cooperative approach to security was born in the early 1980s, in response to the growth of delinquency, in general, and the emergence of the problem of “suburbs”, in particular. Noting the poor efficiency of an essentially repressive apparatus, the Mayors Committee on Security, chaired by Gilbert Bonnemaïson, then advocated local prevention policies, associating all the actors involved in the field of security around the mayor (magistrates, police officers, prefects, teachers, social workers, social landlords, public transporters, etc.). To avoid inter-institutional silos, all the “partners” had to build a collective strategy of intervention, in order to articulate their fields of competence and pool their resources and know-how. To this aim, departmental and municipal crime prevention councils (CCPD and CDPD) started to be set up in 1983 (in many municipalities these originally voluntarily bodies are still in action). Since the autonomous initiative of the mayors and the 1982 *Bonnemaïson’s Report* to the central government,<sup>60</sup> the success of the doctrine of the co-production of security has never been denied, despite varying results and the following alternation in right and left national reforms.<sup>61</sup> In 1988, the security policy joined the wider framework of urban policies (*Politique de la ville*) in the country, when

<sup>59</sup> See Guignet et al. (1999); cfr. Duhamel (2004) and Marchand (2003).

<sup>60</sup> Commission des maires sur la sécurité (1982). In its contents, the Report was not different from that by Peyrefitte (1977).

<sup>61</sup> Gautron (2011).



that same year a interministerial delegation for cities' affairs was created, with a task-unit specialized on crime prevention (see below for the Nation urban policy). In 1991, a special organization was also established, as a research institute on security topics under the umbrella of the Ministry of the Interior (*Institut des Hautes Etudes de la Sécurité Intérieure*). Between 1993 and 1996, under a right-wing government, the model of social prevention was not predominant and prevention policies gave gradually a way to much more security policies; local security plans (since 1992) and departmental security plans (since 1993) started to be signed and discussed with the central government.<sup>62</sup> Then, in 1995, the *Loi d'orientation et de programmation relative à la sécurité* came into force, which again underlined the centrality of local interventions in crime prevention.<sup>63</sup>

The government of the left led by Jospin in 1997 introduced reforms that aimed at two objectives: the enlargement of the actors involved in the fight against delinquency and the non-separation of prevention policies from those of repression.<sup>64</sup> *Contrats locaux de sécurité* (CLS) started to work in 1997<sup>65</sup> as well as *Conseils locaux de sécurité et de prévention de la dé-*

<sup>62</sup> Giovannetti (2009).

<sup>63</sup> Loi n° 95-73 du 21 janvier 1995 d'orientation et de programmation relative à la sécurité, here [www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000005617582](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000005617582) (November 2019).

<sup>64</sup> For this comment see Rochè and Dumollard (2001). Cfr. Secretariat general du comité interministeriel de prevention de la delinquance (2012, 4 ff).

<sup>65</sup> See *Circulaire du 28 octobre 1997 relative à la mise en oeuvre des contrats locaux de sécurité* (JORF n°253 du 30 octobre 1997, p. 15757) and *Circulaire du 7 juin 1999 relative aux contrats locaux de sécurité* (JORF n°136 du 15 juin 1999, p. 8719). In the latter is written:



linquance (CLSPD) in 2002, where a *pilotage municipal* led the process.<sup>66</sup> As a result, a kind of vertical and horizontal public contract with a local organizational structure started to work together (see below in the paper for more considerations about their legal nature). On the “repressive” side, the Jospin’s government reformed in the meantime the Municipal administrative police and National police (1996) and, later, also the so called Neighborhood policy (2000).<sup>67</sup>

*Contrats locaux de sécurité* still continue to be at the attention of the central government. A new Ministerial decree (2006) affirms, indeed, that they shall assume a formal structure: on the basis of a *diagnostic local de sécurité* (DLS), they have to measure the extent and nature of delinquency phenomena; then, the actors must agree on objectives, priorities and an action plan. Once the diagnostic elements and the general inter-

«[...] les contrats locaux de sécurité ne doivent pas rester formels mais permettre d’assurer à tous nos concitoyens un droit égal à la sécurité. Les contrats locaux de sécurité sont l’expression d’une politique globale qui prend en compte la prévention, la répression et la solidarité. Dans ces trois aspects, ils reposent sur le partenariat et la proximité de l’action par rapport aux citoyens en matière de police, de justice et d’éducation civique».

<sup>66</sup> See *Décret n. 2002-999 du 17 juillet 2002 relatif aux dispositifs territoriaux de sécurité et de coopération pour la prévention et la lutte contre la délinquance*. Cfr. Gautron (2011, 28): «réunissent, sous la présidence du maire ou du président de la structure intercommunale, le préfet, le procureur de la République, le président du conseil général, des représentants des services de l’État (police, gendarmerie, Éducation nationale, etc.), des représentants d’associations, d’établissements ou d’organismes œuvrant dans les domaines de la prévention, de la sécurité, de l’aide aux victimes, du logement, des transports collectifs, de l’action sociale ou des activités économiques».

<sup>67</sup> See, for a complete reconstruction of the security approach and reforms at the end of nineties in France, Roché (2002).



vention framework have been laid down, the contract lists the programs of the various partners, their implementation schedules, the resources committed, as well as monitoring and results indicators<sup>68</sup>.

In 2007, the law on the prevention of delinquency attributes to the mayor a central role for the local prevention policy (*loi du 5 mars 2007 relative à la prévention de la délinquance*).<sup>69</sup> The relationship between the state and the local is, in any case, not clear yet. Despite the recognition of the local leadership, the central power continues to be strong. For example, since 2007, the *Code général des collectivités territoriales* (CGCT), as modified by the LOI n° 2007-297, provides that their programs must be compatible with the *plan départemental de prévention de la délinquance* adopted by the prefect (art. L2215-2, CGCT). In addition to this, the monetary grants from the *Fonds interministériel de prévention de la délinquance* (FIPD) are reserved for the funding of projects that respect the priorities of the State. Regarding the repression, the specific systems, under the double presidency of the prefect and the public prosecutor, are responsible for the local adaptation of the criminal and security policies that come from the central administrations. A *Comité départemental de sécurité* (CDS), assisted by a “*état-major de sécurité*” and composed

<sup>68</sup> *Circulaire interministérielle du 4 décembre 2006, relative aux contrats locaux de sécurité de nouvelle génération.*

<sup>69</sup> *LOI n° 2007-297 du 5 mars 2007 relative à la prévention de la délinquance* (JORF n°0056 du 7 mars 2007 page 4297). See Wyvekens (2011). Cfr. Secretariat general du comite interministeriel de prevention de la delinquance (2012, 4): «La politique de prévention de la délinquance se construit dans la durée et l’Etat en définit les grandes orientations nationales. Son fondement territorial est la commune. Elle associe autour du maire l’ensemble des acteurs de la prévention».



exclusively by National officials, is once again operational to coordinate and implement internal security policies in the entire department. The contents of territorial strategies by the police and the judiciary remain, therefore, very little discussed in the local contractual framework (see also art. L2211-3, CGCT).<sup>70</sup>

In general, the CLS are not mandatory even though, according to article D. 2211-4 of the CGCT (today also article L. 132-4 *du Code de la sécurité intérieure*), the CLSPD is compulsory in the municipalities with more than 10,000 inhabitants and in those with a considerable urban area; the Mayor is at the top of the Council.<sup>71</sup> This does not mean that in these municipalities the CLS is also compulsory but it should be, in a certain way, the desirable output (and so now the *stratégie territoriales de sécurité et de prévention*, see below). The strategy represents, indeed, the possibility to express concretely the local autonomy, in a system where the principle of hierarchy and decentralization is still strong, in particular in the figure of the prefect and especially for “security and public order” functions.<sup>72</sup>

In 2009, during a meeting of the *Comité interministériel de prévention de la délinquance*, the government announced the replacement of CLS by the *stra-*

<sup>70</sup> See Gautron (2011, 30).

<sup>71</sup> Today the CGCT must be read together with the *Code de la sécurité intérieure issu du décret n. 2013-1113 du 4 décembre 2013* where it is also written, article D. 132-7, par. 1, that the CLSPD: «constitue le cadre de concertation sur les priorités de la lutte contre l’insécurité et la prévention de la délinquance dans les communes». Cfr. the chapter *La gouvernance locale de la prévention de la délinquance*, in *Comité interministériel de prévention de la délinquance* (2014, 29 ff.).

<sup>72</sup> See Rochè and Dumollard (2001, 73-75).



*tégie territoriales de sécurité et de prévention*. This strategy, decided by the CLSPD for three years and approved by the city council, is based on a similar methodology of CLS but does not necessarily result in a contract or a partnership.<sup>73</sup> In conclusion, the security policy is still living a transitional phase, with municipalities where there are still CLS and others that are adopting the new kind of strategy. Then there are also municipalities where is not required, by Law, a CLSPD but where there are still the original CCPD and where a CLS has been adopted as well. Anyway, a national strategy for the prevention of crime is now periodically adopted by the *Comité interministériel de prévention de la délinquance* (at the moment 2010-2012 and 2013-2017). This is a way to clearly reaffirm that the subject is in the National absolute competence even though, finally, this is concretely exercised through general guide lines (being France a unitary state, the legislative competence is centralized *tout court*. Differently, the administrative framework is quite complex; despite the security field, local functions and powers are not clearly attributed among the different levels of government). The general framework provided by the national strategy should guarantee in

<sup>73</sup> See *Plan national de prévention de la délinquance 2010-2012* available at [www.sgcpd.interieur.gouv.fr](http://www.sgcpd.interieur.gouv.fr) (November 2019). A new plan has been adopted after this, the *Stratégie nationale de prévention de la délinquance 2013-2017*, available at [www.ville.gouv.fr/IMG/pdf/strategienationalepreventiondelinquance.pdf](http://www.ville.gouv.fr/IMG/pdf/strategienationalepreventiondelinquance.pdf) (November 2019). The plans have been oriented by the *LOI n° 2011-267 du 14 mars 2011 d'orientation et de programmation pour la performance de la sécurité intérieure*, modified last time in 2018 and that intervenes again on the CGCT. Between the two national plans the *Secretariat general du comite interministeriel de prevention de la delinquance* has approved the document *Les stratégies territoriales de sécurité et de prévention de la délinquance - Approche méthodologique* (2012) where the concept, the contents, the procedure and the legal nature of the instrument is clarified.



the future a better level of uniformity in the approach to urban security in territories. On this basis, also the prefect adopts a departmental strategy and, only at this level, there is also the space for the municipal autonomy, in particular in terms of “prevention” (where, in other words, the Mayor is not simply an agent of the State).<sup>74</sup> Moreover, it must be observed that, after the terrorist attacks in 2015 and the following two-year state of emergence, the subject of internal security is entering in a new phase and also the effects on the “prevention” side should be evaluated in the light of a new securitization, especially in urban areas (*loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme*).

Since urban security is based on a cooperative approach and a concrete practice in the evolution of the CLS will be observed below, that is the *stratégie territoriale* as the result of the activity of a CLSPD, the more general process of administrative cooperation in the country should be taken in mind. Due to the territorial and functional fragmentation, since 1980s, horizontal agreements among public administrations have started to be experienced in France in different fields (from *contrats de plan* to *plans locaux d'urbanisme intercommunaux* for example or, more in general, in the case of functional inter-municipal co-operative institutions). The activity of the CLSPD, especially thanks to the cooperation between the prefect

<sup>74</sup> It is important to remember that, despite being commonly considered as “the prototype of centralization”, the French system of relations between centre and periphery has always been more complex than commonly thought. Two aspects were in particular underlined. First, the strong presence of the “local” at the central level and the persistent of “localist” values in the French political culture; second, the ability of local actors to tame central influence in the daily negotiations of public policies implementation. For this opinion see Pinson (2010). The author refers also to Mény (1987).



and the Mayor (but not only), can lead to the signature of a “public contract”; doing this, however, the CLSPD is considered to be only exercising a function of coordination and not a regulatory power. Anyway, before 1997, it was impossible also to imagine that the State could be involved in a contract with local authorities (and also private actors) for the security subjects.<sup>75</sup> The legal science has not a clear position yet on their legal nature (for example if they are really administrative tools with legal effects and able to be challenged in front of a court, in particular since they are provided by ministerial circulars). However, a similar instrument was once adopted by the legislator: the *convention de coordination entre les forces de sécurité de l’Etat et la police municipale* (LOI n. 99-291 du 15 avril 1999 relative aux polices municipales). The instrument can be assimilated to security pacts, even though what is agreed here consists, again, in how to achieve efficiently a certain function already regulated by the legislator (is a public agreement with mainly an internal-organizational relevance).<sup>76</sup>

France is one of those rare countries in Europe where an attention for urban matters is easily recognizable and with a long history.<sup>77</sup> At the

<sup>75</sup> See more in general for the diffusion of a contractual approach in local government and public activity Gaudin (1999, *passim*).

<sup>76</sup> See Rochè and Dumollard (2001, 78).

<sup>77</sup> See D’Albergo (2009, 32, 51, 55, 59, 64, 97 and 109). The author observes, for example, how all the four methodologies for urban policies have been experimented in France: explicit urban policies and with direct effects for both economic and social priorities (i.e. *Développement social des quartiers, Développement social urbain, Grands projets urbains, Pacte de relance pour la ville, Grands projets de ville, Opérations de renouvellement urbain*); explicit urban policies but with indirect effect (i.e. reforms on the local government systems, in terms of amalgamation or intermunicipality); implicit urban policies with in-





same time, it is not obvious to consider it as a single policy or agenda.<sup>78</sup> What can be defined as the France's urban agenda (*Politique de la Ville*) dates back to 1977, when the first city contracts between the national government and inter-municipal bodies were established to respond to the needs for affordable housing. Over time, the focus of city contracts broadened to include other development priorities. The National urban agenda normally responds to population dynamics, promotes territorial approaches (in particular urban-rural linkages), plans for infrastructure and services in cities (including public spaces), promotes urban land-use efficiency, enhances environmental sustainability and resilience to climate change, promotes effective municipal finance systems, supports partnership and cooperation between urban actors, safeguards inclusiveness and participation in the process and outcomes (inequity, segregation, safety), develops effective urban governance systems (horizontal coordination and vertical alignment), ensures robust and comparable urban scale data, addresses the urban systems (from large to medium to small cities) and the connectivity among cities.<sup>79</sup> The "1994-2006 city contracts" started to focus on a range of priorities (economic and human development are, for example, strongly supported; moderately support-

direct effects (i.e. *contrats des villes, plans locaux de sécurité*); implicit urban policies with direct effects, mainstream approach (i.e. plans for social cohesion).

<sup>78</sup> *Ivi*, 32 and 65, if one looks at the actors involved in its governance: Ministère du Logement et de la Ville (1990), a Secrétariat d'Etat à la Politique de la ville, a Délégation interministérielle à la Ville that follows the political indications of a Comité interministériel des villes (1988) or the two agencies Agence nationale pour la rénovation urbaine (2005) and Agence nationale pour la cohésion sociale et l'égalité des chances (2006).

<sup>79</sup> OECD (2017, 5-48). Cfr Maillard (2004, *passim*).



ed is the challenge of spatial planning; scarcely supported is environmental sustainability and climate resilience). Then, in the time frame 2006-2014, urban social cohesion contracts focused on specific territorial target, that with neighborhoods in difficulty. In 2014, France updated its urban policy and the 2015-2020 city contracts act again and simultaneously on a wide range of levels, organised around three pillars: development of economic activities and employment (including ensuring the presence of an employment center, youth employment assistance and support for local entrepreneurs); social cohesion (including support for investments in education, health, law enforcement, and social, cultural and sports activities); living conditions and urban renewal (including housing redevelopment and neighborhood services and activities, and improving relationships between the police and the community).

#### *4.2. Modena's profile*

Modena has a population of 185.045 (2017) and it is the central city of the homonymous province, with a population of 701.642 and 47 municipalities in total.<sup>80</sup> Formally, the province is only adjacent to the Metropolitan authority of Bologna. Geographically, the city-municipality and the province are located in the Emilia-Romagna region, among the cities of Bologna, Ferrara, Parma, Reggio-Emilia and Mantova, with their respective provinces. According to some studies, looking at the population density, it would belong to an “area emiliana” (the adjective “emiliana”

<sup>80</sup> See Istat data at <http://demo.istat.it/bilmens2017gen/index02.html> (November 2019).



refers to the left side of the region Emilia-Romagna) and it is quite integrated, in terms of connections, with the metropolitan area of Bologna.<sup>81</sup>

Modena is not involved in Eurocities, since it does not respect the population parameters required (fixed at 250.000; it eventually could participate in the future as a province). However, it is a full member of Efus since 1996 (and it also joined the National sub-network). It is also part of the Covenant of Mayors since 2010 and of other sectorial networks such as Civitas or Enercities.

The city has pre-roman origin, in particular under the Etruscan civilization, and a strong medieval experience. Until the sixteenth century, the city has maintained its medieval physiognomy and the duchy of the house of *Este*, although opposed by the neighboring powers, has lasted for five centuries, until the arrival of Napoleon: this small city state was destined to navigate with mixed fortunes in the struggles between the Italian and European powers until the unification of Italy, with the only remarkable interruption of the Napoleonic invasion.

Security policies have passed through different phases in the last twenty-five years in Italy. Despite the magmatic legislative production, all these disciplines have in common the provision of collaborative solutions and instruments for the administrative cooperation. The first provisions concerning the transfer to local authorities of administrative functions in the field of security and police date back to the seventies and

<sup>81</sup> With this expression see the 42° Censis Report (2008). In the 49° Censis Report (2015), the results for the section "Territorio e reti" refers to the Bologna area as a medium urban region, see here [www.censis.it/7?shadow\\_comunicato\\_stampa=121040](http://www.censis.it/7?shadow_comunicato_stampa=121040) (November 2019).



eighties of the twentieth century,<sup>82</sup> followed by evolutionary legislative interventions in the nineties.<sup>83</sup> For example, both forms of structural collaboration<sup>84</sup> and forms of operational collaboration<sup>85</sup> have been developed by regional and national legislation at that time.<sup>86</sup>

<sup>82</sup> For example artt. 18-19, D.P.R. n. 616/1977.

<sup>83</sup> For example artt. 158-164, d.lgs. n. 112/1998.

<sup>84</sup> For example, art. 20, l. n. 121/1981 for the creation of the Provincial Committee for public order and security, then extended to the participation of the mayors, with the legislative decree n. 279/1999 and the Metropolitan Committee by art. 6, d.l. n. 14/2017, that is a further evolution.

<sup>85</sup> For example, art. 15, l. n. 121/1981 with which the provincial authorities for public security could solicit the collaboration of local administrations and maintain relations with the mayors of the municipalities; or art. 3, l. n. 65/1986 providing for the collaboration of the municipal police with the police forces of the state, under the provision of the Mayor.

<sup>86</sup> The Nineties, in particular, have seen the consolidation of a specific discipline for securities instruments with a cooperative, contractual or partnership nature among public administrations at different governmental levels, which changed again in an evolutionary way at the beginning of the 2000s. This is the case, for example, of the “Piani coordinati di controllo del territorio” to be implemented by the competent offices of the *Polizia di Stato* (Ministry of the Interior), of the provincial commands of *Arma dei Carabinieri* (Ministry of Defence) and of the *Guardia di Finanza* (Ministry of economics and finance), to which also contingents of the municipal-administrative police can participate, by request of the mayor; at the beginning these instruments worked for the provincial level and, then, were also provided for major urban municipalities and, lastly, also for smaller centers (respectively art.12, paragraph 8, decree n. 152/1991, converted into the Law n. 203/1991; article 17, paragraph 1, Law n. 128/2001; Law n. 125/2008). Or, furthermore, it is the case of the “memorandum of understanding” (*Protocollo di intesa*) stipulated voluntarily between those public subjects institutionally and territorially responsible for public order and security, for example the mayor and the prefect (similarly to “territorial pacts” or “area contracts” in other fields or also combined with them); in a second moment, when the practice of memoranda started to acquire a certain relevance, the Ministry of the Interior decided to formally rec-



In 2006, the season of “security pacts” starts (what before was called *Protocollo* becomes *Patto*, from “memorandum of understanding” to “pact”). This period is open to logistics, instrumental and financial collaboration between the State, regions and local authorities for the implementation of extraordinary programs to improve the police services, the emergency technical assistance and the safety of citizens, more in general (art. 1, paragraph 439, Law n. 296/2006).

The “pacts” are the concrete interventions at the territorial level and, on these good practices, the Ministry of the Interior continues to adopt national guide lines, in the form of administrative circulars or ministerial decrees. In 2007, the Ministry of the Interior in itself stipulates a convention (called *patto* as well) with the municipal association *Associazione nazionale comuni italiani* (ANCI) that is presented as a guide for the achievement of “security pacts”.<sup>87</sup> The procedural instrument called “security pact” (in the form of a public contract among administrations) is then combined with other forms of collaboration: operational (with the so-called “mixed patrols”), structural (with the activity of a Provincial Committee that steers the territorial security subject) or with integrated initiatives (i.e. for regeneration and video surveillance).<sup>88</sup>

ognize them; finally, also the legislator started to use the instrument, for example in the case of the assistance of disabled persons by police forces (respectively, Interministerial Committee for economic planning-CIPE’s resolution of 21 March 1997; art 7, Ministerial Decree of 12 September 2000; art. 17, Law n. 28/2001).

<sup>87</sup> Then integrated in a new convention between the Ministry of the Interior and the mayors according to an explicit legislative provision, Law Decree n. 92/2008.

<sup>88</sup> For a similar reconstruction, see Antonelli (2010, ch. V). For an alternative reconstruction, see Selmini (2004) or Selmini (2014, 33), where the history of the security policy in Ita-



In 2017, a new legislative provision has been approved (Law Decree n. 14/2017) together with a text concerning the immigration emergency (Law Decree n. 13/2017). The former is entitled *Disposizioni urgenti in materia di sicurezza delle città* (Urgent provisions for the safety of the cities) and it can be considered as the beginning of a new season for security policy in Italy, especially for the attention on cities. Despite being adopted in a moment of emergency, especially for immigration phenomenon, the decree is in both the directions of more repression and more prevention and it provides a definition of “urban security” and one of “integrated security”. It provides for two instruments to implement the principle of administrative integration in the security policy that, of course, are not completely new in the Italian legal system: *accordi*, in the sense of conventions, and *patti*, in the sense of territorial pacts (respectively chapter I, section I and section II of the new statute, Law Decree n. 14/2017).

The *accordi* are agreements between the State and Regions for the adoption and implementation of shared security strategies, for example to coordinate the activities of common interest or the State and local police forces, in particular for the exchange of information, the interconnection

ly is divided into two historical phases: the phase of “gold” for the development of decentralized policies, corresponding to the period from the beginning of the nineties up to 2007, and a phase of decline and failure in which attends a new centralization, with the peak moment with Law n. 94/2009. Again for another reconstruction, oriented to the analysis of public policies, see Calaresu (2013, 46 ff.). In particular, for the reference to the transition from the first phase (the protocols season) to the second phase (the security pact season). For a reconstruction of political science on the evolution of contractual instruments among public administrations beyond the sectoral field of security, see Bobbio (2000).



of the operational centers and professional training courses. They are stipulated on the base of steering indications by the Ministry of the Interior, to be approved in the *Conferenza unificata*, a special committee created after the Constitutional reform of 2001 to facilitate the relationship between the State, the regions and the local authorities (Article 2 paragraph 1 and Article 3). The *accordi* are a way to “temperate” the legislative and administrative competence of the State by the regions and they realize in concrete the theoretical definition of “integrated security”. This is possible because, since 2001, Italy is a Regional State, with tendencies towards legislative and administrative federalism. Although security is an exclusive legislative competence of the State, it excludes the local police (see art. 117, Const.). Furthermore, in the country, the principles of administrative subsidiarity, proportionality and loyal collaboration are strong legal basis for local autonomy in a large number of functions.

The *patti* between the Mayor and the Prefect are adopted instead with an agreement established in the *Conferenza Stato-città e autonomie locali* (similar to the above *Conferenza unificata*, but exclusively for the relationship between the State and local governments), in accordance with the above-mentioned *accordi* and the general indications by the Ministry of the Interior. They have to take into account also the specificity of the contexts and needs of rural areas, bordering the urban territory. The aims of the agreements consist, on the one hand, in the prevention and the contrast of the phenomena of widespread or predatory crimes and of the disturbances to the free use of public spaces; on the other hand, in the promotion of inclusion, protection, social solidarity and respect for urban decorum (Article 5, paragraph 1).



Finally, a new Law Decree has recently been approved on the topic of international protection and immigration, public security, functionality of the Ministry of the Interior and of the National Agency for the administration and destination of goods confiscated to the organized crime (Law Decree n.113/2018). The topic of security, immigration and terrorism are all addressed at the same time and in the same way. This is an element that indicates a “repression” approach, with poor attention to the social strategies in the prevention of crimes and perception of insecurity. No attention is paid for territorial differences (for example in terms of urban territories) and for the role of local authorities (except for a general cut to local financial resources to face with immigration).

Given the context, establishing the nature of the agreements between the State and Regions can be complex. The same for the legal nature of pacts between mayors and prefects. It is possible to say, synthetically, that Italy has a well established tradition of tools for the cooperation among different levels of government and in different fields (in the case of land planning, public infrastructure projects, urban regeneration, local development; see for example artt. 30 e 34, d.lgs. n. 267/2001 or art. 2, co. 203, l. n. 662/1997).

However, sometimes it is not easy to distinguish between political and administrative cooperation and, for the latter, between cooperation for steering and punctual administrative powers. For example, the above-mentioned *accordi* and *patti ex art. 3, co. 1, Law decree n. 14/2017* can have the nature of more political agreements (*ex art. 4, Legislative Decree n. 281/1997* or *art. 7, Law n. 131/2003* on the system of the above intergovernmental committees) or of more administrative agreements (*ex art. 15, l. n. 241/1990, the Italian Administrative Procedure Act*). This is





not an empty discussion, but the opposite. If the security pacts are administrative agreements among public administrations this means, on the one side, that the collaboration in favour of the local role is more stable (what is stipulated is a public contract between the mayor and the prefect) and, on the other side, that private citizens can have a legitimate expectation from the pact in itself.

Finally, it is possible to say that in Italy there is a National Urban Agenda – but not so explicitly as in Europe – thanks to the so called Pact of Amsterdam (2016). Some institutions appoint it directly in their official websites, but it is not an organic policy. It must be delimited taking all pieces together through some research efforts. A good path is to follow financial funds. Cities, as municipalities or metropolitan authorities, cannot count on high own resources, in particular since the economic crisis. For this reason, National and European grants or funds are really important, especially for investments.<sup>89</sup>

<sup>89</sup> The main financial sources are the structural funds, thanks to the European regional and cohesion policy. Italy is the only country in Europe to have a specific national operative program specifically focused on metropolitan areas (known as PON METRO). Also the national operative programs concerning the improvement in public administrations governance and institutional capacity has a strategic asset to support the local government reform (action 3.1.5 PON governance, together with ANCI, and titled “Città strategiche”). Since 2017, there was a national call for projects directed to urban development in suburbs, founded by the annual state budget (art. 1, par. 974 ss., Law n. 208/2015 and art. 1, par. 140-141, Law n. 232/2016). It has recently been put off at 2020 by the new government, with art. 13, Law decree n. 91/2018, *Proroga di termini previsti da disposizioni legislative*. The situation is not changed with the last National Budgeting Law, Law n. 145/2018, in particular art. 1, co. 100.



### 4.3. Tilburg's profile

Tilburg has a population of 215.579 (2018) and it is the second largest municipality in the province of *North Brabant*, and the sixth largest in the Netherlands. The city is also part of the *Brabantse Stedenrij*, a polycentric city region in the province of North Brabant with a population of about 2 million. The main cities are, in addition to Tilburg: Hertogenbosch, Breda, Eindhoven, Helmond.<sup>90</sup> The city region is not strongly institutionalized but the intermunicipal cooperation, typical of the country, is well developed.

Tilburg has recently joined the Efus network and it is a full Eurocities member as part of the *BrabantStad*, the light partnership among the municipalities of Breda, Eindhoven, Helmond, Hertogenbosch, Tilburg and the province of North Brabant. *BrabantStad* is overlapped to the Brabant metropolitan area (see above *Brabantse Stedenrij*) but also to the Eindhoven metropolitan region (*Metropoolregio Eindhoven*) and lies within the Eindhoven-Leuven-Aachen Triangle (ELAT). The city of Tilburg is also one of the signatories of the Eurocities "Green Digital Chart" and it has participated, in quality of municipality, to the activities of the Covenant of Mayors since 2008.

Tilburg already existed in the late medieval period, when there was West-Tilburg and East-Tilburg (which are now in the municipality of Oisterwijk). Around the late 15th century, Tilburg contained a castle and

<sup>90</sup> Visit the City website here: [www.tilburg.nl/stad-bestuur/stad/statistische-gegevens/](http://www.tilburg.nl/stad-bestuur/stad/statistische-gegevens/) (November 2019).



a little neighborhood and streets and agriculture between those streets formed the structure of which would then become the city of Tilburg. Going further to the 18th century, the countryside was slightly urbanized. In 1809, Louis Napoleon gave Tilburg city rights, after centuries of neglecting by the Dutch politics, due to the catholic background of the city. The city expanded rapidly in the following century, from not much more than a village, it became one of the largest cities in the Netherlands. The industrial revolution meant hundreds of looms standing in the city, filling the rest of the former countryside: in the first half of the 20th century, Tilburg was famous for its wool and textiles.<sup>91</sup>

In 1993, the Integral Safety Report 1993 (IVR '93) appeared and the national government gave the initial impetus to what later became an “integral security policy”. The IVR '93 encouraged local authorities to focus on both the social and physical components of safety and introduced the so-called “safety chain”. The various links (proactivity, prevention, preparation, repression and aftercare) need to be better coordinated and better thought. The IVR '93 must also encourage more insight into the safety problems. The broadening of the policy area also brings an administrative/organizational change, in addition to a change in contents, stimulating cooperation between all parties involved in the security chain (such as with the police and the judiciary). A leading role in establishing the cooperation is reserved to local governments.<sup>92</sup> Then, the White Paper Tackling Crime (2001) argued for stricter and more severe

<sup>91</sup> See <https://en.wikivoyage.org/wiki/Tilburg> (November 2019), that redirects again to the official city website.

<sup>92</sup> See Nijssen (2018, 4 ff.).



controls on behaviour in public spaces. The notion of prevention through social policy interventions diminished as greater emphasis was placed on a more repressive orientation to the maintenance of public order and criminal law enforcement. National politicians became increasingly critical towards the police and local government for inadequately fulfilling their duties to investigate crime and maintain public order. It was established a supra-regional investigative teams and performance contracts with a strong focus on remittance notes and performance management of detective work. From 2000 onwards, the possibilities for private security work in the field of delinquency also became more prominent. The “repressive” tendency was confirmed by the Law concerning incivilities and measures against football hooliganism (2010).<sup>93</sup> In this context, a considerable number of municipal mayors struggled to form stable governing coalitions, except for strong political figures such as the mayor of Rotterdam or that of Amsterdam. Although the mayors of Dutch municipalities are not directly elected (they are formally appointed by the national government for six-year terms), almost all of them are members of a political party, usually the majority party on the City Council (directly elected), and this can influence the execution of their administrative responsibilities. Significantly, mayors have the duty of implementing national integral security policies in their municipalities (see below for more details on the local government system, Table n. 1). So, they have the potentiality to be in charge for key powers in urban security: they have a high degree of expertise (more than in other coun-

<sup>93</sup> See Devroe (2013, 318 ff.)



tries, where the mayors are more political figures) and they can cooperate, with the help of the city council, with the national government in the implementation of security strategies.<sup>94</sup>

However, it must be underlined the fact that the security policy is strongly centralized and the the Ministry of Justice and Security is responsible for maintaining the rule of law in the country.<sup>95</sup> The Minister has full accountability for the proper functioning of the police, mainly operating through governmental police agencies (National Police Corps, *Korps Nationale Politie*, divided in ten regional units and a central unit).<sup>96</sup> There is also another police force, the Royal Marechaussee (*Koninklijke Marechaussee*), depending on the Ministry of the defense. In recent years, the majority of local councils have employed their own enforcement officers (*Handhaving*). These officers have the status of special enforcement officers (*Buitengewoon Opsporingsambtenaar*) and they have limited police powers. Their main task is to enforce local ordinances, municipal code infractions, nuisances caused by non-criminal youth, several light traffic offences and anti-social behaviour (enforcing the “Small Standard”,

<sup>94</sup> See Toorman and den Engelsman (2009, 8) :«The extent to which the public suffer from crime and anti-social behaviour depends to some extent on local conditions. This is why it is largely the duty of municipalities, working with local partners, to prepare and implement policy on safety and security. The municipalities are in charge. Local policy on safety and security includes clear objectives and specifies where responsibilities lie. In each municipality, the mayor is responsible for public order and safety».

<sup>95</sup> See [www.government.nl/ministries/ministry-of-justice-and-security](http://www.government.nl/ministries/ministry-of-justice-and-security) (November 2019).

<sup>96</sup> See [www.government.nl/topics/police/organisation-of-the-dutch-police](http://www.government.nl/topics/police/organisation-of-the-dutch-police) (November 2019).



meaning offences without a criminal undertone and enforcing primarily non-threatening situations).<sup>97</sup>

In recent years, the security policy area has considerably developed and many resources have been spent - again - improving the research in the field of “Integral Safety”. Indeed, in the various developments that took place after 1993 in the security policy area, this “integrality” has always come back.<sup>98</sup>

“Integral safety” means both repression and prevention, crime and risk, real threat and perception of insecurity.<sup>99</sup> The last update concerns the adoption of the *Integrated International Security Strategy 2018-2022*, entitled: *Working Worldwide for the Security of the Netherlands*. It rests on three pillars: preventing, defending and strengthening. It then focuses on preventing insecurity wherever possible and takes an effective and modern approach to defending the Netherlands against insecurity wherever necessary. This includes ensuring credible deterrence and devoting attention to the roots of terrorism, irregular migration, poverty and climate change.<sup>100</sup> The local point of view is explicit in two cases: for goal two in Prevention pillar, *Eliminating the root causes of terrorism*, and for goal eight in Defend pillar, *societal resilience to foreign interference*.

<sup>97</sup> See Toorman and den Engelsman (2009, 24-25).

<sup>98</sup> See Cachet and Prins.(2012).

<sup>99</sup> See, for a glance of *the status quo* at the beginning of the XXI century, Jammers (2004), where the four main subjects are described: juvenile crime, violence, business-related crime and integrity.

<sup>100</sup> *Working Worldwide for the Security of the Netherlands. Integrated International Security Strategy 2018-2022*, 6.



In different parts of the latter document, security is defined in terms of “human security” and references to the *Millenium Development Goals* are expressed. What appears quite clearly is the intention of the Dutch government to address the “Integral security” from both the internal and the external perspective and, sometimes, from a pure European perspective.<sup>101</sup>

In addition to the previous two meanings, “integral” is also in the sense of “integrated” among different levels of government. As a consequence of the difficulties in terms of interinstitutional dialogue, many instruments have been created to link the different tiers of government, both between the State and local authorities and between provinces and municipalities. Many of these solutions are also an attempt to approach decentralization in more general terms. In 2004, for example, the Central government, the Association of Provincial authorities and the Association of Municipal authorities agreed on a *Code for Inter-administrative relations (Code interbestuurlijke verhoudingen)*, but although it has been described as the cornerstone of administrative cooperation in Netherland, it has been unable to provide significance guidance. Moreover, each Cabinet (the national government) concludes a “government accords” together with the local associations for every new legislation.<sup>102</sup> In order to facilitate collaboration to tackle undermining crime among the various parties, a covenant has been signed at national level, the RIECs-LIEC covenant. RIECs (*Regionale Informatie en Expertise Centra*)-LIEC (*Landelijk*

<sup>101</sup> *Working Worldwide for the Security of the Netherlands. Integrated International Security Strategy 2018-2022*, 9-10, 11, 13.

<sup>102</sup> See Backes and Van Der Woude (2012)



*Informatie en Expertise Centrum*) is a covenant for the administrative and integrated approach to organized crime, fighting against enforcement bottlenecks and promotion of integrity assessments. It stipulates that the cooperation among the covenant partners and among the RIECs and the LIEC partnerships has the purpose of a joint implementation.<sup>103</sup>

The Netherlands does not have a national urban policy, but the Ministry of Interior and Kingdom Relations, in partnership with the Ministry of Infrastructure and Environment and the Ministry of Economic Affairs and four other ministries, is co-ordinating the development of the Dutch Urban Agenda (*Agenda Stad*). It is developing also through the cooperation of the national government, municipal governments and other stakeholders. The Agenda is strongly influenced by the Urban Agenda for the EU. The instrument used for the Dutch Urban Agenda is the City Deal, which would be designed by cities and public and/or private stakeholders and which are concluded in partnership with the national government. The agenda includes measures to boost economic growth, quality of life and innovation in Dutch cities, and is based on three principles: eliminating obstacles to allow cities to use the resources, developing regulatory ability to sustain their growth, incentivizing co-operation within and among urban areas to encourage cities to work together across administrative boundaries, with the goal of strengthening their international competitiveness; creating conditions for innovation that

<sup>103</sup> See Nijssen (2018, 23 ff.) For the covenant see [https://download.belastingdienst.nl/belastingdienst/docs/convenant\\_liec\\_riec\\_al11121z2\\_ed.pdf](https://download.belastingdienst.nl/belastingdienst/docs/convenant_liec_riec_al11121z2_ed.pdf) (November 2019).





will improve quality of life and attract entrepreneurs, including through fostering networks of data, energy and transport infrastructure.<sup>104</sup>

#### *4.4. Some evidences for the case-study from the comparison among “National Local Government” systems and “Security” systems*

The tool of territorial strategy for urban security, that will be analyzed in the next paragraphs, falls, as seen, in a complex subject: security. Normally, national security is the domain of the State sovereignty, both in the infra-national level and the sovra-national one. Clearly, it is reasonable, under certain aspects, to avoid devolution or federalization of security inside the National state (i.e. in terms of external defense or internal public order as market failures). Under other aspects, avoiding federalization of security “above” the National State has sense as well, notwithstanding the presence of economic of scales (i.e. in terms of loss in sovereignty by Member states). Nonetheless, there are “empty spaces” for European and local competences in security, that legitimate the functioning of the European urban policy in the fragment of subject at stake. Indeed, as mentioned above, the interest of this paper is for a different definition of security, that is urban security. This definition could seem narrower, a sort of super-specification (security, internal security, urban security), but it is not, because it actually embraces the most general and overwhelming notion of what security is in reality: human security. What is more interesting in the cities comparison, given the national

<sup>104</sup> OECD (2017, 81-83).



background, is that the tendency to collaborative approach between local authorities and the central government in “urban security”, as defined, has normally received the pull from the municipal level. Territorial strategies are, first of all, experimented independently by cities, together with other decentralized administrations (i.e. the prefect), following the results of an “intense” European networking; then, the national legislator, eventually, arrives to regulate them.

What is really important, as a matter of fact and independently from the administrative skeleton of the country, is the political strenght of municipalities (as councils or mayors). This is the first element supporting the choice of a definition of city as a municipality, directed elected and with general competences. The involvement of cities in other upper-sectorial-indirect elected metropolitan institutions or intermunicipal organizations does not constitute a problem: these can only strenght the municipal political soul. The latter is crucial in a field where the concrete policy for urban security is built on a cooperative paradigm. In addition to this, the local political strenght counts, even though security legislative and administrative competences lay by default (constitutionally speaking) in the State (particularly in the case of France and Netherlands, less in the Italian case).

There is a second element in favour of the definition adopted for European cities. It concerns the urbanization patterns. The choice to look at the city-municipality is good because none of the three countries has never taken seriously into consideration a distinction between rural and urban territories in the construction of its local government system, except for recent reforms, which are, in reality, towards more informal arrangements or functional organizations. The result is that the entire National territory is covered by municipalities. After centuries, it is not easy



to look at local autonomies in a different way. It is inside that formal shape that the community is alive (before the advent of the State, the situation was similar), and where the political identity arises (in this sense, is every organized local community a city?). However, if the institution “municipality” is just the formal shape that the State gave in the past to a community on a territory, the differences among them consist in the kind of territory and social relations overlapping the absolute space (i.e. rural municipalities or urban municipalities? A simple village or a city?). One could critically observe that Netherlands adopted in the past amalgamation reform, that its municipalities are bigger than those in France or Italy, and that kind of reform seems unrespectful towards the local original dimension. This is true but it represents a problem for the rural Netherlands, not for the Urban one because, in the latter, the local political influence was already on a wider territory than it was in a simple village. Cities are naturally bigger municipalities and this process happened spontaneously and progressively. As a matter of fact, the case of Netherlands (or of Sweden) is a non-problem for a definition of city as a “urban” municipality. Urbanization exists independently from the kind of administrative reform. What is difficult is the distinction among the kind of municipalities: in Italy and France because the entire territory is fragmentated, in Netherlands, because of the opposite. The fact is that urban municipalities are always quite big and the “quite big” in Europe is a urban authority with a population around the average of 350.000 and with a certain level of density.

There is also a third element of the definition of city as a urban municipality that is useful in the specific case of security. If urban security is in the broader sense of human security, the latter is a universal concept. It



could sound strange to relegate it just to a portion of territory, the city. However, the adjective “urban” is not as limiting as apparently it might seem. In fact, the term is not only semantically broader than that of “city” or “metropolis”<sup>105</sup>, but it refers to a peculiar and wide process of urbanization in Europe.<sup>106</sup> Moreover, “urban” is coherent with the fact that it always recalls the inevitable link with the surrounding rural environment<sup>107</sup>; the European city, in this last sense, has always been an open city

<sup>105</sup> For a sociological distinction between “city” and “urban” see Lefebvre (1996, 103). Cfr. Mumford (1961, 93); what is important of his approach is, on the one hand, the choice to simultaneously follow the social and industrial development (the “urban”) and the material transformations (the “city”); on the other hand, the preference for the functional approach, together with the decision to consider not definitive but always ongoing the construction of what “metropolitan” means.

<sup>106</sup> Martinotti (1999, 13): «Alla fine del secolo, oltre la metà della popolazione francese vivrà nel cosiddetto *periurbain*, l’area di insediamenti che si stende tra i confini delle città storiche e il territorio a bassa densità che per pigrizia mentale continuiamo a chiamare campagna [Pumain e Godard 1996]. Con qualche differenza tra i diversi stati membri dell’Unione, è una situazione che tende a generalizzarsi in tutta l’Europa [Masser 1992]». Personal translation: [By the end of the century, more than half of the French population will live in the so-called *periurbain*, the area of settlements stretching between the borders of historic cities and the low-density territory that we continue to call the countryside due to mental laziness (Pumain and Godard 1996). With some differences between the different member states of the Union, this is a situation that tends to generalize throughout the European Union (Masser 1992)]. Cfr. Cavalli and Martinelli (2015, 146): «Non c’è nessun altro pezzo di mondo dove il fenomeno urbano abbia assunto una fisionomia così marcata come in Europa. [...]». Personal translation: [there is no other parts of the world where the urban phenomenon has taken such a marked physiognomy as in Europe].

<sup>107</sup> Martinotti (1999, 13-14): «[...] sistema urbano quell’area indistinta che viene generalmente definita con i termini *hinterland*, *banlieu*, *metropolitan fringe*, *area metropolitana*, e simili. Tutti termini che sottolineano, quasi distrattamente, l’aspetto residuale di un luogo che viene considerato derivato e marginale [...]». Personal translation: [the urban sys-



of porous borders, even when medieval walls embraced it. Urban security is, consequently, the security of an entire territory based on flows among medium urban centers. This helps not to ignore, for example, the peculiarity of the French urbanization, in the sense of urban-rules cleavage that has always played an important role in the National history.

## 5. Territorial strategy for Urban security in Lille

Lille was one of the first cities in France to sign a Local Security Contract in 1999. It has recently adopted a *Stratégie territoriale de sécurité et de prévention de la délinquance* (STSPD). The transition from CLS to STSPD is still in progress. As a matter of time, the legal nature of STSPDs is uncertain, even though the national guidelines try to give some clarification on the point. As in the case of Modena, because of the long city tradition in the adoption of coordinated and integrated territorial policies for ur-

tem is that indistinct area that generally is defined in terms of the hinterland, banlieu, metropolitan fringe, metropolitan area and other similar expressions. They are all terms that emphasize, with greater or lesser conscience, the residual aspect of a place that is considered as derivative and marginal]. Cfr. Pubusa (1988, 1): «In quanto si è finora detto è implicita la necessità per la città di un particolare assetto del territorio e degli oggetti urbani nonché di una relazione più o meno stretta con lo spazio ad essa circostante, su cui normalmente esercita un controllo. Di qui un antagonismo fra città e campagna, anche se si tratta di realtà strettamente interdipendenti». Our translation: [As we have said so far, the need of a city to have a particular arrangement of the territory and some characteristic urban objects is implicit as well as a more or less close relationship with the surrounding space, on which it normally exercises control. Hence, the antagonism between the city and the country, even though they are strictly interdependent realities].



ban security (notwithstanding the Lille's recent update from a "contract" to a "strategy"), it is more reasonable to think that these local experiences are the ones that have influenced the national legislations and the adoption of guidelines by the central government, than the contrary.

*5.1. The strategy's contents and the space for local powers: which is the definition of urban security?*

The strategy's aim is to bring a global and shared vision of the issues of security, public tranquillity and crime prevention in Lille.

First of all, it proposes priorities according to the National Security and Crime Prevention Plan. In particular, there are three main actions: the prevention of young delinquency (with the fight against risk factors); the prevention of violence and the strengthening of victims'support (improvement prevention by increasing awareness of different forms of violence or the grip and radicalization); the improvement of public tranquillity (for example, development of situational prevention, consolidation of social mediation and strengthening the coordination among the actors). Secondly, there are three additional priorities identified by the municipality at the specific local level (similar to those identified by the 2009 CLS). They consist in taking action against recidivism in crime, facing with the excesses of the nightlife and supporting the most vulnerable part of the population (for example, the City of Lille is actively involved in welcoming alternative measures to prosecution and imprisonment and, between 2013 and August 2017, it has received in its services 84



“criminal remedies” and 798 *travaux d'intérêt général* (TIG) for a total of 882 persons).<sup>108</sup>

*Legal justifications:*

The adoption of the strategy is not mandatory but, they are normally adopted, at least in the municipalities where, according to *loi du 5 mars 2007 relative à la prévention de la délinquance*, a CLSPD must be established. In Lille, the local strategy is then influenced by the *Stratégie nationale de prévention de la délinquance 2013-2017*, the *Plan départemental de prévention de la délinquance du Nord* (2013) and the indications from the *Conseil Métropolitain de Sécurité et de Prévention de la Délinquance de la Métropole Européenne de Lille*. In the field of security, the central administrative powers are pervasive, especially for repression of crimes, security and public order (for example, the local police is much weaker compared to national police).

At the same time, France has a long tradition of prevention and proximity policies, also integrated with “urban fight against radicalism” policies, especially through social integration and cohesion approaches. For example, Lille is experimenting a local plan against radicalization, with the support of the Ministry of the Interior and the Ministry of Territorial Cohesion, together with the *Le Forum Français pour la Sécurité Urbaine* (FFSU).<sup>109</sup>

<sup>108</sup> *Stratégie territoriale de sécurité et de prévention de la délinquance*, 4. See also [www.lille.fr/Vivre-a-Lille/Securite-et-prevention/Notre-action-pour-la-securite-et-la-prevention](http://www.lille.fr/Vivre-a-Lille/Securite-et-prevention/Notre-action-pour-la-securite-et-la-prevention) (November 2019).

<sup>109</sup> See <http://ffsu.org/formation-des-elus-et-des-agents-a-la-prevention-de-la-radicalisation-a-lille/> (November 2019) together with Efus, *Prévenir la radicalisation au*



Thus, if local administrative powers must be retraced, they can be found in social prevention and, for repression, marginally in the coordination with the national police forces and the central government. In any case, «Le maire en est l'animateur» of the strategy and the state involvement at the local level, in the area of crime prevention, is expected just in order not to leave mayors isolated.<sup>110</sup> In other words: «Le maire est responsable de l'animation, sur le territoire de sa commune, de la politique de prévention de la délinquance et de la coordination de sa mise en œuvre, sous réserve et dans le respect des pouvoirs et compétences du représentant de l'Etat, de l'autorité judiciaire [etc.]. Le maire ne peut ni ne doit agir seul. La politique de prévention de la délinquance se construit dans le cadre d'un mouvement fédérateur, d'un réseau de confiance constitué de l'ensemble des partenaires».<sup>111</sup>

*Factual assumptions:*

Differences in situations and needs, according to the size of cities or towns, and the characteristics of delinquency on each territory, inevitably

niveau local. *Accompagnement pour les collectivités territoriales*, available at, [http://ffsu.org/files/2016/04/RAD\\_Accompagnement-villes-françaises\\_2017.pdf](http://ffsu.org/files/2016/04/RAD_Accompagnement-villes-françaises_2017.pdf) (November 2019) and Efus, *La sécurité locale face au terrorisme et à la radicalisation violente* Résolution du comité exécutif du FFSU, 2016, available at <http://ffsu.org/files/2016/04/Résolution-FFSU-La-sécurité-locale-face-au-terrorisme-et-à-la-radicalisation-violente.pdf> (November 2019)

<sup>110</sup> See *Stratégie nationale de prévention de la délinquance 2013-2017*, cit., 12.

<sup>111</sup> See Secretariat general du comité interministeriel de prevention de la delinquance (2012, 6).





lead to the diversity of local organizations. In accordance with the «principe d'efficacité et d'adaptation aux réalités locales», it will be left to the discretion and initiative of local actors to determine whether to decline or not, also at a sub-municipal level, operational crime prevention mechanisms implemented under the umbrella of CLSPD (or CISPD).<sup>112</sup>

Between 2010 and 2015, the number of crime incidents reported by police services in Lille is generally stable with a downward trend. Assaults on property (including damage and burglaries) and scams are down sharply, while injuries to physical integrity remain at the same level. Moreover, the finding is shared by a significant increase in the question of drugs abuse and illegal trade on Lille. Even though this trend is common to all major cities on the national territory, the geographical position of the city (crossroads of Europe) favors a strong attractiveness to this social problem. This phenomenon is accompanied by a growing sense of insecurity. All the facts found on Lille by the National Police focuses on the Lille-Sud, Lille-Moulins and Faubourg de Béthune districts, which make up the Priority Security Zone (since 2012), but that involves also Wazemmes, Fives and Lille-Center zones.<sup>113</sup>

### *5.2. The Adoption procedure and the actors involved*

The strategy has been validated in plenary session by the CLSPD on 27<sup>th</sup> June 2017 and previously voted in the Municipal Council on 23<sup>rd</sup> June

<sup>112</sup> *Ivi*, 13.

<sup>113</sup> See the *Stratégie territoriale de sécurité et de prévention de la délinquance*, 3.



2017 (this is a way to transpose the partnership in the local system: the municipal council authorizes the Mayor to sign the strategy). The strategy sets the priorities, objectives and working method of the CLSPD for the future. At a first glance, in part differently from the Italian case, for example, the institutional collaboration in security is evolving from a periodical detailed and procedural negotiation (1999, 2005, 2009), resulted in a true contract, to a more stable and integrated organization (today, all the initial operational and organizational instruments can be considered as permanent solutions). The goals and objectives in urban security, on which the CLSPD (today a stable organization in all the municipalities with a population above 10.000, at least) should operate, are periodically updated.

Its signatories are the City of Lille and its associated municipalities, the Prefecture, the Public Prosecutor's Office, the *Parquet*, the *Conseil Départemental*, the *Rectorat*, the *bailleurs LMH*, the *Vilogia et Partenord-Habitat* and the *transporteur Transpole-Keolis*. The signatories reproduce almost completely the composition of the CLSPD. In Lille, it brings together the following actors: City of Lille, Prefecture, National Police, Judicial operators, representative of the National Education system, County Council, social landlords, *Keolis-Transpole*, *SNCF*, associations of prevention and assistance to victims. The Committee meets in plenary sessions but, also, with a restricted composition.<sup>114</sup> According to the municipal organization chart, the CLSPD depends on the municipal department for *Vie Citoyenne Animation de proximité*.

<sup>114</sup> *Stratégie territoriale de sécurité et de prévention de la délinquance*, 1.



The municipal police is not expressly involved in the CLSPD. However, its mission is carried out on daily basis by virtue of the police powers of the Mayor and in close partnership with the National Police. Police officers guarantee proximity to the population, thanks to a visible, active and reassuring presence in the districts. The municipal police of Lille counts, today, about one hundred agents and its workforce continued to increase since its birth, in 1971.<sup>115</sup>

Important actors are also the *agents locaux de médiation sociale* (ALMS). Teams of ALMS, also called *médiateurs*, are daily present in the ten districts of Lille. They have existed since 2000 and their development results from a strong will of the City of Lille in favor of proximity and the social link.<sup>116</sup>

The STSPD is the result of the stable collaboration of all these actors. Then, the CLSPD leads the implementation phase, towards other organizational articulations. There are both *Groupes de travail territorialisés* and *Groupes de travail thématiques*.<sup>117</sup>

<sup>115</sup> See [www.lille.fr/Vivre-a-Lille/Securite-et-prevention/Police-municipale](http://www.lille.fr/Vivre-a-Lille/Securite-et-prevention/Police-municipale) (November 2019).

<sup>116</sup> See [www.lille.fr/Vivre-a-Lille/Securite-et-prevention/Notre-action-pour-la-securite-et-la-prevention2/Mediateurs-sociaux-ALMS](http://www.lille.fr/Vivre-a-Lille/Securite-et-prevention/Notre-action-pour-la-securite-et-la-prevention2/Mediateurs-sociaux-ALMS) (March 2019). Their tasks are: prevention through a reassuring and caring daily presence in neighborhoods, management of everyday conflicts in real time or in deferred time, identify people who are isolated or in distress, identify and report malfunctions, degradations and incivilities on the public space, relaying requests to different institutions and administrations, to collaborate with the social partners present on the City of Lille and to inform and guide Lille's citizens.

<sup>117</sup> *Stratégie territoriale de sécurité et de prévention de la délinquance*, 5.



The formers are, supported by *Cellules de veille par quartier* and by *Cell de veille dédiée aux stupéfiants*. They bring together different partners to promote consultation, to share information and to identify particular problems of insecurity and delinquency.<sup>118</sup> In fact, they monitor the state of delinquency and the climate of insecurity in Lille neighborhoods as well as specific situations in the area, thanks to a shared diagnosis. There are seven units in total, that cover all the ten districts in Lille (some neighborhoods, indeed, are grouped: *Fives* and *Saint-Maurice Pellevoisin*, *Bois-Blancs* and *Vauban-Esquermes*, *Lille-Center* and *Vieux-Lille*). Each cell is made up of 15 local prevention and safety partners, gathered around the deputy delegated by the mayor for safety and crime prevention and the district council president.<sup>119</sup>

The latter are the *Groupe violences faites aux femmes* and the *Groupe prévention de la récidive*. Hence, together with these working groups, oth-

<sup>118</sup> They are: elected members of Lille City Council (elected delegate for security and crime prevention and president of the district council concerned); municipal services of the City of Lille (CLSPD, mediators of the City of Lille, municipal police, directors of district town halls, political project leaders of the city); social landlords (*Lille Métropole habitat*, *Partenord habitat*, *Vilogia*, and, during auditions, *Pact Métropole Nord*, *ICF habitat*, *Sia habitat*), prevention associations (*Itineraries* and *FCP*), transports authorities (*Keolis-Transpole* and *SNCF*), national Police (Police captain, police commander, chief of the specialized field brigade, police delegate for cohesion), a representative of the public prosecutor of the Republic and of the prefecture and of the national education service. External personalities may occasionally be invited to participate. In case of particularly acute difficulty, a smaller committee can be implemented. See [www.lille.fr/Vivre-a-Lille/Securite-et-prevention/Notre-action-pour-la-securite-et-la-prevention2/Cellules-de-veille](http://www.lille.fr/Vivre-a-Lille/Securite-et-prevention/Notre-action-pour-la-securite-et-la-prevention2/Cellules-de-veille) (March 2019).

<sup>119</sup> *Stratégie territoriale de sécurité et de prévention de la délinquance*, 5.



ers actors are involved: the metropolitan security and delinquency prevention council, departmental council for the prevention of delinquency of the North, the *contrat de ville*, the steering bodies for national urban regeneration programs and for the gender equality plan, educational social groups, Lille Mental Health Council, etc.<sup>120</sup>

### *5.3. Hypothesis on the legal nature*

It is not easy to understand the strategy's legal nature, being it a quite new tool. However, the same happened in the past with regards to CLSs, so that a unitarian interpretation still lacks for them.

In particular, is it the strategy a political or an administrative tool? If it has an administrative nature, what kind of administrative act is it? Is it a planning instrument with external effects or a mere act of internal organization? Which binding effects has it? Which are the beneficiaries: individuals, institutions or the collettivity as a whole? There are not clear answers to all these questions. The only possible thing to do is just to observe the phenomenon in the real practice of the municipality.

Three observations are possible.

The first one concerns the shift from the CLS method to the strategy approach for urban security. It could be considered in a negative and in a positive light. Positively, if a "contract" means that security powers must be negotiated with the central government, the choice in favour of a strategy indicates that today, in the French legal system, local compe-

<sup>120</sup> *Ibidem.*



tences in urban security are clearer than before. If a Mayor has the competence to adopt its own city strategy, notwithstanding the centrality of the partnership approach, this means the city-municipality has complete autonomy for some functions, of course to be coordinated with other powers of the central government but still “own” competences (in the sense of autonomy). Negatively, the request to shift from a CLS to a strategy comes from the Central government; this means that the tool is imposed from the top (despite not being mandatory), while the CLSs were born as an autonomous initiative of French mayors and they have a long history of local adaptation.

The second observation is about the formal aspect that the Lille’s strategy has assumed. It appears as a really synthetic document. In addition to this, it seems to lack operability and concrete content. However, if one looks at the methodological guide published by the *Comité interministeriel de prevention de la delinquance*, the strategy is almost perfectly aligned with those indications.<sup>121</sup> This can mean two things. On the one side, that the Municipality misses real interest and that it is following top-down indications because it has to do it; in this sense, the strategy should be considered as a simple steering-political document. On the

<sup>121</sup> *Les stratégies territoriales de sécurité et de prévention de la délinquance. Approche méthodologique*, cit., *passim*. The Lille strategy follows: the two indicated premises, 6-7 (choice in favour of the municipal territory as area of competence, even though in collaboration with other two municipalities -but it is not formally considered as a inter municipal strategy- ; a *partenariale* approach); the medium-term duration and the division in procedural steps, 8-9; the content, that should be broadest as possible and based on the concepts of *prévention primaire, secondaire* and *tertiaire*, as complementary to “penal” repression, 10 ff.



other side (and it is the one here sustained), the municipal strategy has many of the elements indicated in the guide, since the guide itself has been inspired by a long tradition of municipal practice (and Lille is one of that cities to have experimented CLSs for a long period of time) and it opted for a schematic content because it clearly considers its priorities (here explained the capacity to be synthetic) and it already has a well established organization for urban security. It is interesting, for example, that the goals are divided in two sections: in the first one, there are the objectives inspired by the national and the departmental strategies; in the second one, the goals decided in autonomy by the municipality. The strategy, in this sense, is just an update of the past CLSs but, this time, as its own output.

Hence, the third observation is to support the latter affirmation. The strategy is a central municipal act, that is obtained through a complex procedure. The CLSPD, with its peculiar composition and in its restricted composition, works on the document that, then, must receive the favourable vote of the Municipal Council (substantially, the Council authorizes the Mayor to sign it). Consequently, as an approved act, it is validated by the CLSPD in its plenary composition through the signature of the *Préfet de Région Hauts de France – Préfet du Nord*, the *Procureur de la République près le Tribunal de Grande Instance de Lille*, of the *Maire de Lille*, the *Maires délégués des Communes associées de Lomme et d’Hellemmes*, the *Président du Conseil Départemental du Nord*, the *Recteur de l’Académie de Lille*, the *Directeur Général de la Société KEOLIS* and of the representatives of the *principaux bailleurs lillois*. After its approbation, the CLSPD, through its internal and subordinate organization, implements and evaluates it. The role of the Mayor is central in the preliminarily delinea-



tion of the goals, as he is directly involved in the CLSPD in quality of its leading institution; then, for the implementation phase, he can delegate another subject, normally an elected representative of the municipality (in the case of Lille, a deputy of the Council).

In conclusion, the strategy is synthetic but complete. For example, it contains concrete elements justifying its adoption and more legal justifications can be found in the council deliberation.<sup>122</sup> In addition to this, other documents are normally attached to the strategy; they deal with more detailed projects and single contributions by the partners. Moreover, even though the strategy misses financial indications, the CLSDP normally approves an annual budget; this is an extra element in favour of the shift from a procedural approach to a more structured and managerial one, where a specific organization for urban security is today stable in practice.

As wisely affirmed by the methodological guidelines, the issue of what form the act should assume remains a completely open aspect, at

<sup>122</sup> Séancedu 23 juin 2017 N° 17/290, *OBJET Adoption d'une nouvelle stratégie territoriale de sécurité et de prévention de la délinquance pour la Ville de Lille et ses communes associées d'Hellemmes et de Lomme*. For example: «La sécurité est un droit fondamental au même titre que la santé et l'éducation. La Ville de Lille a depuis longtemps pris conscience de cet enjeu et a été une des premières en France à signer un Contrat Local de Sécurité (CLS) suite à la délibération n° 98/795 du 14 décembre 1998. Depuis, ce document de référence a été actualisé à plusieurs reprises puisqu'un deuxième CLS a été signé le 17 décembre 2005 et un troisième a été adopté par délibération n° 09/396 du Conseil Municipal du 18 mai 2009. Par ailleurs, le Plan national de prévention de la délinquance de 2010-2013 a introduit le concept de "Stratégie territoriale de sécurité et de prévention de la délinquance" qui est venu se substituer progressivement à celui des Contrats locaux de sécurité».





discretion of the Mayor and of his partners. The administrative practices across the countries, indeed, vary a lot. The formal aspects play, of course, an important role for the legal certainty (for example, can a citizen pretend the publications of all the relevant documents attached to the strategy? Or, can a private party have a legitimate expectation from the adoption of the pact? And so on). At the same time, in terms of public policies, the form does not change the substance of the strategical approach to urban security at the local level, that is clearly in terms of prevention and binding coordination among different institutions (as all signatories of the document).

## 6. Territorial strategy for Urban security in Tilburg

With regards to legal justifications, under the Netherlands police law, all municipalities are today obliged to elaborate a local policy plan. In June 2012, Tilburg adopted its first local policy plan, the *Framework Document on Safety 2012 – 2015*. At the end of the last year, the *Zeeland-West Brabant*, the region, established a Regional Policy Plan for the years 2015 - 2018. According to its autonomy, the city of Tilburg decided to update the original municipal strategy before the expiration period, so that it was aligned with the new Regional Policy Plan for the coming years. The main points that needed a substantive adjustment for the safety policy were: the further development of the *Care and Safety House*, the emergence of radicalization in the society and the strengthening of the approach in undermining crimes.



As a factual justification of the following presented contents, the strategy observes that in 2014 and again in 2015, Tilburg has been (unfortunately) included in the ranking of the most unsafe cities, despite the positive results achieved with the approach to various forms of crime. Looking to past results, the new strategy concludes that the choice to focus on a smaller number of specific topics has had a positive effect. Notwithstanding this, the decision to let back other less priority issues has, in the end, increased the severity of the same issues.<sup>123</sup> In terms of number, the strategy has the ambition to strive for the following results, together with partners: picking up at least two millions per year, tackling ten criminals and five criminal partnerships per year and receiving fifty civil reports per year starting from 2017.

#### *6.1. The strategy's contents and the space for local powers: which is the definition of urban security?*

The Tilburg strategy, *Kadernota Veiligheid 2015 tot 2018. Samen (door)werken aan veiligheid* (Working together on safety) is based on some basic principles. First of all, the city stresses the importance of the audit phase, that means to collect data with the aim to operate on the basis of updated information and to obtain a complete analysis of the context. Secondly, the plan adopts an integrated approach in the sense of coordination among the criminal (offense-oriented), the administrative (person-oriented), the proximity (area-oriented) and the private-public part-

<sup>123</sup> *Kadernota Veiligheid 2015 tot 2018. Samen (door)werken aan veiligheid*, 14.



nership approaches. Thirdly, it pays particular attention to the perception of risk and to social problems, such as radicalization.<sup>124</sup>

In comparison to the previous strategy, four assets should be improved: a better offense-oriented performance (with a stronger focus on high-impact crimes and in undermining crime), a better area-oriented performance (in the capacity to alertly respond to urgent problems in residential areas, parks, outdoor areas and shopping areas, without losing sight of the municipal global environment), a better steering in the area-oriented approach through the reinforcement of neighborhood actions and a better professional preparation of the subjects involved in local security (especially with regards to their capacity to face with social problems).<sup>125</sup>

In the last sense, the safety of territorial strategy has a social part and a more “physical” one.

The latter concerns the care for road safety, fire safety, environmental safety, safety during public events, external safety and preparation for disaster relief. Here, the competences are already well developed, thanks to the contribution from other levels of government. For example, matters relating to risk and crisis management are already secured in the municipal external safety document (*gemeentelijke nota Externe veiligheid*), the regional fire plan (*regionaal dekkingsplan van de brandweer*) and the safety regional policy plan (*beleidsplan van de veiligheidsregio*). “Environmental safety” and “Safety during public events” are also safeguarded by the central

<sup>124</sup> *Ivi*, 1.

<sup>125</sup> *Ivi*, 2.



government and the national police, through the Central and West Brabant Environmental Service (*Omgevingsdienst Midden- en West- Brabant*).

The former, the care for social security, includes instead the attention for safety around social events; in short, supporting “safe living together”, with attention to specific issues, such as youth nuisance and vandalism, but also burglaries, domestic violence, crime and radicalization.

Thus, while on the frontline of physical safety, Tilburg has a tight and well established policy approach based on the regular legal enforcement, the territorial strategy wants to keep separated the two groups of challenges. All the issues belonging to the second group require a special preparation and new approaches.<sup>126</sup> A good example of the latter is “communication”: while security really matters, such kind of interventions may be less visible to the “ordinary citizen” and the legality and credibility of the government can sometimes be at stake; on the contrary, social security is threatened at the most fundamental level of society and, in this sense, the “undermining crime” approach should be presented to the city in the most possible transparent way.<sup>127</sup>

## *6.2. The Adoption procedure and the actors involved*

It is plain that the strategy is looking for the right balance between repression and prevention in the approach to crime (first meaning of

<sup>126</sup> *Kadernota Veiligheid 2015 tot 2018. Samen (door)werken aan veiligheid*, 4.

<sup>127</sup> *Kadernota Veiligheid 2015 tot 2018. Samen (door)werken aan veiligheid*, 5 and 25. For example, the strategy warmly welcome activities based on “socials”, like the whats-app group in the northern part of Tilburg.



“integral”). The municipality wants to intervene where necessary and prevent where possible: «Hard ingrijpen waar nodig en voorkomen waar dat kan».<sup>128</sup>

For the “physical” part (mainly the “repressive” component), with the support of all the other relevant institutions, especially national actors, but also with an active involvement of private parties (i.e. in video surveillance).

For the “social” (mainly the “prevention” component), in collaboration with professional partners, entrepreneurs and citizens. The local authority will continue to fight symptoms but it also needs to take away the causes. With this in mind, it wants to act as much as possible at the front. Hence, in recent years, the emphasis has also been put (explicitly) on the involvement of the institutions and organizations that are active in the care and assistance sector and for the (municipal) social security policy. It is written in the document: «We are aware that this is a different line than the more repressive line [*it was before the adoption of the new national strategy 2018-2022*] that the government currently chooses, but the positive results in Tilburg convince us of the power of working at the front of problems».<sup>129</sup> This, incidentally, does not make the safety policy

<sup>128</sup> Kadernota Veiligheid 2015 tot 2018. Samen (door)werken aan veiligheid, 4.

<sup>129</sup> *Ivi*, 4: «We bese en dat dit een andere lijn is dan de meer repressieve lijn waar de rijksoverheid thans voor kiest, maar de posi eve resultaten in Tilburg overtuigen ons van de kracht van het werken aan de voorkant van problemen». See also 6, when the strategy affirms that positive developments in the city support the choice in this direction. In fact, Tilburg has become socially safer in recent years.



less active for a strong repressive approach: «we will not fail to do so».<sup>130</sup> However, the municipality tries not only to combat the occasional offender, but also the underlying crime. Such affirmations represent an important example of the local autonomy. For the “social” part, the municipality is the “sovereign” of the policy. It has recently grown in this role, for example, the “district test” is used to designate areas of interest;<sup>131</sup> “neighborhood plans” are the basis for local-based actions.<sup>132</sup> The municipality experiences also the full cooperation with its partners in the execution of all these activities.<sup>133</sup>

The strategy is steered by the Mayor and approved by the Council. However, an “integral” approach, as a networking collaboration, is a precondition for the strategy to be successful (second meaning of “integral”). Partners, both private and public, complement each other in dif-

<sup>130</sup> *Ivi*, 4: «[...] waar een stevige repressieve aanpak nodig is zullen we dat niet nalaten».

<sup>131</sup> *Ivi*, 24-25.

<sup>132</sup> *Ivi*, 26.

<sup>133</sup> *Ivi*, 6 and 26. For example, the strategy’s ambition is to maintain an integral enforcement activity (“integral enforcement weeks”) at least three times a year in an area to be designated by the local actors triangle (municipality, central government actors and civil society). In addition to the integral enforcement weeks, the *Municipal Supervision and Enforcement team* is focusing on integral enforcement throughout the year. Priority will be given to the approach of undermining participation in the administrative intervention team, tackling synthetic drugs, dealing with buildings and nuisance premises, tackling impoverishment and decay. Where necessary, the strategy will strengthen the cooperation between the municipal BOAs (special investigating officers as municipal police) and the national police for the most effective approach.



ferent ways, to face social insecurity. In saying this, the strategy explicitly states that the citizen himself should be a partner. Thanks to a joint work, the problems are tackled from different angles and the “trick” (*kunst*) is only to create the right alliance on concrete goals. Indeed, the municipality respects the division of competences and powers and explicitly places the responsibility for safety where it belongs (*De gemeente legt de verantwoordelijkheid voor veiligheid nadrukkelijk daar waar die hoort*). Nevertheless, it can involve other partners for well specified detailed objectives. With regard to tackling undermining crime, for example, integral collaboration is necessary to make use of experience and understanding through each other’s knowledge.<sup>134</sup>

### 6.3. Hypothesis on the legal nature

The strategy describes itself as a *kadernota*, a “memorandum”, where the word *kader*, “framework”, refers to the general lines within which concrete plans must be worked out. Said differently, it is a policy document. At the same time, the document has also legal administrative meaning (*juridisch bestuurlijke betekenis*).<sup>135</sup> The administrative sector, in Netherlands, has undergone a transformation in recent years and this is particularly true for the safety sector. In many fields, the government is no longer the central actor and there are horizontal institutional trends in the daily work of the public

<sup>134</sup> *Kadernota Veiligheid 2015 tot 2018. Samen (door)werken aan veiligheid*, 5.

<sup>135</sup> *Ivi*, 3.



administration. This also means less separation between “policy” and “implementation”, as in the case of the present strategy.<sup>136</sup>

As seen, it is the new police law that provides for the drafting of local policy plans in the field of public order and security. All municipalities are obliged to elaborate such a local policy plan and they have to control over this, based on their role as policy directors (*Gemeenten hebben hierin de regie, vanuit hun functie van centrale beleidsregisseurs*). The implementation of the policy is, however, a joint task and lies partly with the municipality (administrative enforcement) and partly with external partners (welfare institutions, housing corporations, politics, fire brigades, citizens and private partners).

Hence, the strategy is the basis for future special agreements among all the involved parties but, more in general, it is already an example of a kind of network where a strict hierarchy lacks. As it was observed, safety management has become complex and unclear due to the new division of responsibilities, often in the form of partnerships and (formal or informal) networks (the so-called problem of “too many hands”). Despite this, much is expected from the steering power of municipalities in Netherlands on the point (the so-called “directorial task” in the local integrated security). In practice, this appears to be a difficult task. The consequence of the cooperation ambition is that the horizontal cooperation among more or less independent security partners is accompanied by weak control and coordination.<sup>137</sup> It is very important, then, that the pro-

<sup>136</sup> See Nijssen (2018, 6).

<sup>137</sup> See Nijssen (2018, 4 ff.).





ject manager understands the factors leading to effectiveness in a network and how to influence it (it is a normal way of thinking in the country because, in terms of Administrative tradition and similarly to UK, Netherlands adopts a more managerial approach, than a procedural one, to the study of public administrations).<sup>138</sup> In the present case, the project manager is, first of all, the Mayor and, then, the municipal offices for more detailed actions. The network system works also at the regional and district level, although extra actors are involved. For example, the security network in the *Hart van Brabant* district, to which Tilburg is part, is considered as a best practice.<sup>139</sup> The district is located in the west of the province of *Noord-Brabant* and is part of the regional police unit *Zeeland-West-Brabant*. The following organizations participate in the network for tackling undermining crime: Regional Information and Expertise Center (RIEC), *Taskforce Brabant Zeeland* (Taskforce BZ), eight municipalities, Ministry of justice and security (with the competent Law enforcement authorities and the public prosecutor) and tax authorities.

In conclusion, it is a matrioska system, a network within the other and so on. Municipalities have to cooperate with equivalent actors, over which they have no authority, in order to tackle current (security) problems, such as undermining crime. Since safety is a basic need for society, it is of great importance that municipalities, but also other government parties, such as the Police forces, know well how to deal with networks involving others actors. In the case here discussed, this means to understand, for example, if

<sup>138</sup> See Thijs, Hammerschmid and Palaric (2018, 31-37). Cfr. Thijs and Hammerschmid (2018, 5 and 753 ff.).

<sup>139</sup> See Nijssen (2018, 5).



the approach to urban security, notwithstanding the adoption of a specific medium-term strategy, is more procedural or more organizational.

## 7. Territorial strategy for Urban security in Modena

The *Patto per Modena sicura* (a “Pact for a safe Modena”) has been signed in 2016. However, it is just the last version of a cooperative security strategy, agreed periodically between the municipality and the Prefect, since 1998. It has a three-year validity and it will be re-negotiated in 2019 (art. 24, *Patto per Modena sicura*). The city of Modena is strongly involved in Efus and in its National section, *Forum italiano per la sicurezza urbana* (Fisu). It is one of the first municipalities to adopt a security pact (at that time called a “security protocol”) in the first season of their national history, 1998-2005 (the other three periods can be considered 2005-2009, 2009-2017, post 2017).

As seen in paragraph 4.3, today the possibility to stipulate a security pact is provided by the Law Decree n. 14/2017 but the present pact precedes the new legislative provision. In this sense, it was based on the Guide Lines established with the *Patto per la sicurezza* (a type of political agreement) achieved in 2007 between the Ministry of the Intern and the municipalities’ association, known as ANCI.<sup>140</sup> According to some sources, even though the instrument has a quite long history, it has not fully been experimented yet.<sup>141</sup>

<sup>140</sup> *Patto per Modena sicura*, 2-3.

<sup>141</sup> According to Domenicali and Minni (2014, 119 ff.), the pacts currently (2014) stipulated, including some renewals and an interregional pact, are about 70, and the regions



### *7.1. The strategy's contents and the space for local powers: which is the definition of urban security?*

In the pact's premises, security is immediately presented as a fundamental right (*diritto primario*) and as an indispensable component of the quality of life. Then, it is acknowledged that, nowadays, the demand for security from citizens comes, with the necessary specifications, from both medium and big cities. The demand is complex as security is. Citizens have different needs and ask for different solutions. Hence, the main challenge is to keep on reinforcing the collaboration between the central and the local government and to link among them goals of prevention, mediation of conflicts, oversight and prevention.<sup>142</sup> These affirmations, in other words, anticipate the idea of an “integrated” policy for security.<sup>143</sup>

#### *Legal justifications:*

The legal justifications to the adoption of the pact lay, first of all, in the Constitution (art. 117, par. 1, Const., on the exclusive legislative competences of the State among which, lett. h): «public order and security, excluding the local public police» and art. 118 on the principle of

involved are 16 over 20; until now, the regions of Valle d'Aosta, Abruzzo, Molise and Basilicata have not experimented the instrument yet, while only in the Lombardy Region there are about twenty signed pacts. A predominance of agreements signed in large cities is undoubtedly observed.

<sup>142</sup> *Patto per Modena sicura*, 1.

<sup>143</sup> *Patto per Modena sicura*, 3.



Administrative subsidiarity). Secondly, in the Regional Law concerning the local administrative police regulation and the promotion of an integrated security system (Regional Law n. 24/2003).<sup>144</sup> Consequently, the spaces for the local government autonomy, if the regional provisions are in favour of it (but actually this is in the case of the *Regione Emilia-Romagna*, ex art. 1 of the Regional Law above), are: local police and the “promotion” of an integrated security. While the coordination among central and local police task forces is easier to imagine (arts. 11-18 *quinquies*, Regional Law n. 24/2003), it is not the same for the exact content of the function “promotion” (arts. 3-10, Regional Law n. 24/2003). A further analysis is necessary here. The Regional Law means, as policies for the promotion of an integrated security system, the actions aimed at achieving an orderly and civil coexistence in the cities and in the regional territory, also with reference to the reduction of phenomena of illegality and widespread incivility. In particular, the regional steering powers and competences are in favor of integrated preventive actions, the practices of conflict mediation and harm reduction and education for cohabitation. All this interventions are coordinated, in particular, with other policy-sectors on the matters of: prevention, contrast and reduction of the causes of social hardship and social exclusion; urban requalification; governance of the procedures for the associated exercise of the functions of the municipalities and territorial reorganization; the prevention of organized and mafia crime; the promotion of the culture of legality and of responsible citizenship; civil protection; road safety; environmental safe-

<sup>144</sup> Recently updated with Regional Law n. 13/2018.



ty; safety and regularity of the employee; prevention exercised by local health authorities and by the regional agency for prevention and the environment, with particular reference to surveillance activities on means of transport and road works (art. 2). Then, the region promotes agreements with the State on the security of cities and regional territory. In particular, it supports agreements between the provincial public security authorities and the municipalities and encourages the participation of associative subjects representing collective interests for the improvement of urban security. Institutional agreements can provide, firstly, the creation of integrated information systems and video surveillance on the phenomena of crime, victimization, incivility and widespread urban disorder; secondly, integrated management of land control and emergency interventions in the social, health, mobility and security fields; thirdly, integrated management of services for victims of crime and of reports from citizens; finally, the development of organizational modules of the police activity based on the principle of proximity, also through the figures of neighborhood workers and the involvement of citizens.

Hence, which are the concrete powers, concerning these two administrative functions, that can be found in the *Patto per Modena sicura*?

In terms of local police, most of the provisions are in the sense of indicating the challenge of local coordination with the National police and the Prefect activity, especially when urban security is closer to public order and security as repression (in parts, arts. 2-4, art. 8 –on neighborhood police- and art. 12 –on operative integration). The place to discuss integrated security, especially as fight against crimes, is a special body called *Cabina di regia*, together with the traditional Provincial Committee for territorial security. They are the tables where to think about repres-



sion not only in case of emergency (where also the Mayor's powers play an important role through ordinances) but also planning it. To say, how can the fight against crime and oversight be better planned? It is then suggested to adopt action plans that can help the implementation of the already adopted Provincial Plan for coordinate territorial oversight (2012). During the *Cabina di regia's* meetings, all the parties (with the necessary participation of the Mayor) must agree on actions especially concerning the contrast against drugs abuse and circulation, prostitution, illegal trade and begging, abusive settlements and examination of citizens' reports on urban degradation (arts. 14, 15, 17, 18).

In terms of promotion of integrated policies, the municipality as a whole (especially acting under the steering powers of the Mayor) and local police work especially for prevention. Even though a coordination and integration is a constant in the approach to the policy, here the local authority is more independent and better equipped. It has a leading role for the improvement of statistics and researches, also in the sense of sharing data among all the involved authorities and in with the hope to be better able to report to citizens (arts. 1, 5 and 7). According to the municipality, a central asset for urban security is the involvement of social and economic parties, private associations as well as immigrants' communities (again art. 1). Then, other strategies for the prevention are the diffusion of video surveillance (art. 6), the assistance to crimes' victims (arts. 8-9), the urban regeneration (as a stronger police service during the night or a better illumination, art. 13) and the education to legality (art. 21).

A distinction between "local police" and "promotion" functions has been proposed here, according to the regional law indications. To a further



look, it is better, perhaps, to synthesize the content of the Pact, as follows: the function of promotion for a more integrated security is attributed to all the relevant actors; the promotion of integration is either in repression (where a leading role is played by central authorities and police task forces but with the goal to effectively involve administrative-local police) and in prevention (where a leading role is played by the local authorities - Mayor, administration and local police - because they are better aware of territorial needs and they know what to ask for to the central government: further data integration, more resources for safe roads, better illumination, etc.).

*Factual assumptions:*

In the premises, the pact also focuses on the factual elements in the City of Modena, justifying its content. In particular, it is affirmed that Modena is a strategic urban core in the country because of its geographical, economic and social attractiveness for foreign citizens: active labor market, tendencies to social cohesion and inclusiveness, welfare and quality of life. Nonetheless, in the last years, the immigration phenomenon (also illegal) has started to be more intense and residential citizens has started to ask for more contrast strategies against illegality and crimes in public spaces, not only in suburbs, but also in the city centre (although statistical data show a decrease in the incidence of crimes more in general). The administration is also aware that strategies in favour of a real integration of foreign people in the local community are fundamental and complementary components, in order to pursue the above mentioned security goals.



## 7.2. The Adoption procedure and the actors involved

The Pact is signed by three subjects: the Mayor, the Prefect and the vice-ministry of the Intern.<sup>145</sup> The mayor in Italy represents a double figure: on the one side, it is the political representative of citizens (he is directly elected), as well as the head of the local administration (even though he has steering powers, because of the tendency to the separation between politics and administrations); on the other side, in the exercise of some powers, he represents the state, for example as registrar or when he adopts sanitary or some kind of security emergency provisions (not exhaustive, because some emergency measures concern *safety*, more than *security*, are considered as expression of the Mayor's powers in quality of head of the local administration, *ex arts.* 50 and 54, Legislative Decree n. 267/2001, Code of local government, as recently modified by Decree n. 14/2017).

In any case, it is important to understand which figure is represented by the Mayor allowing him to sign the pact. It seems more reasonable to consider him as the local representative, more than the central representative, because, differently, the stipulation of an agreement could not make any sense. If it was a case of mere delegation-decentralization, an agreement would be usefulness; but it is not, as it appears from the preamble. Here, it is stated that powers in public order and security belong to the State, under the responsibility of the Prefect, and that it is a Municipal power that represents the territorial collective demands and to take initiative in crime and risk prevention and urban regeneration. It is then affirmed that the two authorities have the same goal and that they have decided, since 1998, to

<sup>145</sup> *Patto per Modena sicura*, 24.





coordinate themselves, reciprocally respecting their competences and functions (according to the principle of loyal collaboration).<sup>146</sup>

Nonetheless, the Mayor plays his political role in the audit step (to recall a term adopted by Efus'guide lines), to say, the phase during which it is important to evaluate the territorial security risks and challenges together with citizens and other relevant levels of government. On the basis of updated data, the local government is able to formulate, with full knowledge of the facts, its requests on the negotiation table with the central government. During the negotiation, the Mayor represents, politically, his citizens but, administratively, his own local administration. After the stipulation, with the beginning of the implementation phase, he is involved, mainly in quality of head of his administration, in carrying out, through the proper offices, the detailed tasks.

In the end, the adoption procedure is not standardized, despite the recent new legislative provision. It is still a voluntary instrument, an element that is in favour of the local autonomy and the parity of the negotiating table with the prefect (normally it is a municipal initiative, as in this case). So, the history of security pacts in Italy is made of administrative practices, barely recognized by the central government and by the legislature. Useful in-depth analysis to complete the discipline and the adoption procedure would concern the need or not of an act of internal transposition, incorporating the agreement in the municipality, determining its full effectiveness, the preparation or not of a calendar of preventive meetings, the participation or not of citizens in the implementation phase and how.

<sup>146</sup> *Patto per Modena sicura*, 2.



In the case of Modena, there has been neither an internal transposition nor a calendar of preventive meeting. The periodical updating can be considered today as natural, as it was between the 2014 pact and the 2016 one. However, after the procedural arrangements, more operational tools of coordination always follow. The pact regulates a complex organizational structure defined as “Cabina di regia” (article 2), in which the Prefect, the Mayor, their delegates and the territorial coordinators for each National police force (*Polizia di Stato*, *Arma dei carabinieri* and *Guardia di finanza*) are involved. This structure is really strategic because it influences the activity of the Provincial Committee for public order and security, with consultive powers towards the prefect (that is the sole and final responsible institution for public order and security). This means that in the Pact the parties agree to let the Municipality be more involved also in matters of security, with the idea to better coordinate *safety* and *security* and with a fix attempt to achieve prevention, coordinate police forces, obtain updated data and reports on the state of security in the city, be open and transparent to private parties and citizens (art. 3).

The pact should also be coordinated with other more specific agreements stipulated in the meantime, for example, “Controllo del vicinato” (neighborhood oversight) or “Mille occhi sulla città” (Thousand eyes on the city).

### *7.3. Hypothesis on the legal nature*

The pact that, as seen, contains the territorial strategy for urban security, has many elements (special) of an administrative provision, in particular an horizontal agreement between two administrations *ex art. 15* of the Ital-



ian APA (Law n. 241/1990). Of course, it is a kind of act that reflects a previous political negotiation but that, in the end, it is able to crystalize it in a more stable form.

The stabilization effect, that really matters in terms of effectiveness and efficiency of the tool or strategy (to say, the capacity to produce binding effects) is two-tied: it is more stable not only in the sense that it is an administrative act (and not a simple political document) but, also, because it has the nature of a vinculating agreement (or contract), even between two public actors. Then, it is not a “traditional” administrative act because it is, on the one hand, “authoritative” (it provide duties and obligations for individuals, also as general beneficiaries, in most of the cases, as art. 15 of the pact demonstrates for the operators of economic activities: the provision of possible administrative inspections, revocation, suspension and cancellation of licenses according to the criteria provided by the future plans for commercial valorization); on the other hand, “cooperative”, both between the two public subjects and, in same specific cases, in favour of the private involment in the enforcement of the pact itself.

The private participation, in particular, is three-folds (because three are the ways in which the private subject can be considered here). It has an administrative relevance in two situations: first of all, because of the direct effect, it should provide participation and transparency to individuals during the procedure (see arts. 7-10, Italian APA; it depends also on the choice to consider the provision as an act of rulemaking - excluded *ex lege* from the participation rules - looking at the contents and beneficiaries); secondly, because of the active involvement of private actors in providing part of the public goods (or service), the pact appears a verti-



cal public agreement as well (*ex art. 11*, APA - agreements between private parties and public administrations as alternative tools to administrative acts - that is explicitly recalled by *art. 15* - concerning the agreements between public administrations); Thirdly, the participation is also in a more political sense: it is “participation” to the process, when the popular will (i.e. in the audit phase) it is progressively integrated in the adoption procedure of the final agreement. So, the pact provides the participation, as a duty of information, of the main social and economic parties in the periodical operational meetings on urban security among all the relevant public actors (*art. 2* of the Pact).

The nature of security pacts is uncertain, both for the legal and the political science. However, it cannot be denied that their cogency is necessary to the effectiveness of the pacts. The administrative practices have shown in the past different levels of stability. The guarantee of compliance with the pact can depend, indeed, on various factors. On the one hand, from the construction of a “genuine” consensus, from the preparation of guidelines or from a clear political approach. Here the strenghtness of the local authority is challenged. On the other, from legal elements reinforcing the binding effect: the reference is to the procedural regime, to that of controls, to the exclusion or exclusion of withdrawal, to the possibility or not of compensation, all the aspects capable of preventing or deterring administrations from “Non-compliance” but which clash with the complex legal nature of the horizontal agreements. According to this reasoning, the exclusion *ex lege* of the withdrawal *ex art. 15*, APA, should be evaluated in favor of a limitation of the powers of self-protection and, therefore, the stability of the agreement not only in the interest of the private party, who could legitimately rely on what is



“planned”,<sup>147</sup> but also (and above all) in relation to the other administrations where, from a coordination point of view, the public interests pursued would be on the same level (even in the security field). Furthermore, it is noted that the security agreements have, over time, envisaged an average duration of three years. Their primary aim was to periodically recondition the contents of the agreement, with respect to changes in the geometry of the interests. This is the case of *Patto per Modena Sicura* that provides, for example, a three-year term (art. 24), a series of control and monitoring tools both for its direct implementation and for derivative instruments (arts. 2 and 24) and it is promptly published on the website of the Municipality of Modena, as shown by the annual report of the Single Urban Safety Table (again art. 2). As far as financial commitments are concerned, the absence of dedicated funds is acknowledged as a limitation, but there is the commitment, especially by the Municipality, to identify new expenditure items after consultation with the Ministry of the Interior (art. 23).

The element that most of all suggests the administrative legal nature is the motivation. In general terms, it is definend, *ex art. 3 APA*, as the system of factual assumptions and legal reasons that explains why the public administration (in this case, two public administrations jointly) has adopted the provision. Differently from political agreements and decisions, the preamble is here complete of all the elements that normally

<sup>147</sup> There is, on this point, an interesting sentence of *Consiglio di Stato*, IV, n. 3024/2010.



constitute the motivation in administrative provisions (especially if one looks at the local government practices)<sup>148</sup>.

### III PART CONCLUSIONS

#### **8. Final results from the comparison at the micro-level: a common tendency towards a cooperative Urban security?**

The choice in favor of a territorial strategy for urban security seems to partially converge in terms of goals (integrated urban security), procedural steps (similarly to the Efus approach: audit, strategy, implementation, evaluation), legal effects (overlapping between a political-policy document and an administrative tool), attempts of integration with other tools (overlapping between procedural and organizational solutions) and way of citizens involvement (simply as the “beneficiaries” deserving transparency, or as those to consult in the decision making phase or as active private parties in the implementation step). This seems true es-

<sup>148</sup> “Preambolo” is the word normally used to indicate just a part of a legal motivation that, taken alone, is not a complete motivation. So, for example, one can find a “preambolo” for legislative acts (that have not to be motivated) or in Municipal Council’s deliberations with a political nature or those adopting a municipal regulation. In the case of *Patto per Modena sicura*, the motivation is called “preambolo” but it contains both the factual assumptions and legal reasons, expressed through the following typical circumlocutions: *premessa, considerato che, preso atto che, visto che, valutato che* and *dato atto che*. It can therefore be considered an administrative motivation.



pecially in the cases of Modena and Lille. Conclusions of this kind in the case of Tilburg are possible only adjusting the administrative behavior according to the managerial point of view.

This also means that cities embrace a similar understanding of what security is, even though the concept is personalized, in a second moment, according to the specificities of each urban territory. Cities find empty spaces or hot spots for their autonomy and, then, in order to achieve goals, they inevitably clash with other institutional subjects and powers outside their competences. Obviously, National states and other tiers of government influence cities, politically and administratively, being them municipalities. The National level is always quite strong. For example, Lille approach depends a lot on the central level of administration, as Tilburg on the district, as Modena on the Prefect but, in the case of Italy, also on the regional and the provincial tiers. However, there is a thin but important difference between the idea that upper levels of government “bound” or “grant” the lower ones or, on the contrary, that it is the local government that, moving where it can, finally clashes with spheres of powers belonging to “others”. If the latter is the right path (notwithstanding the national system and the country’s form of government), it is explained the “coincidence” that Lille and Modena started to adopt their own strategies although there was any legislative indication. It is also explained why Tilburg, notwithstanding the strong top-down regulation, affirms: «We are aware that this is a different line than the more repressive line that the government currently chooses, but the positive results in Tilburg convince us of the power of working at the front of problems».

Thus, it is possible to recognize a common tendency towards an “integral” or “integrated” security, almost under three point of views.



First of all, integration is between repression-securitization strategies and those based on prevention-perception of insecurity and risk. Differently said, there is not a juxtaposition between security and social-welfare policies, rather a coordination between the two at the local level: urban security and urban safety. Of course, the municipality “borrows” national competences to security and public order (it would have any sense to behave differently, being security, out of any doubt, a kind of public good that it is better to manage at a national level). However, it does not necessarily mean that security and public order are not part of the local policy for safety: is it the State at the service of the community or not? This could appear a too intuistic reasoning but general categorizations are sometimes necessary to describe the reality and to show how to adapt to its changes, as the Netherlands national security strategy for 2018-2022 seems to do with regards to the integration between the concepts of internal-external or National-European-Global security.

Secondly, integration is between institutional actors, in particular, between central and local instances. In this sense, it is a political playground. The game is especially played in the perspective of achieving citizens. The latter are not just a local community but also part of a national community and this is clear thinking in terms of electorate. If it is true that urban security is an overlapping of subjects, mainly immigration and fight against terrorism and radicalisation as internal security issues to be solved first of all at the local level, who is going to win? Which cleavage is going to prevail? Left-right, central-local, repression-inclusion? The importance of these questions varies a lot among countries. It depends, on the one side, on the political orientation of the central government; on the other side, from the political characterization of





urbanization (i.e. differences in political orientation between small-medium cities and large cities in France). In a certain sense, orientation of local communities in terms of security can be both a way to strengthen or to weaken the central government. If the central government forgets the attention to human rights in time of security emergency, can the local one think in terms of human security?

Thirdly, urban security is also a field of administrative experimentation for cooperation and negotiation. The difficulty in affirming precisely if the observed tool is political or administrative may scare. Here, the adopted approach is not to care too much about the formal distinction but to observe reality and, in doubts, to adopt the more difficult path. It is clearly much easier to say: “it is a political document” than to say “it has a legal nature”. Hence, we will explore the latter. The common tendency in administrative practice can be seen in the capacity of the procedural or “through acts” negotiation to be transformed, progressively, in more stable and organizational occasions of dialogue. This is quite evident in the Lille case, with the coexistence of CLSs (now STSPDs) with the CLSPD. Similarly, with the idea of the “network” in Tilburg or with that of “cabina di regia” in Modena. Hence, the nature of the “act” could be a non-problem if it is solved in terms of administrative organization.

### **9. Some considerations for the macro-level: are cities an occasion for furthering the European integration process?**

Some emerging trends in the micro-context can shed light also on the European macro-context. Considering the question: «how can the study



of this case (security) contribute to general knowledge on European integration, looking at the European Union both as a political and a legal system?»), three ideas are suggested.

First of all, no one of the three countries have a coherent National urban policy. Even where there is a long tradition in managing urban matters (France), the State has never had a single and integrated policy. There is not any Urban Agenda similar to that of the European Union (or, where it is present, like in Netherlands, it has been influenced by the European one). This means that it is easier that States can fail in achieving urban welfare and there is more space for action under the so called Pact of Amsterdam.

Secondly, the macro-level involves also considerations about the autonomous role of cities as institutional subjects in the European multi-level governance<sup>149</sup>.

On the one hand, are cities involved in an independent dialogue with the European Commission or do they continue to be considered as simple sub-national entities?<sup>150</sup> To a further look, cities get connected with

<sup>149</sup> Writing on the meaning of “multilevel”, Auby (2017, 10) affirms: «No more global than they are regional, no more regional than national, no more national than sub-national.», also remembering Saskia Sassen in her work *The sociology of globalization*. Traditionally, see Hooghe and Marks (2001). See also the Territorial Agenda of the European Union 2020, on 19th May 2011, Hungary, 9: «Multi-level governance formats are required to manage different functional territories and to ensure balance and coordinated contribution of local, regional National and European actors in compliance with the principles of subsidiarity».

<sup>150</sup> Bobbio (2002, 5) observes that it is better to define the municipality as a infra-national entity, instead of a sub-national one, because it is not necessarily under the State but it is included by the latter.



the European Commission through networks, such as EUROCITIES or Efus, or monitored through digital platforms, such as Eltis, or programs, such as URBACT. If cities are involved in such organizations and projects, it is also true that they have to face, for example, the challenge, in their political agenda, of sustainable society in terms of cohesion and safety and that they are ready to exchange good practices and to learn from each other. It is important to remember that the Urban Agenda for the European Union states that all action plans should be considered as non-binding and that partnerships are laboratories. Nonetheless, the adoption of territorial strategies for urban security is a way to strengthen cities' autonomy. Concretely, if the non-binding feature and the dependence on national states is bypassed with the help of goals, values and principles, then the European Union is able to prescribe norms and to influence local administrations in their action and organization. It is a way for the Union to exploit one dimension of the horizontal governance, to involve urban networks in the vertical chain and, consequently, to have cities as institutional actors in the government.

On the other hand, can cities be considered the occasion for the European Union to focalize its "own territory", especially since the economic crisis has highlighted how social problems are mainly concentrated in cities and how cities are the engine of the economy?<sup>151</sup> Cities can re-

<sup>151</sup> While there are several studies on the European administrative space (a useful paper is by Matei and Matei 2008 [updated in 2014]) and on the European *demos* (for example, the debate among Habermas, Weiler and Grimm in the Nineties), researches on the European territory are rare. Recently, Lebon (2015) where, however, the author delineates the characteristics of the European territory basing its reasoning on National territories (the European territory is *composite*).



member to the European Union how important the territory is. Indeed, the “territory” is an element *ab origine* of the society, able to inspire sense of belonging and identity through proximity: a physical space where the community can experiment participation and the administration can serve citizens according to their needs.<sup>152</sup> The local territory should be considered as a strategic asset for the integration process. The theoretical possibility to delineate a specific territorial element for the European Union that is rooted in the local dimension means that it is necessary to consider the processes of integration from a bottom-up perspective, also beyond National states.

Thirdly, with regard to European values and principles, take art. 3, par. 3, TEU. The article expresses the goal of sustainable development, based on the value of development and on a likely principle of sustaina-

<sup>152</sup>Today, it is important to stress the difference between “space” and “territory” or between “absolute”, “relative” and “social” space (especially in the global or European social systems). The “territory” is an imperishable element, so close to the person that is able to influence it. The interest for the “territory” has arose again in sociological studies during the XIX century, in particular thanks to the Chicago school (Park and Burgess, 1925 or Shevky e Bell, 1955) and the Social geography (Harvey, 1973; Ley, 1983; Knox, 1987; Hamnett, 1996). For a long time, in fact, the sociology had been spaceless, while the territory was at the center of the only geography. The territory is, therefore, a declination of the concept of “space” (with the “absolute” component as well as with the “relative” one) and the vehicle for social communication. See Loda (2012, *passim*). In addition to the binomial territory (as absolute space) and society (as relative space), another important linkage is, of course, that between territory and law. For the Medieval period, so important for the history of European cities, see Grossi (2007, 14), he affirms that Law is “un ordine scritto nelle cose”, both physical and social, then referring to the “fatti primordiali” as the founding forces of law (time, land and blood). See also Irti (2006, *passim*).



bility.<sup>153</sup> The idea of sustainable development, which embraces human security and considers it as the leading goal for the future of cities, has two strong and useful features. On the one hand, it refers to different dimensions, reciprocally related: economic, social and environmental (that simplifies the capacity to consider the European Urban policy as a multi-sectoral one). On the other hand, it has global and international origins, but it expresses its potentialities on local territories (see also art. 21, TEU). Notwithstanding the differences among legal systems, analyzing the design of public policies and of European, national and local administrative actions through principles, gives the opportunity to check whether it is possible an integration on the base of a shared language or values. In this case, the question is if the common objective of sustainable society (based, for example, on an idea of human security at the urban level), originated from the principle of (socially, economically and environmentally) integrated sustainability, leads to common actions in cities across Europe.

In conclusion, due to the ambiguous nature of the European Union, both the goal of sustainable development and the role of urban authorities can be considered as “zippers” between its global-international component and its internal sphere. While the sustainable development was born in the international context and it has been incorporated in the European legal order and in the policy debate, urban authorities are

<sup>153</sup> The differences among values and principles are not discussed here and it is a conscious choice to maintain the ambiguity on the nature of “sustainability”. The topic about the distinction between values and principles has wisely been discussed in the Italian legal science by Zagrebelsky (2002, *passim*), discussing the R. Dworkin’s theory.



normally considered as sub-national entities that are now starting to obtain new independence both in the International, National and European arenas. Considering the latter, cities appears as sources of European integration and legitimacy and the direct dialogue with the European Commission starts from policy goals (outputs based). Targets are then achieved through Law (with the reference to general principles and rights, the availability of financial resources and the circulation of administrative tools) and thanks to local participation. In other words, the process of integration receives a double push: both top-down and bottom-up. In this way, new empty spaces for European competences, consistent with the treaties, emerge and this seems the case of internal security its definition is “unbundled” in urban security and human security.



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## Abstract

*From Internal Security to Urban Security: The Role Of European Cities. A comparison among territorial strategies for urban security in the cities of Modena, Lille and Tilburg*

*(Dalla sicurezza interna alla sicurezza urbana: il ruolo delle città europee. Uno studio di caso sulle strategie territoriali per la sicurezza urbana tra Modena, Lille e Tilburg)*

The paper has two aims. First of all, it wants to support the thesis in favour of the European cities' key role in security. This means to specify the contents of what security really means today in Europe and at the local level, for example in terms of human security, safety and prevention (to say, working on social cohesion, fighting poverty and radicalization or supporting integration). Secondly, it tries to legally justify, under the wider definition of "urban security", the competences of European cities (that are normally medium ones, in terms of population) in managing security issues. This attempt involves a reflection on the role of National States, of the European Union (especially through the new European urban policy) and of networks of cities in security nowadays in Europe. To manage the complexity, the paper is developed as a case-study that compares territorial strategy for urban security (mainly under the legal point of view) in three medium European cities (Modena, Lille and Tilburg).

Keywords: city; (internal, urban, human) security; network; integration; Europe.