

**Final report**

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# **Final consideration**

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# 1 Introduction

**This final report contains three parts, which are a summary of three investigative reports from the Committee. Therefore, the Committee has decided not to include another summary of these three parts in this final report. The final report includes this final consideration, also in part instead of a summary in the regular meaning of the word. A number of themes from the investigation come together in this consideration to form a whole.**

The Committee has published the results from its investigation in three investigative reports. In sections I, II and III, this final report contains a summarising overview of the main outlines of each of these three reports. In this final consideration, the Committee focuses on some general themes. It concerns topics which drew the Committee's special attention in the analysis of the investigative material, especially in the areas in which certain dilemmas or bottlenecks arose.

A number of those themes already received their due attention during the debate in society which followed the May 13, 2000 Enschede firework and also later, following the disastrous January 1, 2001 café fire in Volendam. The committee is aware that its reports may assume a meaning of their own in the continuation of that debate.

In any case, the possible role or involvement of the government must be examined critically after a serious calamity has occurred. After all, in our society the government has special responsibility for the safety of its citizens. And in a democratic society, it speaks for itself that the government is accountable to society for its actions. Therefore, the themes in this final consideration are particularly related to the government, also with regard to the lessons, especially for the government, in which the fireworks disaster has resulted.

This does not mean that the SE Fireworks company can be left out of consideration with regard to the fireworks disaster. With its plan of investigation, the Committee has set as its task carrying out an integral and coherent investigation and analysing and assessing which actors – both public and private – bore the responsibility for which factors and circumstances of the disaster. The SE Fireworks company cannot be ignored just for the fact that a balanced assessment of the nature and magnitude of the government's responsibility for the disaster must be made. But apart from that, a responsible enterprise which has become involved in a disaster should not be allowed to nor be able to withdraw itself from a critical examination by that society. Therefore, the Committee considers it part of its task to pay attention to this aspect also.

The government is a collective noun for a varied series of institutions and persons. It is plain from the triptych of the three investigative reports that the government takes on a number of diverse guises in the investigation by the Committee: it sets rules and enforces them, combats a disaster and provides practical help. Therefore it appears to the Committee that it is a good idea to use this triptych as an organisational framework in this final consideration. This does not prevent some themes from coming up for discussion more than once, as will be seen.

## 2 SE Fireworks; the government; the disaster

### 2.1 Responsibility: a final reckoning?

A central theme in the investigation and the Committee's reports is the question of responsibility: Who is to be held responsible for the occurrences investigated and what judgement must be passed on the manner in which that responsibility was manifested?

The question of responsibility imposes itself on us most explicitly for the fireworks disaster itself. After all, after the core question: *'How could this disaster have happened?'* many people ask: *'Who is responsible for this?'*

For an answer to this question both the SE Fireworks company and the government must be examined, separately and in their mutual relationship. After that, the question of responsibility will be discussed comprehensively for each of the two parties.

However, in this final consideration the Committee will not proceed to indicate, as a way of final reckoning, whether one central party can be indicated as responsible for the disaster: either at SE Fireworks or in the government, and, in the latter case, where exactly within the government.

Such a summarising final judgement would push the intrinsic meaning of the responsibilities as they exist on both sides to the background, and pass up, to an excessive degree, the great differences between the actors involved. Moreover, if the Committee were to assign a value to the responsibilities of each in the series of actors whose actions it has investigated, it would run the real risk of transgressing the boundary between responsibility and blame. The Committee does not consider it among its tasks to pass sentence in terms of blame.

Whatever else happens with regard to SE Fireworks, within the government each of the actors involved must first of all have to answer for him/herself the question of what meaning s/he assigns to the results of the Committee's investigation as far as s/he is concerned, and/or insofar as people or agencies under his/her responsibility are concerned. The conclusion of this will then be passed on, if so desired, to the parliament, within the political relationship of responsibility. In order not to thwart the judgement there either, the Committee will refrain from passing a verdict on the responsibilities which exceed those discussed above and those discussed below. The Committee is confident that its reports will offer sufficient foundation for the process of reflection and responsibility referred to.

It will be the decision of the court, if necessary, to make a specific attribution of responsibility. This is true for both the criminal court, in a possible verdict of condemnation in a possible criminal case against a possible suspect in relation to the disaster, and the civil court, in a possible verdict awarding damages in a possible damage compensation procedure. After all, it is inescapable in such procedures that the court answer the question of whether the disaster (and the damage caused by it) can be a substantially direct result of certain actions or neglect of the suspect or the defendant, respectively.

## 2.2 Responsibility of the businessman and of the government

### a. SE Fireworks

In part I of this final report and in investigative report A, part III what shortcomings were detected by the Committee at SE Fireworks that are of importance to the answer to the question of how the fireworks disaster took place are specified.

It is of special importance that not only more fireworks were stored at the company than it had obtained permits for, but that the majority of these fireworks were, in addition, of a much heavier class than was permitted by the two environmental permits in force. This created a very large safety risk.

The Committee's investigation has shown that the situation at SE Fireworks was also faulty in a great number of other aspects. The following items have appeared to have a crucial meaning for the origin and development of the fire and explosions on May 13, 2000.

- fireworks were present in the repackaging area C2 where the first fire started, in which area no fireworks were permitted to be present when no work was being performed, as was the case on Saturday May 13, 2000;
- the water-pipe lead-through between the repackaging area and the adjacent bunker C4 was of a nature which allowed fire to jump across;
- two containers with no permits had been added in 1999; one of these two containers (E15) formed a side of the triangle in which fireworks ejected from the repackaging area and/or the adjacent bunker started a fire; that triangle was, due to the way in which this container had been positioned, nearly closed off and difficult to access;
- the part of the terrain in this triangle had not been kept sufficiently clean to prevent the fire from spreading; for example, a trailer was parked there. This is why fire could develop against the wall of container E2, which spread to the fireworks stored in it.

If the permit had been observed in these four items, fire could not have occurred, or at least not an escalation of it. The weight of the fireworks in storage would presumably not have mattered in that case.

For that matter, SE Fireworks did not meet its legal obligations in other aspects. For example, the company operated without delivery and occupation permits in the second half of the 90s. The risk inventory and risk evaluation, made mandatory in the Labour Condition Act, did not meet the requirements either.

### b. The government

The Committee has also detected a series of shortcomings in the government.

In specific relation to SE Fireworks, the following permits granted to the company management are involved.

The following applies to these:

- when granting the 1997 and 1999 environmental permits, the municipality of Enschede was shown to have failed in its duties in a number of aspects, as discussed in part I of this final report, and in investigative report A, part II, chapter 2. The same is true for the environmental permit advisory office of the Royal Armed Forces Materials Directorate (DMKL) of the Department of Defence, the only legal advisor to the municipality in granting these permits. The other legal advisor, the Environmental Hygiene Inspection, had already withdrawn from using its competence as legal advisor in the preparation of environmental permits years earlier;
- the municipality and DMKL also failed to adequately fulfil their role as supervisors. Not only did they inspect the company insufficiently, but the municipality also refrained from taking any effective action against violations of the environmental permit in force that they detected. It is remarkable that a 1991 fax stating a number of concrete warnings about the lack of safety at SE Fireworks, which was forwarded by the police, did not receive any attention from the municipality administration.
- the municipality administration allowed the company to place MAVO boxes and containers without construction permits. This resulted in the fact that the spatial policy for the SE Fireworks area came to nothing. The 1986 Tollensstraat 20 zoning plan, and afterwards also the 1996 Enschede North zoning plan did not allow the company (category 4) to expand. A shortcoming which proved crucial in this context was the lack of co-ordination between the municipality environmental department and the Construction Office. The MAVO boxes and containers would not have passed a structural test either, as a matter of fact;
- the Federal transportation inspection allowed SE Fireworks to function for some years without a valid delivery permit and occupation permit.

However, the government's shortcomings stretch further than granting permits to and supervising SE Fireworks.

All departments involved can be blamed for the fact that the government has not learned any lessons in any way from the explosion at the Culemborg fireworks factory in 1991. This involves the Ministries of SZW (Social Affairs and Employment), BZK (The Home Office), VROM (Housing, Spatial Planning and the Environment) and V&W (Transport and Public Works), and the CPR, in the function of their common consultation committee, as well as the Defence and Justice Departments. Investigation into the cause of that explosion pointed out, among other things, problems with the classification of fireworks, and resulted in reconsideration of the usual safety distances. Experiences within the Hazardous Substance Inspection Agency and later the National Transport Inspectorate (RVI) confirmed these problems, but did not lead to action with regard to classification either.

This is of special importance, now that the Committee's investigation has proven that the unreliability of the fireworks classifications must be pointed out as an essential explanation for the seriousness of the fireworks disaster.

With regard to legislation, the Department of VROM (Housing, Spatial Planning and the Environment), due to synchronisation problems with the Department of Transportation and Water Management, among other things, allowed the process of revision of the regulations for professional fireworks to drag on for years, so that no conclusion had been reached by May 13, 2000. Furthermore, long-term consultation was held with the fireworks sector in order to agree to certification regulations, after which it was decided to no longer pursue that direction.

### c. Where and with whom does the responsibility lie?

The short summary above summons up a picture in which many have some responsibility. If each of them had acted differently in the cases where the Committee gave a critical opinion, this could have led to a situation where the disaster could not have occurred.

An analysis and assessment in which so many responsibilities are presented contains the risk that each of the parties involved would point out that its own share in the total was only limited. And it is enticing to each party to also point out the primary responsibility of others in particular, making their own responsibility less important. All this quickly leads to what is called 'passing the buck'.

Below the Committee will discuss the question of responsibility, both for SE Fireworks and the government.

### d. Again: SE Fireworks

The Committee is of the opinion that the SE Fireworks company cannot and may not be neglected in the – ongoing – debate on responsibilities. After all, society may expect and demand from a businessman that he knows his own responsibilities and fulfils them. Especially in a company where safety is of special importance, such as in the fireworks sector, the requirement of long-standing enterprise and preventing safety risks carry special weight. A professional businessman guarantees the safety within his company sufficiently, in the interest of his own employees and of the surroundings. The facts from the Committee's investigation show how SE Fireworks has defaulted on its responsibility in this essential aspect.

The Committee has asked itself the question of whether there are conditions or arguments which could serve as justification for the actions and neglect of SE Fireworks it has criticised. To answer that question, the following is of importance.

We indicated above, and earlier in part I, with respect to which items the situation at SE Fireworks was not in compliance with the environmental permit on May 13, 2000. The start of a fire in repackaging area C2 and its further spreading and escalation can be pointed out as direct results of non-compliance with the environmental permit. Considered from the requirement of responsible enterprise no justification for this can be found. This is also true for the fact that the storage facility exceeded the limit of total fireworks allowed in storage.

The force of the explosions following the explosion of the first container can be entirely attributed to the strength of the fireworks in storage. If only the type of fireworks for which the permit was granted – 1.4, or even, in addition to that the permitted small quantity of 1.3 – had been stored, a mass explosion could not have taken place. It has surfaced, from the Committee's investigation, that the classification of fireworks is unreliable. We will point out in more detail below that even though there was some knowledge of this fact in some places within the government, this knowledge was also not wide-spread within the government.

Therefore the Committee has asked itself whether the owners of SE Fireworks did not have any knowledge at all, not could have had knowledge, of the fact that the 1.4-class fireworks ordered and stored by them actually were primarily of a heavier class. This does not seem to be very likely to the Committee.

Mr. Bakker and Mr. Pater, who (along with their partners) took over the company from Mr. Smullenbroek in 1998, had ample practical experience in their work. They knew the action of the type of fireworks they ordered from practice at the events they organised.

That practical experience should have led to a suspicion that a number of fireworks articles they had ordered were incorrectly labelled as 1.4, considering the intensity of the explosion of those articles as appeared during use at events. It may further be assumed that the aforementioned owners could have had such a suspicion reinforced by their contacts in the sector, if they did not already simply know that labelling in China was unreliable, maybe even influential, so that the 1.4 labelling in China could no longer be assumed to be correct without further inspection. In addition, it was shown in the Committee's investigation that DMKL pointed out to the company, during an inspection visit on June 10, 1998, that so-called shells, when they are taken from their packaging, must be classified as 1.1.

That is why the Committee is of the opinion that the owners did have such knowledge and experience that they could and must have had sufficient reason to doubt whether the 1.4 labelling was implicitly correct for all fireworks articles with that classification label. From a professional business point of view, that doubt should have induced them to obtain more detailed information about the nature of the 1.4 fireworks they ordered, considered in relation to the meaning of the 1.4 classification.

In correspondence with this, and from their responsibility for the safety of their company, as well as its relation to the surroundings (a residential neighbourhood), the owners could have been expected to ask themselves whether containers would be safe as a means for storing professional fireworks when they, after taking over the company in 1998, wanted to increase the number of containers to the such a great extent (a similar question would also have applied to the MAVO boxes, although they had been present for years). They could have known from their contacts in their sector that such a large number of containers for storage of professional fireworks was unusual. In addition to that, they should have asked themselves whether the storage conditions of their company would preclude safety risks as well as possible, also from different aspects. In that case they should have paid attention to provisions for fire detection and fire fighting (automatic sprinkler installation) in all storage areas. They should also have asked themselves whether, considered from a perspective of sound safety distances between the different storage areas, the size of their terrain was sufficient for the revision permit for the requested expansion.

In conclusion, the Committee observes the following about the responsibilities on the side of SE Fireworks.

Full attention was focused on the company's situation as it was in on May 13, 2000, and on the owners/businessmen who were responsible at that time. The Committee is of the opinion that in order to make a balanced assessment it is important to point out that the company was the responsibility of Mr. Smallegenbroek for most of the period of its existence – from 1976 to 1998. He was the one who first placed MAVO boxes on the terrain at the end of the 70s, he also initiated the change of the nature of the business towards professional fireworks around 1990 for which he did not adapt the 1979 Nuisance Act permit nor request a new environmental permit. He was the person who finally submitted a definite application for a revision permit only at the end of 1996, although he was told already at the end of 1993 that he had to do so. And he placed the first containers without requesting a construction permit and without providing sufficient fire detection and fire fighting installations in these storage areas. The Committee considers it just as likely that Mr. Smallegenbroek, as Mr. Bakker and Mr. Pater, knew, or at least could have known, about the unreliability of the classification. Considered in this way he also already permitted irresponsible safety risks to be created.

Mr. Bakker and Mr. Pater took over the company in its 'as is' state at the beginning of 1998. In addition to the new shortcomings from the date of transfer, they more specifically failed in their duties in the sense that they did not sufficiently study the legal requirements which applied to the company and they were apparently not critical enough with regard to the shortcomings of the company they took over.

#### e. SE Fireworks and the government

After the disaster, the owners of SE Fireworks pointed a finger at the government. For that matter, this is also true of the former owner Mr. Smallenbroek. Apparently their point of view is that they could completely rely on the environmental permits issued by the municipality of Enschede, on the DMKL recommendations – to their company also – which were the basis for these permits, and on the fact that supervision from the municipality and DMKL had never forced them to modify the operations of the company. To what extent can this point of view be supported?

As far as the Committee is concerned, there is no doubt that the applicant for an environmental permit should attach a special meaning to the position of or on behalf of the competent authority in the application phase. The decision to process an application without asking further information is entirely in the hands of the government. The municipality of Enschede was insufficiently critical in this aspect.

However, this does not mean that the applicant himself has no responsibility for the quality of its application from the perspective of the information it contains. After all, this information must make it possible for the competent authority, and the neighbourhood, to obtain an as real as possible idea of the activities for which an environmental permit is requested, and of the possible consequences to the environment. As the applicant, the company has failed in its duties every time.

The decision of granting an environmental permit applied for, and especially the decision about the regulations which will apply to this process, is also fully the responsibility of the government. When the government, on behalf of the competent authority or, if necessary, via its consultants, enters into discussion with an applicant about a permit applied for, the applicant must be able to trust (the quality of) the information provided and the expertise of the person giving him information. In this aspect the municipality of Enschede, and DMKL along with it, has failed in its duties.

However, this does not mean, in the Committee's opinion, that the applicant himself is not also responsible for the contents of his application, certainly when a topic such as the safety of his company is concerned. After all, a professional businessman is the first one to recognise any existing safety risks and to assess which measures are most suitable to be taken.

If a businessman should be of the opinion that he himself, in his contacts with the government, is insufficiently expert in a certain area, it is his responsibility to procure this expertise, for example by calling in third parties that do have the expertise, possibly via his own sector organisation or trade organisation. In the administrative and fiscal areas, as well as for civil law obligations and issues, this is quite customary. There is no reason why this should be any different for issues in the area of administrative law or for the safety provisions technology. In the opinion of the Committee, trust in the government cannot extend so far that the government takes on the businessman's responsibility.

The competent authority must supervise compliance with the regulations which apply to a company, and, if necessary, decide to enforce them. The government also failed in its duty here.

However, this does not mean that the company itself is not fully responsible for complying with these regulations on its own and should only do what is stated on the permit. Low frequency of inspection can never be considered a justification for ignoring and violating the regulations in force. And when the regulations are not enforced, this can and may never be explained as approval from the competent authority, except in the event of an explicit decision of tolerance, to allow the regulations in force to be violated, and especially not as a justification for this.

#### **f. Once again: the government**

The government has its own responsibility with regard to facilities which present a safety risk and activities of which could have negative effects on the environment, such as a fireworks company.

As the legislator, it must make sure that adequate regulations are put into effect in time.

The legislator has been wrong in not adequately regulating professional fireworks.

The government, in its function of permit-granting authority, must issue adequate permits with the correct regulations, and must provide an organisation and procedure which safeguards the quality of the permit. The government has clearly failed in its duties at SE Fireworks in this aspect.

The government is also responsible for providing adequate supervision on the compliance of the regulations it has put into effect, as in an environmental permit and a zoning plan, certainly when they serve to protect (the safety and other interests and rights of) others. It has also failed in its duties at SE Fireworks in this aspect. And where the regulations are violated, a response from the government in the form of enforcement must be the rule. The government has also failed in its duties at SE Fireworks in this aspect.

In section 3, below, the Committee will discuss a number of the government's shortcomings in more detail. In addition, it will focus on a number of factors which may provide more insight into those shortcomings. The specific explanatory statements do not count as justification to the Committee at all, and cannot detract anything from the shortcomings, as such, of the government.

#### **g. Businessman and government**

The Committee is aware that it has attributed a great deal of importance to the businessman's own responsibility in the section above. A possible lack of professionalism of the businessman cannot detract from that responsibility.

In our times, a great deal of value is attached to freedom and private responsibilities of individuals as well as of organisations. In this regard, the (administrative) burden as a consequence of regulations from the government is examined critically; people do not want to be 'patronised' by the government. The idea is that the government remain at a distance.

It is remarkable that the tone of the social debate changes the minute an incident occurs, such as a calamity at a company. At that moment the questions where was the government and what it did do to attempt to prevent such a calamity, and what did it do to limit the consequences as much as possible are asked.

The Committee is of the opinion that these questions are certainly justified. After all, one of the essential tasks of the government is to guarantee the safety of its citizens and their society as well as possible. However, it is, in the Committee's opinion, not correct to blame the government to the full extent for not having prevented company errors, which would eventually place the responsibilities for (the consequences of) those errors primarily on the government.

Such an approach is at least in sharp contrast to the tendency towards the freedom and responsibility in society referred to, with an associated reluctance on the government's part. If it were also expected and demanded from the government that it guarantee prevention of every calamity which is an immediate result of actions or neglect of the businessman, under threat of punishment of being attributed the entire responsibility if they do not substantiate this guarantee, it would have far-reaching consequences as far as the extent of the government and its procedures are concerned. The Committee has asked itself whether society is willing to accept these consequences.

In the social and political debate, the balance will have to be re-established between the share of the responsibility held by the businessman and the government. And one will have to be prepared to accept the consequences of the results from that debate as to the nature and extent of the task of the government.

### **2.3 Problems within the government**

The Committee is of the opinion that it is good in this final consideration to cite a number of problems within the government that drew its attention when it had all the investigative material of investigative report A on its table.

#### **a. Recognition of external safety as a problem; the potential for the government to learn**

The fireworks disaster shows that the government failed seriously in giving appropriate attention to the matter of external safety, at least where professional fireworks are concerned. The use of this type of fireworks has steadily developed as prosperity grew. However, until May 13, 2000, professional fireworks were in a blind spot of the government's attention.

It is remarkable that nothing was learned within the government from the lessons of the 1991 Culemborg explosion. Considering the bitter experience of the May 13, 2000 fireworks disaster this is incomprehensible. Fairness dictates, of course, that one recognise that it is easy to say such a thing in hindsight. However, it is certain that information had become available from the investigations after the Culemborg explosion which at least should have resulted in further attention to what are called 'heavy' or 'large' fireworks, especially as far as classification and safety distances, as well as fire brigade training, are concerned. If sufficient attention had been given at that time, it would undoubtedly have led to further action, considering the information available.

The Culemborg explosion proves that the learning capacity of the government can get blocked. This is equally true for information which was obtained in and for the government in a different manner. In this case, the Committee points out, for example, the expertise in the former Hazardous Substances Inspection Agency (KCGS) and also within the National Transport Inspectorate (RVI), which resulted in doubt of the correctness of the classification of fireworks. This information also did not lead to any measure by RVI to arrive at a reliable classification and to adequate supervision on the import of professional fireworks.

The Committee also had to conclude that effective transfer of available knowledge and maintaining the level of expertise at federal government level were threatened by reorganisation (dissolution of KCGS), economising (DMKL) or withdrawal (Environmental Hygiene Inspection). The examples named were not chosen at random: in two cases agencies at the federal government level are involved which have an important responsibility with regard to professional fireworks, in the function of the agency granting permits and enforcement (RVI) respectively, as advisor and supervisor (DMKL). RVI and DMKL are also the only government agencies that are involved with all fireworks companies.

Added to this all was the fact that it did not appear that the Department of VROM, which has special responsibility for external safety, wanted to play a central role with regard to the issue of professional fireworks.

It has also come to the attention of the Committee that the Netherlands – even though it is quite a market for fireworks – was certainly not in the front line as far as attention of the nomothetic and supervisors of professional fireworks and the lack of reliability of the classification were concerned. The Committee's investigation shows that a number of other countries are more alert and stricter in this aspect, using stricter standards with regard to distances, and inspecting for the correctness of the classification immediately the fireworks are imported.

It has also come to the attention of the Committee that so much time and attention were given to consultation with the fireworks sector about possible certification regulations. Such regulations would have meant a step back for the government. In the Committee's opinion, this was eventually decided against for good reasons. The question surfaces whether it could not and should not have been recognised earlier that the situation in this part of the market had not (yet) become such that the government could step back with a clear conscience and turn over part of its responsibility with regard to fireworks to the sector.

The absence of a clear awareness that a problem existed with regard to professional fireworks has undoubtedly contributed to the fact that the process of legislation in this field developed very slowly until May 13, 2000. The Committee finds it a bitter irony that the fireworks disaster was necessary to speed up this process and to tackle the reliability of the classification.

Considering the hard lesson from the fireworks disaster, the Committee is general wondering more whether the topic of external safety has sufficient priority in government policy, for both federal and more local levels. External safety is an issue spread over more than one policy area. This fact requires that the question of whether the co-ordination between the particular agencies with respect to external safety and activities involving hazardous substances is sufficiently safeguarded be reflected upon at the moment, in and also among the different layers of government.

In this context, the Committee also want to demand attention for the importance of adequate expertise at the different government agencies which themselves have a task in the area of external safety. From its investigation, the Committee got the impression that fireworks expertise at the different departments and the services under them had been drastically reduced in the first half of the nineties, usually with no alternatives being provided.

It should also be mentioned that possible sub-contracting – however effectively organised – of safety matters cannot dispense with the necessity of at least a minimum safety expertise at the particular government agency itself for sufficiently integrating the contextual safety aspects in policy, implementation and supervision.

#### b. Fragmentation; co-ordination; exchange of information

The Committee finds it remarkable how complex and inaccessible the regulations are regarding fireworks and fireworks facilities. In its investigation it put forth a great deal of effort to obtain a good and reliable overview of the regulations, of the different levels, and of the changes in these regulations. It must be feared that people with positions in administration experience similar problems.

One aspect of the complexity of making regulations is the fact that fragmentation of tasks and competences among the many people performing these tasks can be observed within the government in the area of fireworks. Such a situation implies the risk that it is difficult for those involved to have a general overview. It also has the disadvantage that although everyone will take care of his part, nobody will be in a hurry to feel responsible for the whole. Moreover, fragmentation of tasks and competences causes problems in co-ordination for those involved and makes it necessary to put out extra effort to prevent fragmentation.

Everything included, the Committee welcomes intentions of creating order and streamlining in these regulations, by concentrating competences and cleaning up the regulation file, especially in the area of policy regulations and other, sometimes mostly internal, standardisations. For that matter, the Committee does not expect that it will be possible for the area of external safety, and professional fireworks in particular, to come to a drastic reduction of regulations. Ensuring safety is too important for that.

Spreading tasks and competences within the government necessitates synchronisation and co-ordination, and sets requirements for effective exchange and transfer of information. Co-ordination and effective exchange of information are of utmost importance, not only for the learning we mentioned above, and so for a longer term, but also for the daily completion of tasks. The Committee's investigation has certainly shown quite a few shortcomings and bottlenecks in this daily completion of tasks from the perspective of information exchange and co-ordination.

In the first place, this involves the internal co-ordination and information exchange, thus within the same government organisation. The most striking example of this with regard to SE Fireworks is the fact that, until May 13, 2000, in the municipality of Enschede there was no established practice for synchronisation of the environmental department with the construction office and with the fire brigade. Had that synchronisation existed, it would undoubtedly have been recognised that the expansions requested by SE Fireworks was not in line with the zoning plan in force. It may be assumed that this may in any case have resulted in blocking the placement of containers for expansion of the storage of fireworks.

Until May 13, 2000, established synchronisation with the fire brigade had been impeded by resources of the fire brigade being too scarce to liberate capacity for a permanent internal role of consultation for the environmental department in the environmental permit procedure. In both situations, lack of co-ordination at the executive level can be partially attributed to the management: the official level directly above the units, which should have been the first to bring about the required synchronisation, and also the mayor and aldermen, who have the administrative responsibility for the coherence and quality of the decision making process resorting under the competent authority of the mayor and aldermen.

At the federal government level, the Committee was also to detect a number of cases of lack of internal information exchange and co-ordination, within federal departments, including their field services and inspection agencies. This especially involves the follow-up of the Culemborg explosion in a number of departments, including self-inspection.

Next is the external information exchange and co-ordination. The municipality of Enschede was not given information which was available within the federal government, especially DMKL and RVI, from the investigations as a result of the Culemborg explosion and their own practical experience, respectively, about the problems with classification of fireworks. Especially DMKL, in the function of legal advisor for the municipalities concerning fireworks facilities, could have been expected to make the knowledge about risks from professional fireworks it had acquired from TNO research have its effect in its consultation. Wrongfully, this did not happen. In addition, the municipality of Enschede – it must be assumed that this is also true for other municipalities – was not systematically provided with all (background) information which was important to it as competent authority ensuing from the Environmental Act for fireworks facilities. The Department of VROM - responsible for the Environmental Act – must be blamed in particular in this respect.

An important fact is that the municipality did not receive any information either about developments at DMKL which led to the capacity of this agency being reduced, along with its quality in part, during the nineties, with all the consequences for the quality of the recommendations given and for the supervision. This also means that Enschede relied on a legal advisor for granting permits to fireworks companies without knowing that this advisor and his recommendations were no longer (entirely) worthy of being relied on. This is very serious for the quality of the decision making process which was based on those recommendations. As a matter of fact, a competent authority may only rely on an advisor who it is obligated to call in by the legislation. This does not detract from the fact that it is the obligation of the party receiving the recommendation to verify, as much as possible, whether it has sufficient reason to follow the recommendations as given.

A lack of exchange of information also appears to have existed at the federal government level, especially during the period after the Culemborg explosion. It is pointed out in chapter 5 of part II of investigative report A that a number of departments were wrong in not taking any initiative in exchanging information about the investigation carried out as a result of this explosion, nor in synchronisation with other departments. The CPR could have contributed to such exchange and synchronisation, but failed to do so. The presidency at CPR, which is in the hands of SZW, has not manifested itself as powerful in this dossier, but the other participants also failed in their duties.

Moreover, history witnesses more than ten years during which new regulations for professional fireworks were still not established, and also a lack of decisiveness and effective co-ordination, in this case between the departments of VROM and V&W. A similar lack of effectiveness appears from the history of a few years of consultation with the sector about certification regulations.

We have discussed the importance of the exchange of information above. It is not only important that a government agency can be expected to transfer information to others which it knows or can assume to be important for that party to fulfil its tasks. The Committee also wants to point out the importance of every government agency also taking an active role in acquiring information which may be important for it to fulfil its tasks, and not allowing a waiting attitude to suffice. The follow-up of the Culemborg explosion also demonstrates shortcomings in this aspect.

### c. Administration involvement

We discussed (the lack of) co-ordination above, especially referring to official organisation. The question of information exchange and co-ordination, however, also exists in the relation between the official organisation and the politically responsible administrators.

Concerning the procedures in Enschede for granting permits to and supervising SE Fireworks, it must be stated that there was no actual involvement by the mayor and aldermen and almost none by the alderman in charge, let alone by the municipality council. A complete mandate relation applied to the granting of permits, while the supervision was actually entirely an official matter. The mayor and aldermen and the municipality council were given information via periodical reports. There is no evidence of any (effective) intervention from the side of the mayor and aldermen with regard to the co-ordination between the Department of the Environment on the one hand and the Construction Office and the fire brigade on the other, nor of involvement in supervision and enforcement in specific cases. Critical questions were asked by the municipality council about the Construction Office and the Environmental Service, but the council did not have any further involvement in any government interference at SE Fireworks.

In many cases, similar circumstances prevailed at the federal level. It shows from the Culemborg dossier that almost none of the Secretaries involved were given information. Knowledge about the classification problems, if at all existent, remained stuck at the official level.

As far as involvement from the government is concerned, it is obvious that VROM Secretary Pronk did make active decision in different dossiers long before May 13, 2000, as is demonstrated by the change in direction for the environmental protection inspection initiated by him and the interruption of the consultation on certification regulations for the fireworks sector.

### d. Supervision and enforcement: SE Fireworks

The investigation has demonstrated that the government has failed in its duty of supervising SE Fireworks' compliance with the regulations which applied to this company. This is first of all true for the municipality of Enschede. In 1993, the municipality was informed by DMKL about the fact that SE Fireworks had shifted its activities almost entirely to professional fireworks, contrary to what it had been granted a permit for via the 1979 Nuisance Act permit. The municipality had apparently not noticed this shift until then. Inspections that were announced to be carried out along with the police just before the end of the year were very brief and focused on consumer fireworks, related to the New Year's celebration. Supervision of compliance by SE Fireworks with the zoning plan regulations did not ensue, because the requested expansions in the 90s did not – unjustifiably - lead to a construction permit procedure, which then would have led to being tested according to the zoning plan. Investigative report A, part II, chapters 2 and 3 also contain critical observations about the – lack of – supervision of SE Fireworks by DMKL and RVI, respectively. Inspection by these agencies appears to have been, to a large extent, a matter of paperwork.

The municipality is the primary responsible party as far as drawing conclusions from violations by SE Fireworks of the regulations in force are concerned, which would be evident in case there had been supervision. It has become evident that the municipality of Enschede never actually used its enforcement authority. At the end of 1993 it told the company that it had to apply for a revision permit. Then it allowed the final application to not be submitted until 1996.

It also appeared to be willing to legalise the situation which had been created in the meantime. It showed itself to be equally willing in 1998, when the new owners wanted to expand the company quite substantially (with eleven containers for a total of 14) and had already increased the number of containers included in the 1997 revision permit from three to seven. The municipality did not even begin to enforce its own zoning plan; as a result of a remarkable lack of co-ordination, the municipality did not notice the fact that granting an environmental permit for storage of fireworks in containers led to SE Fireworks' violation of the zoning plan regulations.

The indulgence of the municipality in SE Fireworks' violation of the environmental permit regulations has been branded by the media in the last few months as tolerance. However, in the opinion of the Committee this implies too much honour for what actually happened, and that it must rather be called a lack of persistence. The Committee considers tolerance to be the result of a well-deliberated decision (tolerance decision) of the competent authority, which is established in a careful manner and accurately indicates under what conditions and for what duration the violation is permitted, while abandoning the use of enforcement authority. However, such a situation did not exist in the case of SE Fireworks. Inspection officials who were in charge of processing an environmental permit application, actually allowed the violation to persist until they decided to not enforce it. There is no evidence of any report from them to the competent authority – the mayor and aldermen, or at least the alderman in charge - let alone of a government assessment which ended up being a decision of tolerance.

#### **e. Enforcement considered in general**

The Commission is aware of the fact that the situation in Enschede described here is almost certainly not unique within our country. We are not so much concerned about tolerance in the just now defined – fairly strict – meaning of an explicit decision, but rather about actually allowing it to happen and continuous violation of standards, without intervention. It also shows from the social debate which originated after the fireworks disaster, and was reinforced after the café disaster in Volendam, that such actual abandoning of enforcement is wide-spread throughout our government. It is understandable that indignation arises in society if lack of supervision from the government and lack of decisiveness in enforcement are evident after a disaster, and that then the feeling is expressed that the government has betrayed the trust invested in it.

The Committee does not want there to be any misunderstanding about it considering it the government's task to actively supervise, and to act decisively against violations of the norms in evidence, causing this violation to stop. This is expected for credibility of the government – legislator AND administration – in society in general, and the interests and persons protected by the regulations which were violated in particular. Safety is pre-eminently included in those interests.

The rule will have to be that violation of the norms be stopped by forcing the violator to abide by the regulations put in force. When there is sufficient supervision it should be an exception that adequate reason is consequently found for legalising an illegal situation. Every basic assumption that leaves more leeway runs the risk of leading to violation of the norms, which is repeated and continues, in the certainty that the government will not act against it, and possibly in the expectation that the government will be willing to legalise it afterwards. The government should not allow itself to be confronted with accomplished facts, and run the risk, by doing nothing, that it will lose its right to still act against it.

#### **f. Causes of the lack of enforcement**

The question of how and where a government culture of abandoning enforcement could and can be formed deserves full attention. It would lead the Committee beyond the scope of the investigation it is charged with, however broad, if it would attempt to answer that question in a general sense. But it can indicate here what the fireworks disaster demonstrates in this respect.

It is also important that the environmental permit issue and the supervision of compliance were both in ONE – official – hand. The same was true for the consultation and supervision of DMKL. When processing an application from SE Fireworks (to be exact: by Mr. Smallegenbroek when the revision permit was concerned, and by Mr. Bakker when he applied for the alteration permit) for an environmental permit by the technical environmental department official involved, the applicant was consulted intensively. The action of this official actually had the nature of consultation. In this case, detection of violation of the permit regulations turned into showing willingness to corroborate on legislation.

The indicated mixing of roles of advisor and supervisor and the proximity between the official and the applicant were, when seen in their context, not conducive to the distance required for enforcement. After all, in the case of enforcement, the government acts in a different guise, in which consultation and co-operation are exchanged for implementation of compulsion.

Therefore, creating more distance as mentioned above can be promoted by putting the supervision, and certainly also the decision for enforcement, in the hands of someone else within the organisation, involved at a higher official level, as well as someone who has political administrative responsibility. The latter assumes, as a matter of fact, that this political administrative official does have the willingness and the administrative courage to act whenever necessary by imposing sanctions.

In fact, we must also point out here that there is a mixing of roles at DMKL, which made its position of independent advisor of the competent authority dubious by meanwhile also advising the company subject to the permit. Thus it is rightfully so that the municipality of Enschede addressed DMKL critically concerning this matter.

In the case of SE Fireworks it must undoubtedly also have been a factor that, when enforcement failed to occur, DMKL was both advisor and supervisor for the aspect of safety, whose expertise was trusted and from whose side no powerful signals were given concerning risks for the external safety. To this may be added that moving the company had begun to become an explicit topic of consultation between the municipality and the company in the second half of the nineties. It has become evident that the municipality brought up this fact during its consultation with DMKL in regard to permit regulations to be imposed. It is also conceivable that this played a role in supervision and enforcement.

In the end, capacity problems could also have impeded active supervision.

Above, the Committee indicated a number of conditions which may offer an explanation for the lack of enforcement it detected. However, in the Committee's opinion these do not justify this lack in any way.

**g. Is Enschede unique?**

The situation in Enschede as described provides the Committee, in conclusion, with a reason for the following observations of a more general nature.

In the first place, attention must be given to the fact that the municipality of Enschede is one of the larger municipalities in our country, with a Construction Office and Environmental Service appropriate for its size. The support for the required expertise and the potential for separating functions are relatively favourable in such a large municipality compared to the many smaller municipalities (or smaller community organisations). The Committee asks itself with a certain preoccupation whether the facts it found in Enschede, in the SE Fireworks dossier, wouldn't also be found in many other municipalities. In the Committee's opinion, the fireworks disaster provides for a probing discussion on that question. The fact that the municipality of Enschede did not stand out too clearly in a limited comparison in the Committee's investigation cannot detract from this preoccupation we mentioned.

Furthermore, the Committee also wants to point out, as this was done in the division of responsibility between company and government, that for the themes of supervision and enforcement a certain tension also exists among the opinions of the government as it does in society.

In this case it also involves, on the one hand, the desire that the government recognise the responsibilities that citizens and companies have themselves, and correspondingly maintain a certain distance and offer opportunity. This is reinforced by notions such as those of negotiating administration, and of horizontalisation between government and private entities. A voluminous file of supervisors and enforcers is not appropriate for this, nor a public administration which imposes sanctions from a vertical position.

On the other hand, there is a strong tendency in society to hold the government immediately responsible for lack of supervision and lack of courage and willingness to enforce as soon as a calamity takes place. At that time the government is apparently expected to act – and to have already acted – from its vertical position, as the government, and that it has and maintains sufficient personnel in readiness. The ongoing debate on the fireworks disaster in Enschede and the café disaster in Volendam will, in the opinion of the Committee, not be able to get away from the tension between these two types of opinions and expectations.

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## 3 Combatting the Disaster, and Health Care

### 3.1 Introduction

The nature of the investigation into the disaster, and into the role of SE Fireworks and the government in this respect, make it useful, in the opinion of the Committee, to request, in these concluding remarks, that attention be paid to a number of more general issues which emerge from this part of the investigation. This is particularly the case because the government ought to learn something from the firework disaster. With good reason, this learning process commenced within government immediately after the disaster. As such, exhortations in this respect are no longer required from the Committee.

The first of the three parts of the investigation carried out by the Committee was concluded with a series of recommendations. However, compliance with these recommendations, and the continued execution of actions already commenced, do not, of course, remove all the factors which, exactly because of the relationship between them, led to a situation in which a disaster such as the firework disaster was possible. If lessons are to be learnt from the firework disaster, reflection on and (continued) debate about a number of underlying factors which may give insight into the causes of the failings detected on the part of the government is also certainly required. The Committee wanted to contribute to this in the previous section of these concluding remarks.

In the first part of the Committee's investigation, attention is paid to a number of aspects of the duties normally performed by government, such as the granting of permits, recommendations, supervision and regulations. The government should be expected to function properly in such – normal – situations as these. However, as has become apparent, failures also occurred on the part of the government.

The situation is completely different in the two other parts of the investigation, since these depict a government immediately after a sudden and extremely drastic disruption of the normal state of affairs. This concerns a government that has suddenly been confronted with an enormous disaster and the responsibilities which are then its.

This applies pre-eminently to this paragraph about the combatting of the disaster and the health care provided. In the hours and days that followed the last major explosion on 13 May 2000, at a little past 15.35 hours, many within government also contributed immensely. Immediately after this explosion, there was a situation of complete chaos and desperation. Then and later, numerous members of the various emergency services – fire brigade, police and health care – and people from other government services, did outstanding work, with courage and great dedication, in and around the disaster area and also elsewhere. They accepted their responsibility and, in this sense, demonstrated the power of the organisations of which they form a part. The Committee has taken note of this with great appreciation.

However, decisive and effective personal action was contrasted by a number of problems and failures at the level of the organisations concerned. A series of bottlenecks emerge from the Committee's investigation into the combatting of the disaster, and the health care provided. These have caused the Committee to formulate recommendations. The Committee hopes that observance of these recommendations may contribute to a proper preparation for any future disaster situations, in Enschede or elsewhere.

### 3.2 Preparation for a Disaster

Society expects government to guard external safety, but also to act immediately and effectively if a disaster disturbs this safety. On the one hand, a disaster may affect the trust that a citizen has in the government if it is unable to meet the citizen's expectation that the government will be able to safeguard the safety of its citizens. On the other hand, a disaster also represents a chance for the government to regain or strengthen the trust that its citizens have in it.

Altogether, this makes great demands upon the government, first and foremost on the point of the preparations it makes for a possible disaster. After all, disasters are almost by definition unexpected, and a disaster situation is a situation in which the government is expected to act immediately and effectively. In its investigation, the Committee has identified a number of themes relating to the preparations made by government for disaster, for which it would like to request attention here.

#### a. Administrative-Organisational Structure

The structure behind the combatting of disasters is a complex administrative-organisational one.

In the first place, there is the layered system of the domestic administration. The basis for the organisation charged with the combatting of the disaster lies with the municipality. This is also a sensitive point, because the power that a municipality has varies, particularly according to its size. Combatting a disaster on the scale of the firework disaster is an immense task, even for a large municipality.

The reorganisation of the way in which disasters are combatted in our country was mainly aimed at strengthening this at a regional level. However, in the event of a large, but nevertheless, local disaster, action at a regional level may result in confusion. This was also apparent after the firework disaster. Action taken at a regional level may also result in responsibility, in respect of preparations for the combatting of disasters, being shifted to the region.

Depending on the scale and nature of the disaster, a role has also been set aside for the provinces and government, particularly the Ministry of Foreign Affairs. Because the firework disaster was ultimately a local disaster, no specific appeal needed to be made to them in this case.

The system by which administrative responsibilities are divided over the various levels of administration is accompanied by system of various operational services ('red', 'white' and 'blue'). Together they form a complex structure, which only comes into operation, however, under the extraordinary circumstances of a disaster. Strategic and operational decision-making and co-ordination already forms a problem in such a system of separate units, each with its own profession and culture, under normal circumstances. It does not go without saying that this is suddenly completely different under the pressure of a disaster situation. An added complication may occur when the regions or services involved are not identical.

During disaster situations, the above-mentioned structures come together, and immediate clarity in their direction and co-ordination is then of the utmost importance. No legally prescribed co-ordination structure exists for disaster situations. The main structure is, in any case, unambiguous in respect of the person responsible for issuing orders: in the event of a local disaster (in terms of its consequences), this lies with the Mayor. However, uncertainty may occur in the interpretation of this main structure as soon as a contribution is (also) concerned from outside the municipality concerned.

This uncertainty was apparent during the firework disaster, between the municipality of Enschede and the regional co-ordination centre. From the nature of the incident, uncertainty such as this particularly occurs during the first hours after a disaster has occurred, while this is the pre-eminent period in which the clearness of responsibility is important.

With the abolishment of the Civil Defence [Bescherming Bevolking (BB)], the fire brigade has become the pivot of the disaster organisation. This role is logical when the combatting of the disaster is in the acute phase. However, the Committee wonders whether the fire brigade should be the first obvious organisation to bear the responsibility for co-ordination when a disaster situation (operationalisation of the contingency plan) continues after the acute phase; a situation which occurred in Enschede after 13 May 2000.

#### b. Plans; Exercises

The combatting of a disaster starts with good preparation: the drafting of plans, and practise by the parties involved, on the basis of and with these plans.

Plans are essential. However, it must also be recognised that plans alone are not sufficient to combat disasters. Fixation on plans should be avoided: the planning process could be more important than the plan which arises from it. Likewise, an overemphasis on direction must also be avoided.

Plans will, after all, mainly be based on earlier experience. However, each disaster is different, and, as such, also confronts the government and other parties involved with the necessity for improvisation. A disaster such as the firework disaster is a good example of a type of disaster, and accompanying effects, which did not correspond with any scenario.

In respect of practice, the Committee points out that its function is not least that people that have to work together suddenly and under great pressure in a disaster situation, get to know/have got to know each other.

Factors and initiatives outside the lines of predrafted plans, strategies and instructions also appear to be essential to the effective combatting of a disaster. Officials may excel or fail in the role earmarked for them in the contingency plan, and organisations may put themselves forward of which it could not have been imagined that they too could play a role.

The firework disaster has also shown clear examples of people acting on their own authority, and who, with great personal dedication and decisiveness, immediately did what the situation expected of them. The Committee has already expressed its appreciation of these individuals above. Organisations also put themselves forward from whom a prominent role had possibly not immediately been expected, such as the Health and Safety Inspectorate. The firework disaster also showed examples of how something can work well without having been based on a plan, because, fortunately, during and after a disaster, coincidence can also turn out positively.

An example of this was the health care. It appeared from the investigation that after the disaster a number of bottlenecks occurred in the medical chain, notwithstanding the personal dedication of many. This could possibly have led to problems in the provision of medical (first) aid to victims, if the number of seriously wounded had been much larger than eventually appeared to be the case.

### c. Preparation Also Necessary for the Phase after the Disaster

A disaster requires an enormous administrative and operational effort. This is, by definition, limited by the time available. The period in which a contingency plan is in force, marks this. Already within this period, sometimes soon after the disaster itself, the reduction process again occurs. The Committee has had to observe that the so-called scaling down process was possibly somewhat neglected during the formation of the contingency plan, and practice which took place.

After the acute phase and then also the period of the contingency plan have elapsed, administrative responsibility in connection with the disaster is not in the least over. The Committee's investigation into the practical assistance provided examines this in detail. Here, the Committee requests attention for the importance of proper preparation for the switching back to the normal duties to be fulfilled and to the normal political and administrative relationships.

The 'flashing light organisations' play a central role in the preparations that are made for disasters. But already immediately after the disaster, and certainly in the often long period after it, (other) municipal services and organisation units play an equally essential role. In Enschede, this concerns the Social Development Service [Dienst Maatschappelijk Ontwikkeling (DMO)] the Construction and Environment Service [Bouw- and Milieudienst (BMD)], and also the Citizen and General Affairs Service [Dienst Burger- and Algemene Zaken (BAZ)] and the Communication Department. Besides the red, white and blue column already mentioned, there is, thus, also a 'grey' column.

### 3.3 Combatting the Disaster: Problems

Of course, the above does not alter the fact that good preparation, via plans, provisions and exercises, are essential to help guarantee that action taken by authorities and emergency services is as effective as possible.

In Enschede and the Twente region, a series of plans and other documents with organisational structures, instructions and policy intentions for a disaster situation existed. Numerous government officials and services had participated in the necessary exercises, on the basis of these plans.

This was unable to prevent the reality of the firework disaster from demonstrating that, on a number of important points, events and activities occurred differently than had been anticipated in said plans. This led to a number of problems.

#### a. Co-ordination

Immediately after the disaster, problems occurred on a number of points in the co-ordination and collaboration between the various units and services.

The Committee points here firstly to the relationship between the municipal disaster command and the so-called reflection pentagon, which was not always clear to everyone.

There was, moreover, also uncertainty in the relationship between the local and the regional co-ordination structure (municipal disaster command and the regional co-ordination centre, respectively). It was particularly not clear, at least initially, to what extent the RCC had a facilitative and an operational co-ordination task.

It was also apparent, from the fact that two SICTs (Scene of the Incident Co-ordination Team) worked alongside each other in the disaster area for hours, that it had not been ensured beforehand that pre-determined structures immediately function properly. In practice, when the disaster was being combatted, the fire brigade gave insufficient content to its formal position as co-ordinator. Incidentally, in this respect, the Committee recognises the possible affect the death of four firemen could have had on the fulfilment of the fire brigade's duties. In the initial hours, it was also not clear whether, and to what extent, the SITP was providing operational leadership during the combatting of the disaster.

As regards the so-called MAAD-structure (Medicinal Aid during Accidents and Disasters), a problem occurred in that this structure was still relatively new to those involved, so that the medical discipline was still insufficiently grounded, in terms of administration.

A serious problem occurred in the emergency rooms. Immediately after a disaster, these central posts play a crucial role; they alarm key officials, make a first assessment and execute the measures to be taken. However, the proper discharge of this co-ordinating function and directional role was under considerable pressure, due to the fact that the emergency rooms also had to process huge amounts of incoming traffic, consisting of people reporting the disaster and requesting information. The emergency rooms also appeared to be inadequately equipped. Because the emergency rooms had not been sufficiently prepared for a disaster on the scale of the firework disaster, the scaling up process was not effected smoothly. Many officials were not alerted by their emergency room; the alarm was not given in a systematic or controlled manner. The 'blessing in disguise' in this case was the heavy explosion and smoke, which worked as an alarm signal for many off-duty staff of the services concerned. As a result, the scaling up problem in the emergency rooms did not ultimately have any adverse effects.

#### **b. The Provision of Information**

Crisis management is first and foremost information management. If the parties involved are to be able to act effectively to combat a disaster, it is essential that they have the information that they require, when they require it, so that the necessary decisions can be made. Before anything else, this imposes demands on the technical infrastructure.

The Committee noted with concern that the connections proved somewhat of a weak spot in the first hectic hours after the last large explosions. In this period, municipal disaster command in particular had great difficulty gaining an overview of the extent of the disaster, and of the situation in the disaster area. Fire brigade, police and relief workers in the medical chain experienced great communication problems, both internally and with each other, because transmission equipment appeared not to working, or only inadequately. When those involved had thought of using the national emergency network, it offered no solution.

If, during a disaster, effective operational action, in accordance with policy, is to occur, it is absolutely essential to immediately have a reliable overview of any risks there might be for the health and safety of relief workers and the population after the disaster itself.

Bottlenecks also occurred in this respect. The most serious was the uncertainty, both in the disaster area and amongst municipal disaster command, about the possible danger of explosion at the Grolsch factory, and, in the days following the disaster, the asbestos problem (see below). The uncertainty about the Grolsch factory continued longer than was necessary if there had immediately been a good information position, and corresponding communication and co-ordination.

A good information position is literally a matter of life and death for the fire brigade. The Committee had to observe that the municipal fire brigade clearly failed in this respect. As a result, the units that had turned out had to act without adequate information about SE Fireworks. In Part II, and in more detail in Investigation Report B, attention is paid to the information contained in the AVIV report about the types of firework stored at SE Fireworks, viewed in relation to the information about fireworks provided in the fire brigade training modules. Seen in context, this information might, possibly, have given cause for the conclusion that a plan of attack – alone – that had also only been recommended, was insufficient. Whatever the case, a plan of attack such as this had not even been drafted on 13 May 2000. As a result the units that turned out were seriously handicapped. A more systematic investigation of the scene could, possibly, have somewhat reduced the lack of information, but might, possibly, only have led to reconsideration of the manner of deployment when it was already too late to do so.

Finally, it also applies to the various other emergency services that a good information position is essential for their effectivity. Part II of this final report, and Investigation Report B, show that they too experienced problems in this respect.

### **c. Conflict of Interests**

The extent to which a disaster can effectively be combatted may also be obstructed when a conflict occurs between two diverse interests. A conflict such as this occurred in respect of the asbestos problem. Those in charge of the organisation combatting the disaster had to give the asbestos risk its own position within the process of weighing-up the various interests involved, in which the progress of the recovery and identification of victims, in particular, had a special weight in terms of their importance. On the other hand, there was the Health and Safety Directorate, that, from its profession and responsibility in respect of working conditions, was emphasizing prevention. The Health and Safety Directorate's approach concerned the safety at work aspect, viewed in isolation. This brought it into conflict with disaster command, given that the circumstances concerned were not ordinary, it was a disaster situation, which confronted the Mayor then responsible with the necessity for a weighing up of interests in which it was not possible, in advance, to afford priority to one certain interest.

The asbestos problem signified a conflict between the view of those responsible locally and the supra-local sectoral viewpoint of safety at work, where the local position finally prevailed. Even after the contingency plan phase, a certain tension existed between the local view and the interests of those at a supra-local – Hague – level. This concerned the health survey conducted under the population affected and the relief workers involved. The Ministry of Health, Welfare and Sports attached great significance to such a survey, while the Municipal Executive and local doctors – on good grounds, in the Committee's opinion - were not at all convinced of the value or necessity of such a survey. The interest for The Hague – preventing a repetition of the criticism which occurred after the Bijlmer disaster, as a result of their failure to conduct a screening of the population – conflicted here with the local interest of preventing the feared, unnecessary, unrest. In this case, the local view yielded to that of The Hague.

### **3.4 The Municipal Council**

The council finds itself in a difficult position during a disaster situation. The contingency plan places all responsibility with the Mayor and disaster command, who are subject to incredible pressure. This means that, certainly for the duration of the contingency plan, the council – unavoidably – finds itself somewhat distanced from the decision-making process. Events occur so quickly that it is difficult to ensure that the members of the Council are kept supplied with current information.

In the meantime, an event has occurred in the municipality which concerns everyone greatly, and certainly also the people's local representatives. They are approached by their fellow citizens, and their sense of responsibility is appealed to. At the same time, they too only have limited information, certainly in the first and most turbulent days, and they, just like all other citizens, depend greatly on the general information provided to the media.

Given the above, the Committee considers it important that the position of the Council receives the appropriate attention during preparation for any future disasters. Likewise, the position of the aldermen, as daily administrators, also deserves attention. After all, a disaster turns the normal order upside down; the core of administrative responsibility then lies with the Mayor.

There is also reason for attention to be paid to the position of the Council, in respect of the accountability of the daily administrators to the Council. This accountability concerns accountability after the event, about the manner in which a disaster was combatted. However, the Committee also wishes to request attention here for accountability to the Council about the preparations made for possible disasters, and also involvement of the Council on this subject. This particularly concerns questions in respect of standards of external safety, insofar as these can be determined by municipal policy (such as: which risks will still be accepted?), and standards for municipal action in preparation for a possible disaster (such as: which infrastructure and what extent of proficiency will be aimed for?).

The Committee wishes, finally, to remark that these latter subjects are of equal significance at the level of central government, so that they also deserve the attention of the Lower House.

## 4 Practical Assistance

Just as occurred before for the investigation into the combatting of the disaster, and the health care provided, the Committee will also extract from the investigation into the practical relief provided after the disaster, several themes which drew its particular attention when analysing the material obtained from its investigation.

### 4.1 Appreciation

However, before doing this, the Committee would like to express its great appreciation of the great dedication of very many of those involved in the provision of assistance after the disaster. In society, in Enschede itself of course, but far outside it too, great compassion was shown for the victims, and heart-warming support in various forms. Private individuals and organisations played an indispensable role in this. The Committee wishes to emphasize this here, also to prevent a situation from occurring in which the impression is given that the government alone offered help.

Just as it did before in Part III of this final report, and in Investigation Report C, the Committee will now make several critical comments about the action taken by the municipality. This occurs as a contribution to the reflection after the event, and without wishing to detract from its appreciation for the great work that the municipality – administrators and members of staff – have done.

The final picture that emerges from the investigation carried out by the Committee is namely that the municipality was successful on many fronts, from the start, in offering victims adequate help. Given the circumstances in which the municipality had to operate, the Committee considers this a special achievement.

After all, the number of victims who required help was unprecedentedly high. This also applies to the diversity of subjects that the municipality immediately had to deal with because of the disaster: initial relief; re-housing; provision of goods; care for the contents of houses situated in the disaster area; processing of the disaster; financial arrangements, both for those in acute need and more structurally; the reconstruction of the area. Also the decision to immediately set up an information and advice centre must certainly be mentioned here.

In this respect, it should also be mentioned that the municipal administration has also indicated its openness to criticism of its performance in respect of practical assistance. It has, for example, opened itself up to a second re-housing round, the area in which the residents' letters are distributed has repeatedly been amended, further to signals from those involved that they too felt themselves to be victims, and therefore also wished to receive the newsletter, and the criterion that somebody must have lived in the actual disaster area to qualify for the application of various financial arrangements, has been abandoned.

It is also the Committee's opinion that the municipality was quickly successful in making the transition from an organisation combatting a disaster, to an aftercare organisation. Already on 19 May 2000, the Municipal Executive determined the Organisation of the After-Phase of the Firework Disaster memorandum, by means of which the entire aftercare programme was grounded, in terms of organisation and administration, in a project structure. In this manner, the foundations were laid for the scaling down of the disaster organisation, as a result of which room again existed for normal activities.

#### **4.2 Expectations in Respect of the Municipality**

It was remarked above, in the section concerned with the combatting of a disaster, that a disaster not only confronts government with an enormous task. For, because of the action it takes after a disaster – while a disaster is being combatted and also during the assistance it provides afterwards – the government can show what it is worth. In terms of the trust that a citizen has in the government, this is an important point.

What must be recognised is that the government is placed under great pressure in its efforts to provide assistance after a disaster. In the first place, this may occur when the cause of the disaster is (partly) ascribed to the government, from whom people had possibly expected that it could have fully guaranteed the safety of the citizens. In a situation such as this, assistance from the government will partly have the character of the repair of affected trust.

Pressure on the government may also be felt in a different manner. For, however the government exerts itself, it is not always able to do the impossible, and, certainly after a disaster, the government is not infallible, and it makes mistakes. This may then clash with victims, who expect that the government will immediately be able to properly solve all acute problems, or those who are just taking out their sadness and exasperation on the government, possibly also because they have been dependent on help from the government because of the disaster, or feel themselves otherwise dependent on the government.

So it remains that a disaster is an enormous task for any government, also in respect of practical assistance. This also applies to the municipality of Enschede after the firework disaster. The municipality immediately recognised this. This appears not only from the above-mentioned memorandum about the way in which the after-phase should be approached, but also, for example, from the choice of basic assumptions for the communication policy after the disaster: a reliable and caring government.

The 'reliability' aim expressed in the communication policy was quite specific; it concerned the content of the information issued by the municipality. In the period of confusion and uncertainty which follows a disaster, it is, of course, absolutely essential that citizens can trust the accuracy of the information issued to them by the municipality.

By contrast, the 'caring' objective is extremely broad, and arouses expectations, both in respect of the content of the care and in the manner in which it will be provided, of which the question is whether the municipality will be able to meet all aspects of this. This not only concerns the question of the reasonableness of these expectations, but also the limits to the possibilities of the municipality in respect of the care it provides. After all, its financial possibilities and other resources are – also with financial support from central government – not unlimited.

What is more, not every administrator or administrative staff member will possess the attitude and skills that a 'caring government' presumes. The 'caring government' objective is ambitious, not in the least because it will have to be maintained over a long period of time, thus also when a return to the order of the day has long been effected.

Possibly also due to the problems identified above, the investigation carried out by the Committee has shown that the 'caring' objective has not been effectuated for everyone to the extent promised by the municipality on this point immediately after the disaster.

### **4.3 Approaching and Communicating with Victims**

The firework disaster has affected many in very different ways. Already during its investigation, the Committee experienced tension between the manner in which the municipality approached the victims and the definition of their situation by the victims themselves.

For example, it was of great practical importance for the municipality, due to the financial support to be provided, to quickly establish a certain organisation in the large circle of victims. It is understandable that criteria that were quite rough were used for this purpose shortly after the disaster. The Committee is alluding here to the familiar demarcation of the inner and outer rings. However, it should have been possible to expect that the failings of a territorial classification such as this would have been recognised at an earlier stage. Where this was not the case, it was possible that dissatisfaction would arise in those from outside one of the areas demarcated, who had also suffered damage as a direct result of the disaster, but who were not eligible for the claim settlements already drawn up. Fortunately, this was afterwards corrected. However, earlier recognition and correction of this problem could have helped to prevent – understandable – mounting dissatisfaction.

As regards material support, the Committee has indicated in Part III and in Investigation Report C that the chapter cannot now be considered closed with the arrangements that have now been made, and that there is reason for a study into other forms of damage that also possibly ought to be eligible for compensation. The Committee would also like to point out that the making of arrangements alone, is not, in itself, sufficient: proper implementation must be guaranteed. Signals have already been heard, indicating that special attention is required here.

Besides the material side, the disaster also has its experiential or emotional effects. This has its own significance. It has become clear to the Committee that there are people who, besides any material damage they might have suffered, felt that they had been failed by the municipality in the recognition of their status as victims, because they (sometimes only initially) were not eligible for certain financial arrangements, or just because their names did not appear in the databases from which victims were approached, via the Newsletters, for example. Here too, earlier recognition and particularly also recognition of the emotional side of being a victim, could have helped to prevent dissatisfaction in a number of the victims. This is something which makes special demands in terms of communication.

The manner in which victims of a foreign origin are approached is similar in nature. The municipality did, of course, recognise that the composition of the population in the disaster area was to result in special attention for the provision of assistance to foreign sections of the population. Nevertheless, the Committee experienced that the intentions and activities concerned were not able to prevent the circles of foreign residents from feeling forgotten or regarded as difficult. Especially here, specific attention for victims of a foreign origin cannot remain limited to the first period after the disaster, but must extend over a much longer period of time. It is of great importance that the organisations of those involved be brought in as much as possible to provide help and care, and that they continue to be involved.

Special attention must be given to those who have been seriously affected, particularly as the result of the death of family members or other loved ones. Much to its regret, the Committee has received signals from bereaved relatives from which it appears that the 'caring government' objective has largely remained an empty promise for them. Compassion with these people will have to extend beyond the day of the funeral or cremation, and requires special commitment and skills. This is a responsibility which cannot entirely be transferred, particularly for the Municipal Executive.

Finally, from the point of view of communication, attention is deserved for the fact that in the first few days after the disaster, numerous relief organisations were unable to answer questions from victims arising as a result of reports from the media.

#### **4.4 Information: The Importance of Proper Registration**

The great importance of proper information which is available on time, to anyone whom it concerns, has already become apparent from both other parts of the investigation. This is no different for the practical assistance provided. On this point, a clear problem occurred in respect of the registration of victims.

As becomes apparent from part III of this final report, and from Investigation Report C, the registration of victims did not run smoothly, even after the initial hours of great confusion. This afterwards entailed a major practical problem for the relief activities, since it was essential that proper information about the victims be available. It should have been possible to expect that the preparations made for disasters, were such, in terms of the registration aspect, that the failings which have now become apparent would not occur. There is a clear lesson to be learned here.

#### **4.5 Back to the Order of the Day, and the Future**

A disaster turns everything upside down in one fell swoop. A lot has to happen immediately, often with considerable improvisation. Ample room for initiatives from below is then vital; leadership receives many chances too. Suddenly, the pressure of the disaster situation makes everything far less rigid, so it would seem. This also applies to processes within government, and to its decision-making, which is then mainly crisis decision-making. The firework disaster witnessed many heart-warming examples of this.

When the tension of the disaster situation has somewhat ebbed away, the government (also) gradually returns to the order of the day. The combatting of the consequences of the disaster then has a certain structure and routine, and, in addition, the 'ordinary' everyday administrative problems also again require attention. The normal administrative and official division of tasks and relationships, and the normal procedures, return. In addition, the disaster also demands decisions which will make themselves felt for a long period of time, and which, notwithstanding their urgency, must also be prepared with the care required. The flexibility that was evident immediately after the disaster decreases, and a certain solidification occurs in the administrative-official processes. What first occurred quickly and easily, now again occurs far more slowly. This experience can lead to frustration, both from the citizen and within government itself.

In its work, the Committee also heard expressions of this. This underlines the importance, already mentioned, of the appropriate attention also being paid, when preparing for disasters, to scaling down and alterations after a disaster. The care given to victims will often have to extend over a long period of time. A situation must be prevented in which attention to this subsides.

It is a great challenge for the municipality of Enschede to maintain the long-term élan that is necessary to deal with the consequences of a disaster of the scale and impact of the firework disaster. In general, this is important if the citizens' trust in the government is to be recovered, trust which suffered a substantial blow in many as a result of the firework disaster, and this applies particularly to those victims who will continue to be dependent on the municipality for considerable time to come.

The Committee considers it of great importance that the municipality emphatically continue to regard all victims, whether or not united in interest groups, such as the Victims of the Firework Disaster Pressure Group [Belangenvereniging Slachtoffers Vuurwerkkramp Enschede] or the Urban Renewal Foundation [stichting Stadsherstel] (which, as of 1 March 2001, will represent the interests of house owners whose properties were situated outside the actual disaster area), as negotiation partners, and, where possible, involve them in future plans and developments, and, by doing so, involve them in the design of what will represent their future in Enschede.

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