Bachelor Thesis

On the legitimacy of regional interinstitutional decision-making structures in the Achterhoek

European Public Administration

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Abstract

This research investigates the implications of the establishment of a structure for regional collaboration on the legitimacy of policy-making in the Achterhoek region. Hence the Research question "to what extent does the establishment of the new structure for regional collaboration have negative implications for the legitimacy of policy-making in the Achterhoek region?". The Achterhoek case is chosen because the researcher is interested in cross-sectoral cooperation in this region in particular and because the topic of the research is highly debated in the region. This research provides some insights which might be useful in this debate. Because the conceptualisation of legitimacy is neither researched nor applied in the Achterhoekian case, this research is relevant. By conducting interviews, the interpretations of legitimacy of the interviewed are found out. In addition to this, the current structure, which is officially in place since the first of July 2018, is analysed in a framework of legitimacy and cross-sectoral partnership theory. It is discussed to what extent the Achterhoekian concept of legitimacy suits the current structure of the collaboration by qualitatively comparing the interpretation of legitimacy by the interviewed with the collaboration structure. It is found out that, on the basis of an aggregation of the data from the interviewed, at least for the interviewed actors the structure is legitimate.

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Background

My home region, the Achterhoek, is one with many economic and social challenges. It is a peripheral region in the eastern part of the Netherlands, marked by aging and a decline in population. In facing these challenges, municipal governments, companies and non-profit organisations collaborate. After a long history of collaboration, they agreed upon the *execution agenda 2.0 Achterhoek 2020* (Achterhoek 2020, n.d.).

The central message of this document, is that (mainly) companies and knowledge institutions work together to help organisations in every sector to discover and implement the principles of Smart Industry. In addition, a decline in investments in living environment and infrastructure should be prevented. In practice, these goals are realised via projects set up by coalitions of the willing. In order to steer the *execution agenda* in the right direction, a 'steering group' was appointed. This group consists of an independent chair and two representatives from all three sectors: public, private and non-profit. The group attempts to connect the three sectors and supports new initiatives. In addition, the group checks to what extent the goals of the projects are achieved.

The fact that the sectors work together is applauded. The strength of the collaboration however, is heavily debated. Some prefer a strong regional collaboration structure with competences to overrule one municipality if the other municipalities are in favour, others refer to municipal independence and the possibility to democratically check such an interinstitutional decision-making structure. Some argue that private parties and non-profit organisations should gain decision-making powers in policy areas which suit their expertise, because due to their knowledge they are better equipped to solve societal issues in that field. Others are of the opinion that the power to create policies should be derived from the people. These are all viewpoints and questions related to legitimacy. Legitimacy is an important phenomenon, as it is the basis of the credibility and support (Suchman, 1995) for the collaboration structure and the policies it creates. This thesis seeks to contribute to this discussion by asking "to what extent does the establishment of the new structure for regional collaboration have negative implications for the legitimacy of policy-making in the Achterhoek region?".

Beetham (1991) stated, that is considered legitimate in one society might not be legitimate in another society. By conducting this research, it is also attempted what legitimacy is interpreted or conceptualised in Achterhoekian society, therefore broadening the knowledge on that knowledge.

Theoretical framework

This chapter describes the theoretical toolkit used to analyse the legitimacy in regard to regional collaboration structures. The first section of this chapter will focus on the concept of legitimacy, the second paragraph focusses on the design or structuring of regional collaborations and the implications for legitimacy for designing collaborations in a certain manner.

On legitimacy

Before one could answer the research question, the concept of legitimacy has to be defined. When is the exercise of power legitimate? In the literature, the term legitimacy takes many forms. In addition to this, as already discussed in the background section, Beetham (1991) states that something which is considered to be legitimate in one society might not be considered legitimate in another society. The concept of legitimacy in the Achterhoek might hence differ from the concept of legitimacy in for example Twente. Therefore it is assumed that legitimacy has several aspects. Several aspects of the term legitimacy will be used in order to assess the Achterhoekian concept of legitimacy. In this theoretical framework, the focus will be on Beetham (1991), Scharpf (1998), and Drori and Honig (2013). It is important to note that it is assumed that legitimacy is a concept which can be interpreted broadly, including many different elements.

According to Beetham (1991), there are three different elements that can make the exercise of power legitimate: legal validity, shared beliefs and consent. The higher the levels of the elements of legitimacy, the more legitimately a decision-maker acts. Legal validity implies that the exercise of power, as well as the right of a decision-maker to exercise power, has to comply with the institutional rules of the society or organisation in which this act takes place. In this research, the concept of institutional rules is interpreted broadly. 'Rules' can be both formal and informal, meaning that both the law and local or regional cultural values play an important role. Since the former consists of laws and rules that mostly apply for the entire country or province, the latter one seems to be the most interesting. Cultural norms and values can differ from region to region. For this research, it is therefore key to know what cultural 'rules' apply to decision-making in the Achterhoek region.

With shared beliefs is meant that the right to exercise power has to be derived from a valid source of authority. To give an example, in democratic societies, the citizenry is considered to be a valid source of authority. Via elections, politicians (decision-makers) derive their right to exercise power from the citizens (source of authority). This can also be interpreted more broadly though. If binding decisions or agreements are made that have an impact on organisations, one could argue that this might only be legitimate if the organisations in question have been consulted, represented or played a role in the decision-making process themselves.

Consent means that those who are seen as 'members of the political community' need to agree voluntarily that an actor exercises power. In a parliamentary democracy, this means the executive

power is only allowed to act once it has a fifty one percent majority in parliament. In regional collaboration, one might ask if private parties and non-profit organisations, who together often have a majority of representatives in cross-sectoral, interinstitutional partnerships, can overrule governments or public agencies which are run, either directly or indirectly, by elected officials. On the other hand, can government, which often has a minority in cross-sectoral partnerships, overrule the private and non-profit actors and force them to follow the discourse set by them? What might also be a possibility, is that no action is taken unless all actors agree with the chosen discourse or taking action in the first place.

Scharpf (1998) takes a different approach to the concept of legitimacy and distinguishes between two types of legitimacy: input legitimacy and output legitimacy. Scharpf's input legitimacy looks like a democratic interpretation of Beetham's shared beliefs. It implies that the decision-makers should represent those who they make decisions for. In a medieval kingdom, input legitimacy would be that the king makes decisions or god and god has given him the power to do so. In a more modern, democratic society, one could argue that if a decision is binding for the regional population, it should therefore be made by an elected official or by the population itself. Whether one chooses for an elected official or the population itself depends on if one would prefer direct or indirect representation. One might argue that if a decision were to be made for corporations, the decision-maker should be a corporate entity. It can also be argued that corporations are indirectly represented in elected governments because their leaders have a right to vote on their own. The question at hand of this aspect of legitimacy is thus representation in the democratic sense of the word. Output legitimacy, as the name already suggests, refers to the outcome of policy-making. The policies made, regardless by whom these polices are made, should reflect the common interests of those for whom the decision is binding. The concept of output legitimacy is more technocratic. For example, if the populace wants a decrease in unemployment of 5% and the policy-maker is able to match that goal, his or her actions actions are considered legitimate in output terms. Theoretically speaking, a dictator who makes policies tackling societal issues which his people desire to be solved acts legitimately in terms of output legitimacy. So regardless of who might be the decision-maker(s) in Achterhoekian regional collaboration, as long as the effect of the policies that come out of the collaboration reflect the will of regional populace (and perhaps also the organisations) output legitimacy can be secured. In addition to goal achievement and effectivity, output legitimacy can also be interpreted in terms of efficiency. A decision-maker might act legitimately in terms of output legitimacy if this decision-maker is able to able to use fewer resources for achieving the same result.

The level of input and output legitimacy can vary depending whom you consider the ones who are supposed to be represented and who's wishes to take into account. Are the desires of citizens leading in decision-making or are the needs of organisations and companies considered to be of importance as well in the Achterhoek case? Furthermore, in order to find out the level of output legitimacy, it needs to be known what this common interest is.

Drori and Honig (2013) touch upon yet another dimension of legitimacy: internal versus external legitimacy. With internal legitimacy, Drori and Honig mean the acceptance of the strategy or discourse of an organisation by those who have to follow it. This can be seen as an extension of output legitimacy. The difference with output legitimacy is, however subtle, that internal legitimacy focusses on the general line of policies in an ideological sense, while output legitimacy looks at the effects of such policies in a more pragmatic way. With external legitimacy, Drori and Honig refer to what extent external actors find the organisation and its discourse legitimate. In this case such organisations could be the province of Gelderland, located in Arnhem, the national government in The Hague, the European Union in Brussels, the Euregion or perhaps German Bundesländer. If external actors consider an organisation and its functioning to be legitimate, they are more likely to engage into constructive discussions and they are more willing to work together with the organisation.

Summarising, this study discusses and analyses the following seven elements of legitimacy in the Achterhoek case:

Legal validity: does the form of regional collaboration fit the law and the cultural values of the region?
Shared beliefs: are decisions derived from a valid source of authority?
Consent: who must agree with the proposed policies before they are implemented?
Input legitimacy: are those for whom the policies are binding represented?
Output legitimacy: do the policies made have the desired effects according to the population?
Internal legitimacy: is the ideological discourse set by the collaboration accepted by the collaborators?
External legitimacy: is the discourse and structure of the collaboration accepted by external actors?

Hypotheses

After analysing the seven elements of legitimacy in the Achterhoek case, the interpretation of these elements and the current structure for regional collaboration in the Achterhoek are compared to figure out to what extent this current structure is legitimate. Therefore, the following hypothesis will serve as the main hypothesis:

H0: *"The current structure of regional collaboration in the Achterhoek region corresponds with the regional concept of legitimacy"*

In order to test the main hypotheses, the following sub hypotheses are tested.
H1: *"The way legal validity is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

H2: *"The way shared beliefs is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

H3: *"The way consent is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

H4: *"The way input legitimacy is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

H5: *"The way output legitimacy is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

H6: *"The way internal legitimacy is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

H7: *"The way external legitimacy is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

On cross-sectoral partnership design

In order to assess the implications of the establishment of a structure of regional collaboration on legitimacy, it is also important to know what this structure would look like as asked under Beetham. The levels of the different elements of legitimacy will differ depending on the structure of the collaboration. Therefore it is important to analyse the possible design of the collaboration as well.

In essence the proposed idea of a regionwide, interinstitutional collaboration is an extensive cross-sectoral partnership, because in it, the public, private and non-profit sector are working together to achieve a certain, common goal. Skelcher, Mathur and Smith (2005) differentiate between three types of discourses for cross-sectoral partnerships; managerial, consociational and participatory discourses.

The first discourse, managerialism, is based on the ideals of new public management. In this design, the collaboration is run by some sort of managers who get quite some freedom from the municipal governments to come up with and enforce policies themselves. This is based on the technocratic idea that those who have most knowledge on the subject can create the best policies to tackle certain societal challenges. Due to the large amounts of freedom of these 'managers', the amount of democratic checks and input legitimacy is often low. Looking at shared beliefs, the 'valid' source of authority is not often not the people, but the expertise of the decision-maker on specific topics. The 'managers' often come with pragmatic solutions for problems and hence do not necessarily follow any form of an ideology, making internal legitimacy virtually non-existent, unless one would consider pragmatism an ideology on its own. Whether there is external legitimacy depends on the political ideology of external actors. Some external organisations will argue that due to the lack of democratic checks the organisation cannot possibly represent the region, others might think otherwise. One might find efficiency more important than representativeness. In a structure like this, the

functioning of the collaboration will mostly be judged based on its results and its ability to cope with regional challenges. This means that high levels of output legitimacy are to be expected. The consociationalist discourse, on the other hand, seeks to create an 'elite decision-making structure' with delegates from all sectors involved. By involving all sectors in the decision-making process, the consociationalism attempts to increase input legitimacy. In order to minimise conflicts based on norms and values, challenges are defined as technical rather than ideological, making it difficult to assess internal legitimacy. Experts are asked to analyse the challenges and give input to ease the decision-making process. Their input is highly valued and often to a large extent implemented to increase output legitimacy. In such a structure, one would therefore expect a balance between input and output legitimacy. The external legitimacy is often considered strong due to the fact that the leaders of public, private and non-profit sectors of a specific region have come together to create a united fist to deal with regional problematique. This gives the idea that the region as such strives for a common goal rather than just a group of municipalities trying to achieve something. The 'valid' source of authority in this case is the fact that the leaders of the sectors have decided together, so it is based on representative leadership on an organisational level. The ideological discourse set by the collaboration is seen as accepted by the collaborators because they were all sitting at the table. High levels of internal legitimacy are hence also expected. Last but not least, Skelcher, Mathur and Smith describe the participatory discourse. This discourse views societies as a collective of communities, each with their own interests. It aims to bring together these communities to identify common challenges and to face them together. There is a high degree of equality of power between the participating communities and hence all communities can exercise considerable amounts of influence. Because of this, both input as well as internal legitimacy are considered to be very high. External legitimacy would also be high due to the fact that all sectors come together to make one fist, as described for the consociationist discourse as well. The 'valid' source of authority are the 'communities'. Their representatives are institutionalised in the decision-making process. Output legitimacy however, is supposedly rather low. This is because the effects of the policies made is often not checked. This discourse generally focusses on the decision-making process rather than the policies it creates.

Research Design and operationalisation

In order to answer the research question, the Achterhoekian interpretation of legitimacy is compared with the current structure for regional interinstitutional collaboration. In order to be able to do this, one should first find a way to gather the necessary data with regards to the regional vision on legitimacy and one must know how the current structure is built up.

Data collection and sampling

To gather the necessary data on legitimacy, semi-structured interviews are to be conducted with representatives from all three sectors. The semi-structured nature of interviews will allow the interviewer to ask additional questions in case something is unclear or if the interviewed makes an interesting statement. These are also the main reasons why a questionnaire is not chosen. Every interview will be recorded (if the interviewees accept) and transcribed. Summaries will be sent to the interviewees to check if the main conclusions drawn are correct. The interview is conducted in Dutch due to the fact that all interviewees are Dutch citizens. For the interview questions, see appendix A.

For the public sector, this means that representatives of the municipalities connected to the 'Regio Achterhoek' are asked to be interviewed, which are the municipalities of Aalten, Berkelland, Bronckhorst, Doetinchem, Oude IJsselstreek, Oost Gelre and Winterswijk (Regio Achterhoek, n.d.). For the private sector, companies and private collectives who are taking part in Smarthub Achterhoek are asked to participate. Smarthub is a collective of over one hundred regional companies that work together to promote innovation and smart industry in the Achterhoek region and is hence considered to be overall representative for the ideas of the private sector (Smarthub, n.d.). In addition to individual companies, it is also interesting to hear the opinion of the so called 'MKB kring' and VNO-NCW Achterhoek. As actors within the non-profit sector, representatives from the Graafschap College (vocational education), Achterhoek Voortgezet Onderwijs (collective of secondary schools), the Santiz hospitals, Sité and ProWonen are preferably interviewed. They are selected because they are the respectively biggest non-profit organisations in education, healthcare and housing in the region.

For data on what the regional structure looks like, the Regio Achterhoek is just asked if the organisation is willing to share a document which states how the new collaboration structure works. The document can be found in Appendix C.

Data analysis and hypothesis testing

In analysing the data on legitimacy, an interpretative approach is used. For each interview, the transcription will be read through and all data relevant to specific elements of legitimacy are given a colour which represents this type of legitimacy. In addition to this, a column is added to the transcription where the specific elements of legitimacy are noted next to the where a connection between the words of an interviewee and that element of legitimacy is found. Then an analysis is made per actor on how these actors envision legitimacy. In case patterns are discovered between a groups of actors, general legitimacy models are created. If no patterns can be discovered, the data will be aggregated into one table, showing all types of interpretations of elements of legitimacy and how many actors interpret each of the elements in that way.

The structure of the current interinstitutional cross-sectoral collaboration is analysed in terms of cross-sectoral partnership theory and by that, it is evaluated what that means for the legitimacy of this structure. Once the foundations of legitimacy of the Board are discovered and it is known how the interviewees interpret legitimacy, the outcomes of both these analyses are compared per element legitimacy via the sub hypotheses. On the basis of the outcome of the hypothesis testing of the sub hypotheses, the main hypothesis is tested. Once all hypotheses are tested, it can be evaluated what implications the structure has for legitimacy of decision-making in the Achterhoek region.

Analysis & Results

In this chapter the legitimacy of the structure for regional collaboration in the Achterhoek will be analysed. Firstly, the current structure of the collaboration in the Achterhoek is explained after which this structure is analysed with the elements of legitimacy as described in the theoretical framework. Then the outcomes of the interviews are analysed after which these outcomes are compared with the analysis of the current structure.

Current structure of the Achterhoekian regional collaboration

As of the first of July 2018, the regional collaboration of the Achterhoek is institutionalised (see appendix C). The collaboration consists of five elements: the Achterhoek Forum of Councils, the Themetables, the Achterhoek Board, the General Board and the Daily Board.

The Achterhoek Forum of Councils consists of members of municipal councils of the participating seven municipalities. Every political party in the region has one seat in the Forum. In this structure, political parties that function nation- or regionwide are not considered one party. This means that for example the VVD in Bronckhorst is considered a different party than the VVD in Doetinchem. Although all parties only have one seat, the amount of votes they have differ and depend on the amount of seats they have in the municipal councils. This means that the delegate from PvdA Oost-Gelre has two votes, because the PvdA Oost-Gelre has two seats in their municipal council. Whether the parties in the Forum collaborate by following their political ideology and party line or by working together with other parties from their own municipality, remains to be seen. The task of the Forum is threefold. Firstly, the Forum sets the frameworks in which regional collaboration should take place in their eyes. The Forum decides on what areas the region works together and how far the collaboration should go. Secondly, the Forum ascertains the agenda, the year plans and evaluations of the collaboration. Thirdly, the Forum appoints the members of the Achterhoek Board.

The Themetables consists of representatives of the so-called 'three O's: government, entrepreneurs and non-profit organisations (Overheid, Ondernemers and maatschappelijke Organisaties in Dutch). These 'tables' go deeper into discussions regarding a specific theme. Currently, there are six themes, distributed over six tables: smart labour and innovation, education and labour market, real estate and property market, mobility and accessibility, circular economy and energy transition, and health care innovation. Every 'table' has at least one representative of government, one of private organisations and one of non-profit organisations. Because the tables are of an administrative nature, the representatives always have to be directors, CEO's, aldermen or burgomasters. These representatives of their respective organisations work together on solving societal issues in the region within their field of expertise. Within the frameworks for regional collaboration set by the Forum, the Themetables are responsible for filling in the year plans and the execution thereof.

The Achterhoek Board consists of eleven members, of which three representatives of the municipalities, three representatives of private organisations, three representatives of non-profit organisations, a deputy of the province of Gelderland and an independent chair. The representatives of the municipalities are aldermen, the representatives of the private organisations are from VNO-NCW Achterhoek, MKB-Midden and SIKA. The non-profit organisations are representing regional education, health care and housing corporations. The Achterhoek Board functions as a link between the Achterhoek Forum of Councils and the Themetables. Together with the Themetables, they make the agenda, the year plans and the evaluations which they discuss with the Forum. They reflect on the progress made and make sure the Forum and Themetables stay connected as well. The Achterhoek Board is also tasked with the preparation of the gatherings of the Forum. In addition to this, the Achterhoek Board coordinates lobbying and collaboration with German organisations within the Euregion.

The General Board consists of the burgomasters of the seven municipalities. The reason for this is the whish for an a-political organ. Burgomasters are used to standing above parties, while aldermen are politically much more dependent on their municipal councils. The Daily Board consists of a chosen chair and two members of the General Board. The General Board focusses on the budget, human resources, finance, automatisation, accommodation, administration, archiving, communication and subsidies. The Daily Board, on the other hand, is responsible for the preparation of the budget for the region, the preparation of the meetings of the General Board and daily business.

Analysing legitimacy of the regional collaboration structure

In order to analyse the structure's legitimacy, one should be able to understand and easily see how the structure is built up. Hence figure 1 is made to provide simplified overview of the structure.
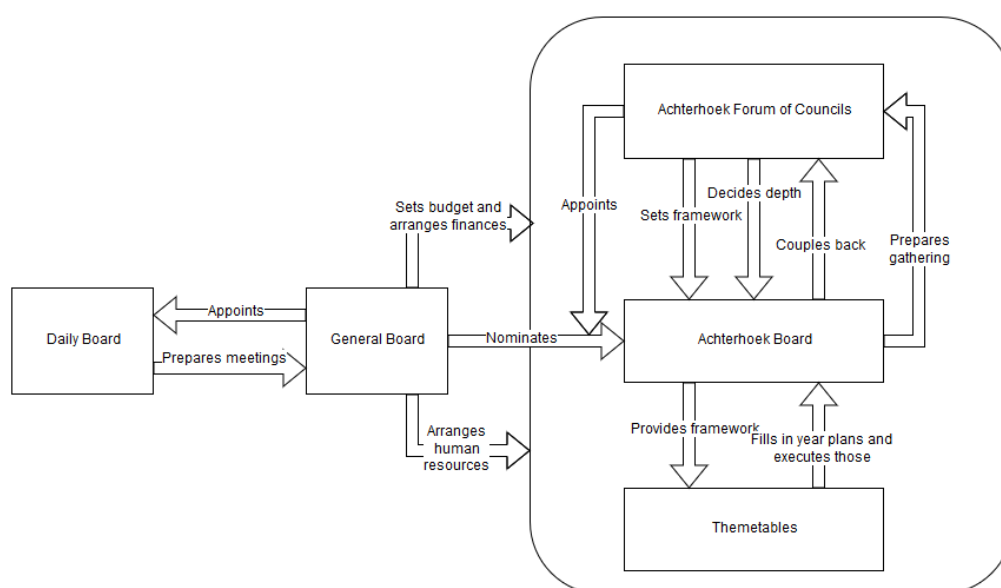

Figure 1

Judging the structure of the collaboration and the composure of the its elements, the current structure is a mixture between al three the managerial, consociationalist and participatory discourses. Let us begin with analysing the Achterhoek Forum of Councils. This Forum is composed of members of municipal councils, which sets the framework and depth of collaboration and appoints the Board. In practice, the Forum functions as a council with a simple majority vote as consent. The municipal councillors who are part of this Forum have been elected by their local population, which serves as their valid source of authority, covering the element of shared beliefs in a traditional democratic sense. Because they are elected and hence represent the people, input legitimacy is taken into account here too. The discourse they set for regional collaboration should represent the desires of local population, as they are elected, and hence internal legitimacy is theoretically included too. If the people wish to see a different discourse, the next election they can vote for a different person or party in order to change the discourse, unless they engage into strategic voting of course.

The Themetables on the other hand, make decisions and create and implement policies within the frameworks set by the Forum. They consist of representatives from public, private and non-profit organisations that work together collaboratively. The consent here is that everyone has to agree before a decision is made. The representatives all have knowledge which fits the table they are sitting on. The setup of these tables is rather managerial, as the 'expert' decision-makers in a field work together with some sort of freedom to make their own decisions. This would supposedly increase output legitimacy, as the knowledge experts have of their specialism can greatly enhance the analysis of regional opportunities and adversities and hence would be better equipped to create policies to tackle regional challenges. Also in providing a platform in which the three sectors work together, it should improve the efficiency in terms of decision-making. Perhaps the most interesting element of legitimacy in the case of the Themetables is shared beliefs, as they have not one, but two valid sources of authority. The first valid source of authority is, as is natural for managerial structures, the expertise of those who are part of the table. The other valid source of authority is that the members of the tables (ought to) represent the three branches: government, private and non profit organisations. The latter would also mean that by structuring the tables in the way it is structured now, input legitimacy is increased on an organisational level as the organisations of the three branches are represented.

The Achterhoek Board is put in place to monitor the collaboration and to make sure the Forum and the Themetables remain connected to each other and stay informed about anything that might be of importance to them. The Board is thus a switch between the Forum and the Tables. The Board consists of representatives from all three sectors, enhancing input legitimacy. The valid source of authority of this organ is the fact that the members of the Board are appointed by the Forum. Also the consent within this organ is rather collaborative, as all members must agree before a decision is made. An interesting thing about this Board, is that it also includes a Geldren provincial deputy. This would increase the external legitimacy towards the province, but also further away, as the province seems to back the structure of the collaboration.

The General and Daily Boards consist of burgomasters. These Boards are added to establish some form of consistency within the collaboration. Their valid source of authority comes from the municipalities they represent. Also, because of its collaborative nature, the General and Daily Boards' consent is based on agreement between all actors involved. An issue here might be internal legitimacy. A burgomaster is in essence less political than an alderman and hence may be less focussed on following a specific ideological discourse.

The element of legitimacy that is not yet discussed in this paragraph is legal validity. The term legal validity does not make much sense if it is discussed per organ and is hence discussed for the structure as whole. A consultancy firm has already taken a look at this (See appendix D) . To a large extent, the structure for collaboration fits the law. However, there is an important issue. In the *Wet Gemeenschappelijke Regelingen* (WGR), organs like the Achterhoek Forum, Board and Themetables can only be appointed by the General Board as advisory or governance committees. The problem here, is that decision-making and policy creation takes place in these very organs. Because the power of such organs to make decisions are not backed by the law, decision-making in this structure will have to take place in an informal manner, creating an informal institutional culture.

From the interviews it became clear that the interviewees were very aware of the structure not fitting the 'Wet Gemeenschappelijke Regelingen', and that that they have engaged into discussion with the Ministry of Interior and Kingdom Relations about it. The ministry seemed to have agreed that the way the *Wet* 'Gemeenschappelijke Regelingen' is structured at this moment is outdated. The Dutch Cabinet seems to agree with that statement and the law is expected to change somewhere within this term. The Ministry stated that was of the opinion that the structure that is now in use in the Achterhoek is not only unique, but also rather innovative. This does not change the fact that the legal validity of this structure is questionable if it is interpreted in terms of laws and regulations rather than institutional culture. The ministry's statements do however show that the structure as such is considered legitimate by the Ministry, increasing external legitimacy.

To give an overview of the types of legitimacy and how these are taken into account in creating the Achterhoek regional collaboration structure, the following table 1 is constructed.

Element of legitimacy	Conceptualisation
Legal Validity	The Achterhoek Board, Achterhoek Forum of Councils and the Themetables do not fit the framework set in the law (WGR) Informal decision-makingstuctures like the Board, Themetables and Forum of Council form the core institutions of the collaboration structure
Shared Beliefs/ Valid source of authority	For the Forum of Councils: the people For the Themetables: the connected public, pivate and non-profit organisations; Expertise For the Board: The Forum of Councils; the connected public, private and non-porfit oganisations; Expertise General and Daily Board: the municipalities
Consent / political community	All participating organisations have to agree, although the framework in which the organisations work together is decided upon by the Forum via majority voting
Input Legitimacy	Representing citizens; representing organisations
Output Legitimacy	Effectivity in goal achievement; Efficiency in decision-making
Internal Legitimacy / discourse	Framework in which collaboration takes place set by the Forum of Councils, Board and Themetables make decisions and create policies within this framework
External legitimacy	Povincial Deputy in Board; representativeness; Board: lobby

Table 1

Outcome analysis: interviews

The outcomes of the interviews are analysed per interviewed actor. The interviewed are anonymised in this paper and discussed as actors A, B, C, D, E, G and G. After the analysis of each actor, a small table is provided summing up the interpretations of the elements of legitimacy by the discussed actor. At the end of this section, a general conclusion is made.

Actor A

The first actor is rather balanced when it comes to the conceptualisation of legitimacy. The actor is of the opinion that there should be a balance between efficiency and representativeness, meaning a balance between respectively output and input legitimacy. In addition to this, the valid source of authority of the decision-makers is based on democratic checks which should be in place. The seven municipalities should, together, provide a framework in which regional policy-making takes place. By doing this, the wishes of the Achterhoekian population are taken into account. Within this framework set by the municipalities, the three branches, government, private and non-profit organisations should work together in equality. In terms of consent, decisions should not take place via voting, but by collaboratively discussing the regional issues until the connected organisations agree with the policies made. In terms of internal legitimacy, the actor thinks the discourse should be based on the ideas of the sectors. This means that, especially the non-elected private and non-profit entities which are part of this collaborative decision-making structure should carefully take into account and listen to the needs of organisations within their branch, both the big and the small organisations. In discussing the input legitimacy, it became clear that the actor finds it an interesting idea to also include ordinary citizens, whom are not connected to any of these organisations but are still considered Achterhoekians, in the structure to increase the representativeness of the structure. It might be a good idea if these citizens are somehow active within their living environment, such as in a local football club or a neighbourhood council.

The person to chair this collaborative structure should not necessarily come from any of the branches. The most important is that this chair has the right competences to bridge the gaps between the branches and hence to bring the three sectors closer to each other. The organisation as such should firstly focus on the Achterhoek region itself, rather than external organisations. An organisation which is a bit more loose from the region and more connected to the province or national government might be less able to tackle regional challenges. Although, representation to external organs should not be excluded for the future, as the actor does consider lobbying an important tool in solving regional problems because it can provide resources the municipalities, corporations and non-profit organisations might not be able to provide themselves. The way of working of the collaboration should be formal, with pre-set meeting times. The legal validity is mostly interpreted as an institutional culture in which the decision-makers work together in an environment in which they can speak their mind and raise issues without being 'punished' by it verbally or formally.

Actor A's conceptualisation of the different elements of legitimacy are summarised in table 2.

Element of legitimacy	Conceptualisation
Legal Validity	Institutional culture
Shared Beliefs/ Valid source of authority	Democratic checks / the people; connected public, private and non-profit organisations
Consent / political community	All connected public, private and non-profit organisations
Input Legitimacy	Representing citizens; representing organisations
Output Legitimacy	Efficiency in decision-making
Internal Legitimacy / discourse	Government, corporations and non-profit organisations working together in equality within a framework set by municipal councils
External legitimacy	Representativeness / lobby

Table 2

Actor B

The second actor generally interprets the regional collaboration in terms of a clash between external legitimacy and output legitimacy on the one hand and legal validity in terms of laws and formal rules on the other hand. In the past collaboration structures, it took too long to reach final decisions because all municipalities had a veto-right. Now the consent has changed. With the new established Achterhoek Forum of Councils, decisions can be made by majority voting within this organ, possibly bypassing one or two municipalities who disagree, although in first instance it should be strived for consensus. Also, in the themetables, municipalities now work together instead of working next to each other and via the Achterhoek Board, the lobby towards external organisations is more powerful. Municipalities who do not want to vote in favour of certain policies, might be pressured by corporations, non-profit organisations and other municipalities to support these anyhow. Hence, by building the collaboration structure this way, complicated structures are avoided and efficiency in decision-making and administration is increased enormously. Although the actor seems to consider input legitimacy less important than output legitimacy, the actor did mention that the decision-makers

should not sit at the table unmandated, meaning they should make sure that they represent the three sectors. The valid source of authority is hence the connected public, private and non-profit organisations. In addition to municipalities, regional corporations and non-profit organisations, the actor suggested that in the future perhaps the water authority and German public organisations like representatives from Kreise or Budesländer could be added to the collaboration structure. The structure as such, and especially the Board, should mostly work towards external organisations. The themetables should on the other hand focus more on internal policy matters. As stated earlier on, the actor does consider the legal validity of the current structure to be a mild issue in terms of the law. The structure does not fit within the so called 'Wet Gemeenschappelijke Regelingen', as the Forum of Councils, the Achterhoek Board and the Themetables cannot exist within that legal framework. This means that these organs, which in the actors' eyes are the driving parts of the structure, only have informal decision-making powers. In legal terms, this means that there is no way that a Board, the Themetables or the Forum of Councils can force the municipalities to follow the framework set and policies made within the structure. However, one should not underestimate the power of the informal decision-maker, because if all decision-makers are in favour an single decision-maker who disagrees with the proposed policy might think twice before voting against it. In the way the law is interpreted, the structure of the Achterhoekian collaboration is not prohibited, it just does not have formal power. Therefore the way the structure is set up is not considered problematic. The actor is of the opinion that the 'Wet Gemeenschappelijke Regelingen' should change though, giving formal legal power to the structure, or at least leaving open room for experiments with regional collaborations.

Actor B's conceptualisation of the different elements of legitimacy are summarised in table 3.

Element of legitimacy	Conceptualisation
Legal Validity	Laws and regulations
Shared Beliefs/ valid source of authority	Connected public, private and non-profit organisations
Consent / political community	Majority voting
Input Legitimacy	Representing organisations
Output Legitimacy	Efficiency in decision-making
Internal Legitimacy / discourse	Framework set by Achterhoek Forum of Councils
External legitimacy	Representativeness / lobby

Table 3

Actor C

Interpreting the transcription of the interview with the third actor, one might argue that the focus of this actor is on output legitimacy. A regional structure should be set up to ensure efficiency, as quite some money is invested by the municipalities to make sure the structure can function. Hence the valid source of authority is mostly based on the expertise of the decision-makers, however they must represent their branch, meaning that both the Achterhoek Board and the Themetables need to consist of members from government, private and non-profit organisations. Interestingly, in terms of consent, all proposed decisions need to be accepted by the municipalities according to the actor. In coupling the powers of the individual actors, the actor hopes that the region is able to get measurable results within terms of regional spatial economics, but also when it comes to lobbying. By working together, the actor thinks external legitimacy can increase and hence the Achterhoek is able to get more resources from higher levels of government up to the level of the European Union. Also, the actor is of the opinion that it is more efficient to collectively discuss cross-border collaboration with German Bundesländer and Kreise than bilateral discussions between municipalities and Kreise.

Actor C's conceptualisation of the different elements of legitimacy are summarised in table 4.

Element of legitimacy	Conceptualisation
Legal Validity	No data
Shared Beliefs/ valid source of authority	Expertise
Consent / political community	Municipal councils
Input Legitimacy	Representing organisations
Output Legitimacy	Effectivity in goal achievement; efficiency in decision-making
Internal Legitimacy / discourse	No data
External legitimacy	Representativeness / lobby

Table 4

Actor D

The fourth actor conceptualises legitimacy mostly as legal validity in terms of laws and regulations and is rather critical towards the current structure, but certainly not sceptical of regional collaboration in general. The collaboration structure does not fit within the 'Wet Gemeenschappelijke Regelingen'. Because sometimes there might be high levels of disagreement between the decision-makers, it should be made clear what the institutional rules are so that there is no discussion on who has the final say. The Achterhoek Board has to make sure that the agenda set by the Achterhoek Forum of Councils is executed by the Themetables, but if a Themetable interprets the agenda in a different way than the Achterhoek Board, then who has the final say in this discussion? In addition to this, because the Achterhoek Board and the Themetables are not lawful, and hence informal decision-making structures, how can they possibly overrule the municipalities who do have formal, that is to say, a legal status with its own competences. Also, the actor thinks that the structure is not democratically legitimate when it comes to the valid source of authority, as the private and non-profit sector members of the Board and Themetables are not democratically elected and might be able to overrule democratically elected policy-makers. Also, the idea that municipalities can, via the Achterhoek Forum of Councils overrule other municipalities, does not fit the way the Dutch state is set up. The chair and leader of the structure should therefore not be a 'regional burgomaster' but rather a leader who serves the connected organisations.

Although the actor considers it important that that all actors have an equal position in the structure, it is considered problematic that the municipalities and the province invest way more financial resources in setting up the collaboration structure and the execution of the policies it brings. It is logical that this is the case in the starting phase, but should be changed in the future. Either the private and non-profit entities need to invest more money or the governments should get more representatives in the structure. The valid source of authority is hence not only based on a mandate from the public, private or non-profit organisations, but also the amount invested resources. Because of the legalistic interpretation of legitimacy by the actor, the consent is mostly based on the agreement of the individual municipal councils and private and non-profit organisations rather than a majority vote. For example, it cannot be that a housing corporation can decide to build more houses without the agreement of municipalities. The basis of internal legitimacy of such a structure should be a discourse set by the individual municipal councils. Regional collaboration is hence perfectly doable within the framework set by the 'Wet Gemeenschappelijke Regelingen'. When it comes to output legitimacy, following the rhetoric of the actor, one should not only look at costs. Setting up collaboration structures just costs money. Efficiency should be interpreted as the attraction of a certain level of expertise or quality of public services which the municipalities individually are unable to facilitate.

The Board, as a non-governmental organ, should mainly focus on lobbying and increasing external legitimacy, showing that the three branches, government, corporations and non-profit actors all want to solve the same regional challenges. Not only leading to an increase of flow of recourses from the provincial, national and European levels of government to the region, but also exploring and utilising the cross-border opportunities in Nordrhein-Westfalen and Niedersachsen, especially in Düsseldorf and the Münsterland. To strengthen this, the Achterhoekian burgomasters meet the German Bürgemeisters twice a year.

Actor D's conceptualisation of the different elements of legitimacy are summarised in table 5.

Element of legitimacy	Conceptualisation
Legal Validity	Laws and regulations
Shared Beliefs/ valid source of authority	Invested resources; connected public, private and non-profit organisations
Consent / political community	All connected public, private and non-profit organisations
Input Legitimacy	Representing organisations
Output Legitimacy	Effectivity in goal achievement
Internal Legitimacy / discourse	Framework set by municipal councils
External legitimacy	Representativeness / lobby

Table 5

Actor E

Just like Actor A, the fifth actor interprets the concept of legitimacy rather broadly. The structure should represent the so called 'triple helix', meaning government, corporations and non-profit organisations and increase efficiency simultaneously, giving equal weight to input and output legitimacy. Just like many other actors, Actor E thinks the decision-makers should represent the branch they come from, be able to look at challenges on a regional scale and are not stuck in their local or organisational perspective. So the valid source of authority is, in addition to representativeness, based on being able to debate problems in a regional mindset. When it comes to the Themetables, expertise is also considered a valid source of authority. This actor hence interprets the concept of shared beliefs in the broadest way. Internal legitimacy, in terms of discourse, is based on favours. To give an example, one municipality has a flourishing industry park while the other has a good shopping centre. The municipality in which a person lives does not have to be the same municipality in which he or she works or the municipality in which the person does shopping. It just has to be close, in the region. By focussing on local strengths and eliminating competition between the municipalities on certain spatial economic topics, the general economic situation of the region and its inhabitants and organisations can be improved. In order to achieve this, an efficient collaboration structure must be established, in which decisions can be made in 'reasonable' timescales. Companies and non-profit organisations often make decisions more quickly than municipalities or public agencies. It is now up for the government sector to get to the level of efficiency of the other sectors, which can be achieved via this new structure. Although in terms of consent consensus should always be the first goal, there should be no veto-right and a system of majority voting should be used in case decision-making processes take too long. By establishing a compact Board and compact Themetables in terms of representatives, the administrative power should be optimal. The legal validity of these organs is in the view of the actor for the biggest part based on an institutional culture in which the three sectors come to decisions together via the structure which is now in place. In addition to making the structure representative and increasing efficiency this way, the structure should also very much serve to increase external legitimacy. External legitimacy is seen as very important by actor, towards higher levels of government like the provincial, national and European governments, but also towards other regional collaboration structures like the Twente Board and the Eindhoven region. The actor also recognises that, by increasing the external legitimacy, more economic opportunities will become available in collaborating with the German Bundesländer.

Actor E's conceptualisation of the different elements of legitimacy are summarised in table 6.

Element of legitimacy	Conceptualisation
Legal Validity	Institutional culture
Shared Beliefs/ valid source of authority	Connected public, private and non-profit organisations; regional mindset; expertise
Consent / political community	Majority voting
Input Legitimacy	Representing organisations
Output Legitimacy	Efficiency in decision-making; increase administrative power
Internal Legitimacy / discourse	Local strengths, favours
External legitimacy	Representativeness / lobby

Table 6

Actor F

Based on the transcribed interview, the sixth actor is interpreted to be viewing the new collaboration structure as an improvement of output legitimacy and external legitimacy. By combining the efforts of all seven municipalities in this new structure, policies meant for the entire region can be made efficiently. Just like Actor E, Actor F believes that if the organisational structure of the collaboration becomes too big, it loses administrative power and its efficiency. Hence, for the time being, the Board and the Themetables should not be extended. By still representing a broad spectrum of organisations which are active within the Achterhoek region, it is expected that the level of external legitimacy increases significantly, increasing the change and scope of possible funds from higher levels of government. Just like other Actors, this Actor thinks there are many opportunities in Germany which can be used more efficiently and effectively by working together in a collaborative structure. To ensure the efficiency, the foundation of valid source of authority can for a large part be found in the expertise of the decision-makers in the Themetables and the Board. The decision-makers should, however, still accurately represent the vision of the participating organisations within the three branches. Although efficiency gains are considered to be the most important in the structure of this collaboration, Actor F is still of the opinion that the internal legitimacy in terms of discourse should still be based on frameworks set by the municipal councils. The consent within these frameworks set

should be that either final decisions are made in the Achterhoek Forum of Councils, or in a collaboration between the Achterhoek Board and the Themetables on the basis of majority voting, although forcing policies upon organisations that absolutely do not wish to implement those must be avoided. It stated that formal decision-making cannot take place within the structure, as the structure does not fit in the 'Wet Gemeenschappelijke Regelingen'. This legalistic approach of legal validity means that, before a policy can be implemented, the municipal councillors need to agree with it first. However, as society is changing, the 'Wet Gemeenschappelijke Regelingen' might require change as well.

Actor F's conceptualisation of the different elements of legitimacy are summarised in table 7.

Element of legitimacy	Conceptualisation
Legal Validity	Laws and regulations
Shared Beliefs/ valid source of authority	Expertise; connected public, private and non-profit organisations
Consent / political community	Majority voting; municipal councils
Input Legitimacy	Representing organisations
Output Legitimacy	Efficiency in decision-making; increase administrative power
Internal Legitimacy / discourse	Framework set by municipal councils
External legitimacy	Representativeness / lobby

Table 7

Actor G

The last Actor also has a balanced view on legitimacy. First and foremost, the Actor sees that the structure does not fit within the 'Wet Gemeenschappelijk Regelingen', but thinks that it is not problematic that the structure contains of both a formal and informal decision-making structure. The informal parts of the structure, the Board, the Forum of Councils and the Themetables are seen as most important than the formal General and Daily Boards. In decision-making, consent should be based on

majority-voting, but consensus is preferred as the discourse, or internal legitimacy, should be derived from the ideologies of the partaking institutions. It's institutional culture is based on trust. Trust that the decision-makers, or representatives, serve a common agenda and are willing to solve regional problems in a collaborative environment. Effectiveness is hence considered to be the most important part of output legitimacy. The valid source of authority is the people, as the members of the Forum of Councils are members of the municipal Councils which are elected by the people. The Forum of Councils appoints the members of the Achterhoek Board and are able to force them to step down. However, forcing a representative of the corporations or non-profit sector home can have effects on the relationship between the three sectors and may raise tensions which might not be desirable. Hence that option should only be used in cases where there is no other possibility of solving the issue at hand. The people appointed in the Board and the members of the Themetables should represent the three sectors, making input legitimacy partly based on representing organisations. The Board should focus on external legitimacy, improving relations with the province in Arnhem and attempting to increase funding from the national and European governments in The Hague and Brussels respectively. Also, the Euregio should not be forgotten.

Actor G's conceptualisation of the different elements of legitimacy are summarised in table 8.

Element of legitimacy	Conceptualisation
Legal Validity	Laws and regulations; institutional culture
Shared Beliefs/ valid source of authority	Democratic checks / the people
Consent / political community	Majority voting
Input Legitimacy	Representing citizens; representing organisations
Output Legitimacy	Effectivity in goal achievement
Internal Legitimacy / discourse	Ideologies of connected public, private and non-profit organisations
External legitimacy	Representativeness / lobby

Table 8

Conclusion of analysis of interviews

Summarising, the opinion of the actors range from rather sceptical to very positive. Some actors have a balanced view on legitimacy, others tend to choose a focus in discussing it. Overall, all actors agree that collaboration on a regional is inevitable, but there are some disagreements when it comes to structuring this collaboration. It is commonly recognised that the current structure for regional collaboration does not fit within the legal framework set by the national government in the 'Wet Gemeenschappelijke Regelingen'. Most actors agree that this law is outdated though, and think the Achterhoek can be used as a pilot case to form a basis for changes in the law. One actor thinks the current law is perfectly fine and is of the opinion that the structure should be changed to fit the legal framework. Generally, the structure should increase external legitimacy, increasing the flow of resources and funds from higher levels of government and the Euregio to the Achterhoek and use it to utilise opportunities in the German hinterland more effectively and efficiently. When it comes to output and input legitimacy, some have a tendency to favour output legitimacy over input legitimacy, others prefer to balance these two elements of legitimacy out. Basically all actors believe that at least representation should be a source from which authority of decision-makers in the regional collaboration structure should be based. Some prefer to add expertise and invested resources as well. The way consent is defined is split between three groups. One group who prefer majority-voting, those who prefer consensus and those who prefer a combination between those. Also internal legitimacy is split in three. The discourse should either be decided upon by the Achterhoek Forum of Councils, a combination of the three sectors, or the individual municipalities.

Table 9 shows an overview of the conceptualisations of the elements of legitimacy by the actors, including the amount of actors that interpreted these conceptualisations that way.

Element of legitimacy	Conceptualisation	Amount of actors
Legal Validity	Laws and regulations	4
	Institutional culture	3
	No data	1
Shared Beliefs/ valid source of authority	Connected public, private and non-profit organisations	5
	Expertise	3
	Democratic checks / the people	2
	Invested resources	1
Consent / political community	Majority voting	4
	Municipal councils	2
	All connected public, private and non-profit organisations	2
Input Legitimacy	Representing organisations	7
	Representing citizens	2
Output Legitimacy	Efficiency in decision-making	5
	Effectivity in goal achievement	3
	Increase administrative power	2
Internal Legitimacy / discourse	Framework set by municipal councils	2
	Framework set by Achterhoek Forum of Councils	1
	Government, corporations and non-profit organisations working together in equality within a framework set by municipal councils	1
	Ideologies of connected public, private and non-profit organisations	1
	Local strengths, favours	1
	No data	1
External legitimacy	Representativeness / lobby	7

Table 9

Concluding, except for external legitimacy and input legitimacy, the elements of legitimacy are interpreted in several ways, indicating differences in the understanding of the concept of legitimacy.

Hypothesis testing

In order to test the hypothesis the table of the conclusion is compared with the current structure for collaboration in the Achterhoek region. The more actors have mentioned a specific interpretation of an element of legitimacy, the more important it is considered. In order to test the main hypothesis, first the sub hypotheses will be tested.

Sub hypothesis 1

H1: *"The way legal validity is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

The core organs of the collaboration, the Achterhoek Forum of Councils, the Achterhoek Board and the Themetables do not fit within the legal framework set for interinstitutional collaborations by the Dutch national government, the 'Wet Gemeenschappelijke Regelingen'. These are the organs in which decisions are made and policies are created though. As the creation such decision-making structures are not explicitly forbidden by law, whether or not one considers such structures to be illegal depends on one's interpretation of law. Is law limitative or exclusive? Can one do something which is not described in the law, or does the law describe what you are allowed to do? Interpreting the transcriptions of the interviews, four actors have at least partly a judicial interpretation of legal validity. Out of these four, three actors argue that, because the law does not specifically prohibit the current structure, it is legally valid. One actor disagrees and is of the opinion that the establishment of an Achterhoek Forum of Councils, an Achterhoek Board and Themetables as decision-making structures is legally invalid.

   The fact that the decision-making organs are not legally backed, the institutional culture of the collaboration stucture automatically turns informal. The actors who interpret legal validity in terms of institutional culture find think that informal decision-making is key for such this structure to succeed. One actor is of the opinion that decision-making structures should be formal. That is the same actor who stated that, looking at the 'Wet Gemeenschappelijke Regelingen' , the core organs of the structure are legally invalid.

Concluding, on basis of the interpretations of the transcriptions, five out of the seven actors argue the structure is legally valid. One actor argue the structure is legally invalid and for one actor there is no data. Hence, the hypothesis is accepted.

Sub hypothesis 2

H2: *"The way shared beliefs is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

In the collaboration structure, the shared beliefs differ per organ. For the Forum of Councils the valid source of authority is the people. For the themetables, this is being a part of either a public, private or non-profit organisation and being an expert on the field. The Achterhoek Board finds its authority in the Forum of Councils, as it appoints the Board. Also, the Board members have to come from either a governmental, corporate or non-profit organisation and have expertise in their field. The General and Daily Board consist of the burgomasters, who's authority is derived from the municipalities.

The actors have interpret shared beliefs in four different ways: connection with the public, private or non-profit sector, expertise, the people and invested resources. At the moment, the government sector invests most of the money and resources in this collaboration structure and is according to that actor underrepresented in the current structure. However, this actor thinks that for starting up the structure, higher financial contributions from government are to be expected. In the long term this should change though.

Concluding, on the basis of the interpretations of the transcriptions, for now, all actors interpret the shared beliefs the same way as it is implemented in the structure. Therefore, the hypothesis is accepted.

Sub hypothesis 3

H3: *"The way consent is interpreted by most of the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

In the current structure for interinstitutional collaboration in the Achterhoek, decisions in the Forum of Councils is made by majority voting with weighted votes. Within the Board and the Tables, all parties have to agree before a decision is made. Four out of the seven actors consider majority voting to be the best way to make decisions. The political community are all participating organisations and persons in the structure. Two actors think that in the end, the municipalities should be the political community and decisions can only be made once the municipal councils agree. This is mostly not considered in terms of an Achterhoek Forum of Councils, as some municipalities can be bypassed in that organ. Instead a majority within the municipal councils should have voted in favour if a decision is to be made or a policy is to be created. Also two actors argue that a decision should only be made once the representatives of all three sectors agree.

Concluding, on the basis of the interpretations of the transcriptions, four out of seven actors argue that majority voting is the best consent. The two actors who are in favour of a consensus between all three sectors might fit the decision-making in the Board and in the tables. The vision on consent of the two actors focussing on municipal independence does not correspond with the way it is implemented in the current structure. Both four out of seven and six out of seven are a majority. The hypothesis is thus accepted.

Sub hypothesis 4

H4: *"The way input legitimacy is interpreted by the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

In the current structure, all organisational sectors are indirectly represented for which the policies made are binding. Also, indirectly via the Forum of Councils the citizens are represented too. This means input legitimacy is covered within the current collaboration structure. All actors consider this to be an important aspect of Achterhoekian interinstitutional collaboration and interpret it in terms of indirect representativeness of tthe organisations. Two actors find it important that the citizens are represented too. It is because of these interpretations of the transcriptions, that the hypothesis is considered to be accepted.

Sub hypothesis 5

H5: *"The way output legitimacy is interpreted by the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

The structure as it is built up now is meant to use the expertise and mandate of public, private and non-private organisations to be able to tackle regional challenges effectively. In addition to this, it should also increase efficiency in terms of decision-making. The interpretation of output legitimacy by the actors is threefold. Five actors think it is important to use the collaboration structure to increase efficiency. Three actors find effectivity important and two argue that it must increase administrative power. Interpreting the words by the actors that whish to increase administrative power, it seems the reason why administrative power should be increased is to be able to increase effectivity.

Concluding, on the basis of the interpertations of the transciptions, all actors argue that the structure should increase effectivity, efficiency or both. As an increase in efficiency and effectivity are the core parts of output legitimacy for the new structure, and thus the interpretations of the actors corresponds with the structure, the hypothesis is accepted.

Sub hypothesis 6

H6: *"The way internal legitimacy is interpreted by the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

In the current structure, internal legitimacy and hence the discourse is set by three organs: the Achterhoek Forum of Councils, the Achterhoek Board and the Themetables. First of all, a framework in which collaboration takes place is set by the Forum, which indirectly consists of members of the municipalities. Within this framework, decisions are made and policies are created by the Achterhoek Board and the Themetables, and hence part of the discourse is decided there as well.

In practice, all actors seem to agree with the themes for the Themetables, but the way the discourse should be decided upon is interpreted in quite some different ways. Two actors argue that discourse should be a framework set by the municipal councils. One of those thinks that the framework of municipal councils can be set within the Forum as well. An actor thinks the discourse should be based on local strengths. One actor thinks that the framework should be set by the Achterhoek Forum of Councils. Another actor specifically stated that the three sectors, public, private and non-profit, should create a discourse together within the framework set by the Forum. One actor argued that the discourse should be based on the ideologies of the public, private and non-profit organisations combined. For the last actor, there is no data available.

Concluding, based on the interpretations of the transcriptions, the interpretation of internal legitimacy by four out of the seven actors, which is a (however small) majority, corresponds with the way it is implemented in the structure. Hence, the hypothesis is accepted.

Sub hypothesis 7

H7: *"The way external legitimacy is interpreted by the interviewed actors corresponds with the way it is implemented in structure for regional collaboration in the Achterhoek."*

The idea is that in the current structure, the Board represents the Achterhoek to external organisations in an attempt to increase external legitimacy and increase the flow from resources from higher levels of government to the Achterhoek region. All actors think that the structure should engage into lobbying and promoting the region. They argue that if it is shown to external parties that the public, private and non-profit sectors work together towards a common goal, the goal is taken more seriously. One of the actors did state that it should not be the most important task of the structure though.

Concluding, on the basis of the interpretations of the transcritipsions, all actors have a similar interpretation of external legitimacy which corresponds with the way external legitimacy is implemented in the current structure. Therefore, the hypothesis is accepted.

Main Hypothesis

H0:*"The current structure of regional collaboration in the Achterhoek region corresponds with the regional concept of legitimacy"*

Because, on the basis of the interpretation of the transcriptions, all sub hypotheses are accepted, it is argued that, based on the data from these actors and their respective interpretation of different elements of legitimacy, correspond with the current regional collaboration structure. Due to this, the main hypothesis is accepted.

Conclusion & Discussion

Research question

In order to cope with the cross-municipal challenges in the Achterhoek region, municipalities have to join efforts and hence the interinstitutional collaboration structure was created. In order for this structure and the policies it produces to be accepted, the set-up should be legitimate. Hence, it is questioned "to what extent does the establishment of the new structure for regional collaboration have negative implications for the legitimacy of policy-making in the Achterhoek region?". Legitimacy is a broad concept open to interpretation. What is legitimate in one society might not be legitimate in another society. After analysing seven elements of legitimacy in the Achterhoek case, it became clear that, based on at least the aggregated visions of the representatives from the organisations participating in this research, the created structure can be considered legitimate for the organisations participating in this research. This means that there are no negative effects on the legitimacy of decision-making in the Achterhoek region, theoretically resulting in general (not necessarily everyone) acceptance of the structure and the policies it creates. Also, now for a part of the Achterhoekian organisations it is figured out how legitimacy is interpreted, a beginning is made for mapping how legitimacy works within Achterhoekian society.

Reflection on the process

In first instance, the idea was to interview representatives of public, private and non-profit organisations in order to create a broad overview on how legitimacy is conceptualised in the region as a whole. However, due to time constraints and nonresponse this goal was not reached. Consequently, both the non-profit and private sector are heavily underrepresented in this reserarch This has significant impact on the quality of the research and its results, as it only encompasses the vision of one non-profit actor and six government actors and hence not really of the region as a whole. To have a better and more balanced view on the interpretation of legitimacy in the region, future research is required into the private and non-profit sectors. Another important note to make here, is that the

conceptualisation of two kinds of legitimacy are not found for actor C. The interview was too loosely structured and hence not all preferred data were collected. Looking at the results that are based on the collected data, sub hypothesis 6 was barely accepted. If more research is conducted on this topic, the researchers should take a close look at internal legitimacy.

This research is conducted with little guidance from the supervisor. This is not because of the supervisor, but because of the nature of the student. Independence is important, but too much importance also sometimes has its downfalls. The quality of this research could have been increased if the student had asked the supervisor to check his work every now and then. Also, in addition to this, fewer documents would have been lost in the computer crash. An important point for the student to improve himself on in the future.

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Appendices

Appendix A: Interview questions

Because all interviewed persons are Dutch, the interviews are conducted in Dutch. The following questions have served as the basis of the interviews:

Samenwerking

In hoeverre bent u bekend met het idee van een Economic Board voor de Achterhoek?

Hoe staat u tegenover de eventuele oprichting van een Achterhoek Board?

Hoe staat uw organisatie tegenover samenwerking met (andere) publieke organisaties?

Hoe staat uw organisatie tegenover samenwerking met (andere) private organisaties?

Hoe staat uw organisatie tegenover samenwerking met (andere) nonprofitorganisaties?

Op welke onderwerpen zou u wel met andere/externe organisaties samen willen werken en op welke niet?

Subvragen:

-Is dit anders voor de publieke, private en nonprofitorganisaties?

-Zijn er specifieke onderwerpen die u graag in een regionaal verband wil bespreken?

-In hoeverre bent u van mening dat een sterke Economic Board op deze onderwerpen een leidende rol zou moeten nemen?

Decentraal – Centraal

Wat zou volgens u de ideale organisatiestructuur zijn voor een dergelijk Board, indien deze opgericht zou worden?

Subvragen:

- Leider publiek/privaat
- Sterke efficiënte organisatie vs. Representatieve organisatie
- Werken richting Arnhem en Den Haag of vooral intern?
- Adviseren of bepalend, en naar wie?

Legitimiteit

Hoe vindt u dat besluiten in een dergelijk Board tot stand zouden moeten komen?

-Formeel/Informeel? [Institutional/Cultural rules]

Zou u deze manier van besluitvorming kunnen vergelijken met besluitvorming in uw organisatie? [Institutional/Cultural rules]

Als er een Economisch Board voor de Achterhoek zou zijn, hoe belangrijk of onbelangrijk vindt u het dat deze in zijn samenstelling een goede afspiegeling geeft van de deelnemende partijen? [Input legitimacy]

Toelichting?

Als er een Economisch Board voor de Achterhoek zou zijn, hoe belangrijk of onbelangrijk vindt u het dat deze een efficiënte organisatie kent, ook al zou die minder goed een afspiegeling van de deelnemende partijen zijn? [Output legitimacy]

Toelichting?

Wanneer er beleid gemaakt wordt voor de gehele regio, welke organisaties of personen moeten hier dan minimaal mee ingestemd hebben? [Consent/Political community]

-Waarom deze organisaties/personen? [Shared Belief/Valid source of Authority]

Welke type organisaties zou u het liefst ook als onderdeel van een eventueel Achterhoek Board zien?

In hoeverre vindt u de opinie van Arnhem en Den Haag van belang over het eventuele oprichten van een Achterhoek Board en haar bevoegdheden? [External legitimacy]

Appendix B: Transcriptions of the Interviews

Because of anonymity and confidentiality, the transcriptions of the interviews are not added in this paper. The researcher has the transcriptions stored safely in a separate file.

Appendix C: Structure of the Achterhoek Board

De Achterhoek werkt door

naar een nieuwe manier van regionale samenwerking

Achterhoek Raad

Voor de grote opgaven waar we voor staan is bestuurlijke slagkracht nodig. Daarom nemen raadsleden uit alle Achterhoekse gemeenten deel aan de Achterhoek Raad. Samen bepalen zij de globale koers voor de Achterhoek. Zo is het aan de Inhoudelijke kaders en thema's en de visie op de regionale samenwerking. De afzonderlijke raadsleden functioneren daarbij als 'ambassadeurs' naar hun eigen lokale gemeenteraden.

De Achterhoek Raad stuurt nadrukkelijk aan de voorkant van het proces, door het vaststellen van de Achterhoek Agenda, de Jaarplannen en de evaluaties die door de Achterhoek Board worden voorbereid. Het is ook de Raad die de leden van de Achterhoek Board benoemt, op voordracht van het algemeen bestuur van de Regio en de achterbannen van de ondernemers en de maatschappelijke organisaties.

Achterhoek Thematafels

De zes Achterhoek Thematafels zijn bestuurlijke werkgroepen die elk een thema van de Agenda2030 onder hun hoede hebben. De Thematafels leveren Inhoudelijke bijdragen aan de Agenda2030 en het Jaarplan en zijn verantwoordelijk voor het uitvoeren hiervan. De Thematafels Informeren de Achterhoek Raad over de Inhoud en de voortgang. Daarnaast kunnen nieuwe initiatieven vanuit de Thematafels ontstaan.

Organisatie
De Achterhoek Thematafels bestaan uit vertegenwoordigers van de drie O's, per Tafel minimaal één vertegenwoordiger van elk. De eerste keer gebeurt de samenstelling op voordracht vanuit de drie O's, daarna kunnen de leden van de Thematafels zelf de verdere bezetting bepalen. Het zijn bestuurlijke tafels, dus alleen bestuurders of directeuren van bedrijven en Instellingen en leden van het college van burgemeesters en wethouders nemen deel aan een Thematafel. Elke Thematafel kiest een voorzitter uit haar midden, deze krijgt ondersteuning van een programmaregisseur en een projectmedewerker van Regio Achterhoek.

Achterhoek Board

De Achterhoek Board bestaat uit vertegenwoordigers van de drie O's en is het gezicht van de Achterhoekse samenwerking. De Board schakelt voortdurend tussen de Achterhoek Raad en de Thematafels. Zo bereidt de Board samen met de Thematafels de Inhoudelijke Agenda2030, de Jaarplannen en evaluaties voor en bespreekt deze met de Achterhoek Raad. De Achterhoek Board is verantwoordelijke voor de voorbereiding van de bijeenkomsten van de Achterhoek Raad. De Board ziet verder toe op de voortgang en de terugkoppeling vanuit de Thematafels richting de Raad, en omgekeerd. Speciale taak van de Achterhoek Board is de coördinatie van de lobby en de grensoverschrijdende samenwerking met Duitsland.

Organisatie
De ondernemers en de maatschappelijke organisaties leveren elk drie afgevaardigden In de Board. De drie afgevaardigden namens de maatschappelijke organisaties vertegenwoordigen het onderwijs, de zorg en de woningbouwcorporaties. In de regio. De drie afgevaardigden namens de ondernemers vertegenwoordigen VNO-NCW Achterhoek, MKB-Midden en SIKA. De overheid levert drie wethouders uit alle deelnemende gemeenten, plus een gedeputeerde van de provincie Gelderland. De leden van de Board worden benoemd door de Achterhoek Raad. De Achterhoek Board wordt, net als de Achterhoek Raad, voorgezeten door de voorzitter van Regio Achterhoek. De Achterhoek Board vergadert minimaal vier keer per jaar.

Algemeen en dagelijks bestuur Regio Achterhoek

In de nieuwe structuur zijn de rollen van het algemeen en dagelijks bestuur vooral gericht op het mogelijk maken van de samenwerking. De Achterhoek Board bepaalt immers samen met de Achterhoek Raad de Inhoudelijke koers van de samenwerking. Het algemeen bestuur zal zich daarom meer richten op werkzaamheden als de begroting, taken op het gebied van personeelszaken, financiën, automatisering, huisvesting, administratie- en archieftaken, communicatie en subsidies en -werving. Het dagelijks bestuur blijft onder meer verantwoordelijk voor het voorbereiden en toezenden van de begroting van Regio Achterhoek, het voorbereiden van verga-deringen van het algemeen bestuur en de dagelijkse gang van zaken.

Organisatie
Vanuit het idee dat het algemeen bestuur minder 'politiek' wordt, is het wenselijk algemeen bestuursleden te benoemen die gewend zijn boven de partijen te staan. Vandaar de keuze voor alleen burgemeesters. Elke gemeenteraad kan zijn eigen burgemeester voordragen en dat betekent een algemeen bestuur van zeven burgemeesters. Het dagelijks bestuur bestaat uit de gekozen voorzitter, plus twee andere leden uit het algemeen bestuur.

Inleiding

Met veel genoegen presenteren wij u deze beknopte beschrijving van het voorstel voor een nieuwe samenwerkingsvorm in de Achterhoek. Het voorstel is met de inbreng van zeer veel betrokken Achterhoekers tot stand gekomen. De Achterhoekse gemeenteraden nemen hierover in juni een besluit. We zijn ervan overtuigd dat we met dit voorstel een stevige basis leggen voor een slagvaardige, toekomstgerichte Achterhoek. Tegelijkertijd weten we: geen enkel model, geen enkele structuur biedt garanties voor succes. Het succes komt pas als u er samen met ons de schouders onder zet. Als u vertrouwen toont in de toekomst, in elkaar en soms dus ook durft los te laten. Wij zijn er klaar voor; doe u mee?

Algemeen bestuur Regio Achterhoek: Joris Bengevoord, Mark Boumans, Annette Bronsvoort, Marijke van Haaren, Bert Kuster, Gerard Nijland en Arno Spekschoor.

Samenwerken

Woon je in de Achterhoek, dan woon je in de eerste instantie in je buurtschap, dorp of stad. Maar direct daarna ben je inwoner van deze streek: de Achterhoek. Dat is de beleving van onze inwoners en van onze bedrijven en maatschappelijke organisaties.

Vanuit het besef dat de toekomst van onze regio onze gezamenlijke zorg is, sloegen zo'n tien jaar geleden ondernemers, onderwijsinstellingen, woningcorporaties, zorginstellingen, inwoners en overheid de handen ineen. Samen maakten we de Achterhoek Agenda2020 en inmiddels is een

stroom aan initiatieven en projecten gerealiseerd, die onze regio blijvend versterken.

Naast deze concrete opbrengst heeft de afgelopen tien jaar één ding duidelijk gemaakt: samenwerken is – inderdaad – de manier om de grote opgaven in de Achterhoek het hoofd te bieden. En dus kijken we nu gezamenlijk verder vooruit.

Agenda 2030

Sinds het maken van de Agenda2020 is er veel gebeurd en is veel nieuwe informatie beschikbaar gekomen over de staat van de Achterhoek. Bovendien komt 2020 rap dichterbij. Daarom vond van september 2017 tot maart 2018 een interactief proces plaats om te bepalen wat de belangrijkste thema's en uitdagingen voor de komende jaren zijn. Honderden actieve en betrokken Achterhoekers deden mee, al dan niet professioneel. Het resultaat: de ToekomstKrant*, waaruit we kunnen putten voor de nieuwe Agenda2030. Het draaiende houden en versterken van de economie blijft de belangrijkste opgave op de Agenda2030. Dat vraagt

om een aantal randvoorwaarden. Om de agenda handen en voeten te geven, hebben we als overheid, ondernemers en maatschappelijke organisaties (de drie O's) aan de slag gaan:

- Smart werken en innovatie
- Onderwijs en arbeidsmarkt
- Vastgoed en woningmarkt
- Mobiliteit en bereikbaarheid
- Circulaire economie en Energietransitie
- Zorginnovatie

Zie http://www.achterhoek2020.nl/toekomsttoer

Een nieuwe Regio Achterhoek

Het realiseren van de Agenda2030 zal bepaald geen sinecure zijn. Daarnaast wordt een sterke wens en noodzaak gevoeld om de vraagstukken in onze regio breed, slagvaardig en efficiënt aan te pakken. Hiervoor wordt een versterkte samenwerking tussen de

drie O's voorgesteld, met als basis de bestaande Regio Achterhoek. De nieuwe samenwerkingsstructuur is er op gericht dat we zowel onze gezamenlijke agenda als onze samenwerking 'smart' organiseren: bij SmartHub Achterhoek past 'smart governance'.

Hoe ziet de nieuwe samenwerking eruit?

De nieuwe, versterkte samenwerkingsstructuur bestaat uit een **Achterhoek Raad**, **Achterhoek Board**, **Achterhoek Thematafels** en **Regio Achterhoek**. We kunnen met deze nieuwe organisatiestructuur concreet aan de slag en 'werkendeweg' komen

tot een steeds betere, effectievere samenwerkingsvorm. Niet onbelangrijk is dat de nieuwe structuur kan rekenen op een breed draagvlak bij de betrokken overheidsinstellingen, ondernemers en maatschappelijke organisaties.
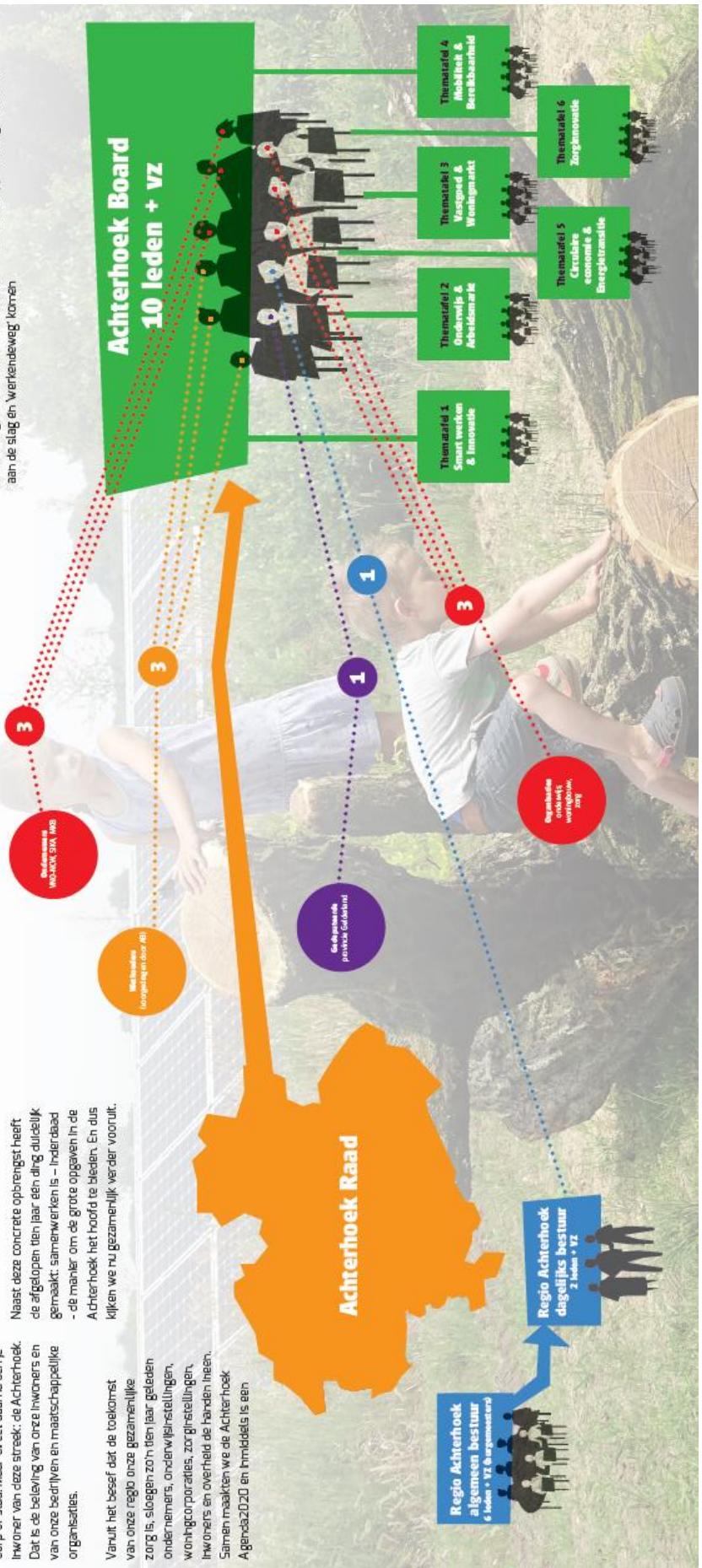
Appendix D: Consultancy firm on the 'Wet Gemeenschappelijke Regelingen'

PROOF adviseurs

Memo

Aan	Van
Saar Veneman	mr. Rob de Greef

Datum	Betreft
8 maart 2018	Structuur Regio Achterhoek

Aanleiding

In het algemeen bestuur van 4 oktober 2017 is het stuk *De Achterhoek werkt door* besproken. In dit stuk is een uitwerking opgenomen van de

Er wordt goed samengewerkt met ondernemers, onderwijs, maatschappelijke partners en overheid, de zgn. *triple helix*. Een van de aandachtspunten is de democratische legitimatie, en dan met name de politieke betrokkenheid. Verder zijn er vaak capaciteitsproblemen bij de gemeenten. Er is een veelvoud aan overleggen, hetgeen tot dubbel werk leidt en tot onduidelijkheid omtrent wie waarover gaat.

In de nieuwe situatie blijft het openbaar lichaam Regio Achterhoek bestaan. Dat betekent dat er een algemeen bestuur, een dagelijks bestuur en een voorzitter blijven. Naast die formele structuur komt een andere structuur te staan, bestaande uit een Achterhoek-raad, een Achterhoek-Board en een onafhankelijk voorzitter. Daarnaast bestaan er nog thematafels.

Doelstellingen van de veranderingen zijn:

- Betrokkenheid van de raadsleden bij de regionale samenwerking te vergroten;
- Raadsleden meer aan het stuur krijgen bij de inhoud van de samenwerking;
- Slagkracht besluitvorming vergroten
- Uitvoeringskracht verbeteren

De belangrijkste vragen zijn hoe het zit met de democratische legitimiteit en of het model juridisch wel kan. In dit memo zal dat met name vanuit juridisch perspectief worden bekeken. Prof. dr. Marcel Boogers zal in zijn advies ingaan op de bestuurskundige kant. In dit memo wordt met name naar de organisatorische kant gekeken (de organen en hun samenstelling). In de bijlage is een artikelsgewijs commentaar opgenomen.

Conclusie

Het model zoals vormgegeven is juridisch grotendeels mogelijk. Een belangrijk knelpunt zit in het feit dat organen als de Achterhoek Raad, de Achterhoek Board en de Achterhoek Thematafels in de gemeenschappelijke regeling worden ingesteld (of althans niet door het algemeen bestuur). Dat is in strijd met de Wet gemeenschappelijke regelingen. Dergelijke organen moeten door het algemeen bestuur worden ingesteld, waarbij dit kan als adviescommissie of als bestuurscommissie.

Voorts moet nog een keer goed gekeken worden naar de relatie tussen de Achterhoek Board en de Achterhoek Raad, alsmede naar de besluitvorming in de Board. Deze doen afbreuk aan de betrokkenheid van andere partijen dan de gemeentelijke overheden.

Tot slot moet beter vastgelegd worden wat de verantwoordelijkheidsafbakening is tussen algemeen bestuur, dagelijks bestuur en voorzitter enerzijds en de Raad, Board en Thematafels anderzijds. Dat blijft diffuus, zeker in de gemeenschappelijke regeling.

Dat laat onverlet dat met de beoogde Achterhoek Raad een belangrijke impuls wordt gegeven aan de betrokkenheid van de gemeenteraden, met inachtneming van de positie van politieke minderheden. Het model is wat dat betreft vernieuwend. De democratische sturing én controle kan ermee versterkt worden. Gewaakt moet ervoor worden dat er een goede balans blijft bestaan in het aantal vergaderingen. Bij te weinig vergaderingen zal het gevoel ontstaan dat er toch geen grip en invloed ontstaat, terwijl teveel vergaderingen er toe kunnen leiden dat raadsleden het gevoel krijgen dat ze steeds voor niks komen praten en dat het vooral tijdverspilling is. Er moet dus niet te vaak vergaderd worden én er moet dan ook echt iets zijn dat politieke besluitvorming of debat vereist.

Hieronder wordt e.e.a. kort nader uit de doeken gedaan.

Juridisch kader

Algemeen

Op het openbaar lichaam Regio Achterhoek is de Wet gemeenschappelijke regelingen (hierna ook: Wgr) van toepassing. Daarnaast spelen ook de Algemene wet bestuursrecht en de Gemeentewet een rol waar het gaat om bevoegdheidstoedeling en de democratische controle.

In dit memo wordt uitgegaan van de Samenwerkingsregeling Regio Achterhoek zoals deze zal luiden wanneer het voorstel voor de 24e wijziging wordt aangenomen. De gemeenschappelijke regeling is een zogenoemde gemengde regeling van raden en colleges. De burgemeesters nemen niet als apart orgaan aan de gemeenschappelijke regeling deel. In overeenstemming met artikel 13 lid 1 Wgr bepaalt artikel 7 lid 2 GR dat de leden van het algemeen bestuur door de gemeenteraden worden aangewezen. Iedere raad wijst daarbij één lid aan, waarbij gekozen kan worden uit raadsleden, de burgemeester en de wethouders.

Het dagelijks bestuur bestaat uit de voorzitter en twee andere leden (art. 12 lid 1 GR). Deze andere leden worden door en uit het algemeen bestuur aangewezen (art. 12 lid 2 GR). Dit geheel in overeenstemming met de uitgangspunten van artikel 14 Wgr. Nu er zeven leden in het algemeen bestuur zitting hebben (met ieder één stem) en er een dagelijks bestuur van drie leden is, is tevens voldaan aan de eis van artikel 14 lid 3 Wgr dat de leden van het dagelijks bestuur nimmer een meerderheid mag hebben in het algemeen bestuur.

Ook de benoeming van de voorzitter (art. 16 GR) is in overeenstemming met hetgeen de Wet gemeenschappelijke regelingen daaromtrent stelt (art. 13 lid 9 Wgr).

Tot slot kent de gemeenschappelijke regeling de mogelijkheid om adviescommissies (art. 21 GR) en bestuurscommissies (art. 22 GR) in te stellen. Dit is in overeenstemming met de artikelen 24 en 25 Wgr. Hetgeen in artikel 22 lid 2 GR is bepaald, de vereiste verklaring van geen

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bezwaar voor instelling van de bestuurscommissie, is in strijd met artikel 25 lid 2 Wgr zoals dat sinds 2015 geldt. De Wet gemeenschappelijke regelingen voorziet in een voorhangprocedure, waardoor een toestemmingseis zoals een verklaring van geen bezwaar afstuit op artikel 10:32 lid 1 jo. art. 10:26 Awb.

De gemeenschappelijke regeling wordt problematischer vanaf het moment dat de Achterhoek Raad, het Achterhoek Board en de Achterhoek Thematafels aan bod komen. Deze organen worden namelijk bij de gemeenschappelijke regeling ingesteld en dat is iets wat de Wet gemeenschappelijke regelingen niet mogelijk maakt. Er kunnen niet zomaar organen worden ingesteld, dat moet via de weg van artikel 24 Wgr (adviescommissies) of van artikel 25 Wgr (bestuurscommissies). In beide gevallen geldt dat het algemeen bestuur tot instelling moet overgaan. Deze bevoegdheid kan het algemeen bestuur niet delegeren aan de gemeenteraden en colleges van burgemeester en wethouders (art. 10:15 Awb), noch kunnen deze organen op andere wijze deze bevoegdheid van het algemeen bestuur uitoefenen.

De gemeenschappelijke regeling zal op dit punt dus moeten worden aangepast. Dit betekent overigens niet dat de materiële uitgangspunten niet alsnog kunnen worden doorgevoerd. Het gaat om een minimale, vooral technische aanpassing in de zin dat het algemeen bestuur tot instelling bevoegd is.

Tot slot nog dit. De gemeenschappelijke regeling lijkt zo te zijn ingericht dat de Achterhoek Board voorstellen voorbereid, daarbij geadviseerd/ondersteund door de Thematafels, de Achterhoek Raad stelt ze vast en de Thematafels voeren ze uit of zijn daarvoor verantwoordelijk. Dat past niet bij het feit dat in de onderliggende stukken steeds vermeld wordt dat er geen bevoegdheden worden uitgeoefend. Die blijven immers bij de gemeenteraden, resp. algemeen bestuur en dagelijks bestuur van de Regio. Als dat echt waar is, dan is er ook niets om voor te bereiden of uit te voeren, laat staan om over te besluiten via stemming. Een meerderheidsstemming leidt immers niet tot gebondenheid, al helemaal niet voor degenen die tegenstemden.

Wat de relatie is met de taken en bevoegdheden van het algemeen bestuur, het dagelijks bestuur en de voorzitter van de Regio Achterhoek blijft in de gemeenschappelijke regeling geheel buiten beschouwing. Deze organen blijven immers formeel bevoegd (voor benoeming en ontslag van ambtenaren bij de Regio, de begroting en jaarrekening), naast de 'bevoegdheden' van de Raad, Board en Tafels. Dit moet duidelijker naar voren komen.

Achterhoek Raad

De instelling van een Achterhoek Raad komt nadrukkelijk tegemoet aan de wens tot meer politieke invloed en versterkte democratische legitimatie. In de Achterhoek Raad hebben immers alle fracties, afkomstig uit alle gemeenteraden een zetel (art. 22a GR). Zo kunnen alle politieke geluiden gehoord worden, ook die van politieke minderheden.

De juridische status van de Achterhoek Raad is wat diffuus. Er wordt niet beoogd bevoegdheden over te dragen (delegeren) of te mandateren aan de Achterhoek Raad. In die zin is dan dus geen sprake van een bestuurscommissie ex artikel 25 Wgr. Dat zou de Achterhoek Raad een adviescommissie maken. Dat klinkt vaak negatief, maar dat hoeft natuurlijk niet . De Achterhoek Raad kan het algemeen bestuur van de Regio Achterhoek adviezen geven hoe om te gaan met

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zijn bevoegdheden. Dat kunnen zwaarwegende adviezen zijn die het algemeen bestuur slechts gemotiveerd naast zich kan neerleggen. Op die manier ontstaat een vorm van politieke binding die noodzakelijk zal zijn om het geheel te laten werken. Van juridische binding kan nimmer sprake zijn, dan moeten bevoegdheden wel degelijk overgedragen worden.

Toch lijkt de Achterhoek Raad wel degelijk beslissingen te nemen. Daartoe wordt immers bepaald dat hij bij gewone meerderheid beslist (art. 22g lid 2 GR). Om die reden hebben de leden ook gewogen stemrecht naar rato van hun aantal zetels in de gemeenteraad (art. 22g lid 3 GR). Op die manier wordt recht gedaan aan de positie die een fractie in de gemeenteraad inneemt, en daarmee tot op zekere hoogte ook aan het resultaat van de gemeenteraadsverkiezingen.[1] En de Achterhoek Raad moet instemmen met beslissingen die door de Achterhoek Board worden voorbereid, zoals de meerjarenvisie, jaarplannen e.d. Wat betekent deze instemming? Kan het algemeen bestuur anders niet besluiten? Een adviesbevoegdheid kan nooit zover gaan dat de weigering advies te geven (omdat niet besloten wordt hoe het advies moet luiden) leidt tot het feit dat geen besluitvorming plaatsvindt.

Wanneer de Achterhoek Raad beslissingen moet kunnen nemen die anderen (juridisch) binden, dan ligt een bestuurscommissie voor de hand. Anders komt een adviescommissie tot stand. Deze kan worden vormgegeven op de beoogde wijze, met inachtneming van de andere gemaakte opmerkingen.

Tot slot valt nog op dat in de begeleidende stukken ook gesproken wordt over de rol die de leden van de Achterhoek Raad jegens de gemeenteraad hebben. Daarover is niks in de gemeenschappelijke regeling terug te vinden. Gaan er voorstellen van de Achterhoek Raad rechtstreeks naar de gemeenteraden (evt. door tussenkomst van het college van burgemeester en wethouders) of loopt dit dan weer via het algemeen bestuur (evt. door tussenkomst van het dagelijks bestuur). De gemeenschappelijke regeling bepaalt hieromtrent helemaal niets.

Wanneer de Achterhoek Raad iets beslist wat in het algemeen bestuur moet worden vastgesteld, dan betekent dit nog niet automatisch dat het algemeen bestuur hetzelfde besluit neemt. In het algemeen bestuur zitten straks uitsluitend nog burgemeesters, althans dat wordt beoogd.[2] Zij vertegenwoordigen daarbij echter hun eigen gemeenteraad (art. 16 Wgr), dus ze kunnen niet zomaar instemmen, wanneer de gemeenteraad dat toch niet wil (het is denkbaar dat er een meerderheid in de Achterhoek Raad voor een bepaalde beslissing is, maar dat de betreffende gemeente dit niet wil). Als dit voor meerdere burgemeesters geldt, dan kan het algemeen bestuur niet positief besluiten.

Achterhoek Board

De Achterhoek Board is een gremium waarin de samenwerking tussen overheid, maatschappelijke instellingen en het bedrijfsleven wordt vormgegeven (art. 22h lid 2 GR). De Board bestaat uit negen leden én een voorzitter. Voorzitter van de Achterhoek Board is de

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[1] Er is anders dan bij bijvoorbeeld de Drechtraad, die overigens het algemeen bestuur is van het openbaar lichaam Drechtsteden, geen sprake van een tweede weging naar inwonertal. Dat kan betekenen dat de stem van de leden van een bepaalde gemeenten minder kiezers vertegenwoordigd dan de stem van een lid van de Achterhoek Raad van een andere gemeente.
[2] Terecht wordt dit niet in de gemeenschappelijke regeling verankerd.

voorzitter van de Regio Achterhoek (art. 22h lid 3 GR). De overige leden worden op voordracht van een bepaalde achterban benoemd door de Achterhoek Raad (art. 22m GR). De Achterhoek Raad kan hen in uitzonderlijke gevallen ontslaan (art. 22n lid 4 GR). Wat deze uitzonderlijke gevallen zijn, wordt niet vermeld. Dat betekent dus dat ze in alle gevallen ontslagen kunnen worden, voor zover de Achterhoek Raad duidt dat er sprake is van een uitzonderlijk geval.

De keuze van werken met een voordracht vanuit een achterban en benoeming en ontslag door de Achterhoek Raad is erg ongelukkig. Dit lijkt te impliceren dat de leden van de Achterhoek Board verantwoording schuldig zijn aan de Raad. Wanneer men wil dat participanten uit het bedrijfsleven, van de maatschappelijke instellingen of van de provincie zich ook (moreel) gebonden achten aan de beslissingen in de Board, dan moeten de mensen daar ook echt als vertegenwoordiger van hun achterban zitten. Dat betekent benoeming en ontslag door die achterban. Het provinciebestuur zal niet (meer) mee willen werken wanneer een gedeputeerde door de Achterhoek Raad in een openbare vergadering ontslagen kan worden. Hetzelfde zal gelden voor kopstukken uit het bedrijfsleven of van maatschappelijke organisaties.

In het verlengde daarvan ligt de besluitvorming van de Board. Ieder lid heeft één stem, dus ook de "niet-overheidsleden". Maar de voorzitter en de twee leden afkomstig van de gemeenten kunnen beslissen dat de andere leden geen gebruik mogen maken van hun stemrecht wanneer zij vinden dat de besluitvorming zich niet leent voor beslissingen van anderen dan lokale bestuurders (de gedeputeerde heeft dan immers ook geen stemrecht). Dit is een zeer onwenselijke bepaling, die politieke problemen kan vergroten. Indien de 3 lokale bestuurders immers hun zin willen doordrijven zonder dat zij een meerderheid hebben (3 van de 10 stemmen immers), dan kunnen zij via deze bepaling alsnog hun zin doordrijven. Dat zal de samenwerking niet ten goede komen. Er moet een heldere keuze gemaakt worden: of iedereen heeft stemrecht en beslist zodoende mee, of alleen de lokale overheden beslissen en de andere partijen nemen uitsluitend aan de beraadslaging deel.

Achterhoek Thematafels

Bij de Achterhoek Thematafels is de status nog iets specialer. Deze worden niet in de gemeenschappelijke regeling ingesteld, zoals Raad en Board, maar zij worden door de Board ingesteld. Hiermee beschikt de Board overigens wel degelijk over een bevoegdheid die hem dus toegekend wordt. Dat geldt ook voor de bevoegdheid de voorzitters en vice-voorzitters te benoemen en te ontslaan.

Met betrekking tot de besluitvorming in een Thematafel geldt hetzelfde als hierboven over omtrent de Board is opgemerkt (zie art. 22s GR).

In de toelichtende stukken staat ook dat de Thematafels mandaat krijgen tot uitvoering. Niet is duidelijk van wie zij dat mandaat krijgen. De vaststelling door de Achterhoek Raad kan immers niet als uit te voeren besluit gelden.

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