

Hybridity of accountability in local governance networks The impact of institutional settings

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Introduction

Observers have noticed that local governments rely increasingly on all kinds of other public actors, and profit and non-profit private actors, for tasks that were initially public tasks performed by governmental institutions, (e.g. Goldsmith and Eggers 2004; Marcussen and Torfing 2007; Sørensen and Torfing 2007) but also for the strong increase in the number of new tasks that can only be realised through cooperation. This gives rise to a wide range of network arrangements involving multiple actors, and occurring in a variety of institutional settings and forms. No doubt this leads to changing patterns of governance, and this evolution influences the way in which political accountability takes shape, possibly even altering the entire debate on political accountability. To gain a clearer understanding of how the rapid development of various kinds of network arrangements impact the issue of political accountability and, in particular, the position of the government in these arrangements, we need a sound understanding of the nature of these arrangements. We assume that the institutional context of these arrangements, and their impact on this institutional context, significantly affects controls and justifications both in, and in respect of, the public sector. In this paper, we analyse the institutional context of network arrangements in a specific Flemish case and, from this analysis, explore a likely agenda for the issue of public accountability. This paper is part of a study which is currently in the exploratory phase and will soon take the step towards testing accountability in these network arrangements. In this paper, we confine ourselves to drawing up a general and panoramic list of network arrangements, and focus on explaining the various institutional contexts of the different types of arrangements. We will demonstrate that many arrangements show forms of Hybridity, which also carries implications for the debate on public accountability. We reach the general conclusion that city councils in Flanders are becoming more frequently involved in ever more differentiated types of arrangements, and that it is impossible as yet to capture this entirety of relationships through a uniform discussion of accountability.

1 Case study

In 2008, we carried out a case study in the “Meetjesland” area. Meetjesland is an area in the province of East Flanders that is made up of thirteen municipalities. It has a population of 165,000 and a distinctly rural character. The municipalities vary in size between 6,171 and 32,373 residents. As a pilot, this case study was the first part of a larger research project on accountability in local governance networks in Flanders. It was prepared on the basis of documentary research and input from three focus groups.

Amount, trend and explanation of growth

Using document analysis, we have listed all existing network arrangements in the Meetjesland area involving at least two municipalities. We have therefore concentrated on inter-organisational arrangements involving multiple municipalities, with or without other actors. Arrangements involving a single municipality are not included. In addition to drawing up this formal list, we then conducted interviews with both politicians and civil servants, on the basis of a semi-structured questionnaire. We want these interviews to give us a more detailed picture of how city councils in Flanders cooperate with each other, with other public actors and with private actors in partnerships, and of how political accountability operates in these partnerships in practice. Our choice of this method also carries a practical implication. Since elite interviews of the type used in this project are time-consuming, we are restricted in the number we can conduct. We conducted 16 interviews with both politicians and civil servants. In total, we found 94 partnerships, some of them public-public, some public-private. We will come back to this later.

We noted the dates on which all 94 partnerships on the list were set up¹. If we plot this data on a graph, we can distinguish a clear trend. To start with, we note the trend is rising. But we also see a clear acceleration since the 1990s. We certainly see a clear and sharp rise in the number of partnerships after the administration period 1994-2000. Looking at the figures between 2006 and 2008, the current administration period, it appears that the speed with which new partnerships are set up has fallen slightly by comparison with the previous period. However, a first conclusion is already quite clear: the literature often assumes, but seldom quantifies, that an increasing number of tasks, and the increasing complexity of these tasks, brings with it an increasing number of network arrangements. The figures reveal that this is certainly true in our case.

¹ There are five missing values.

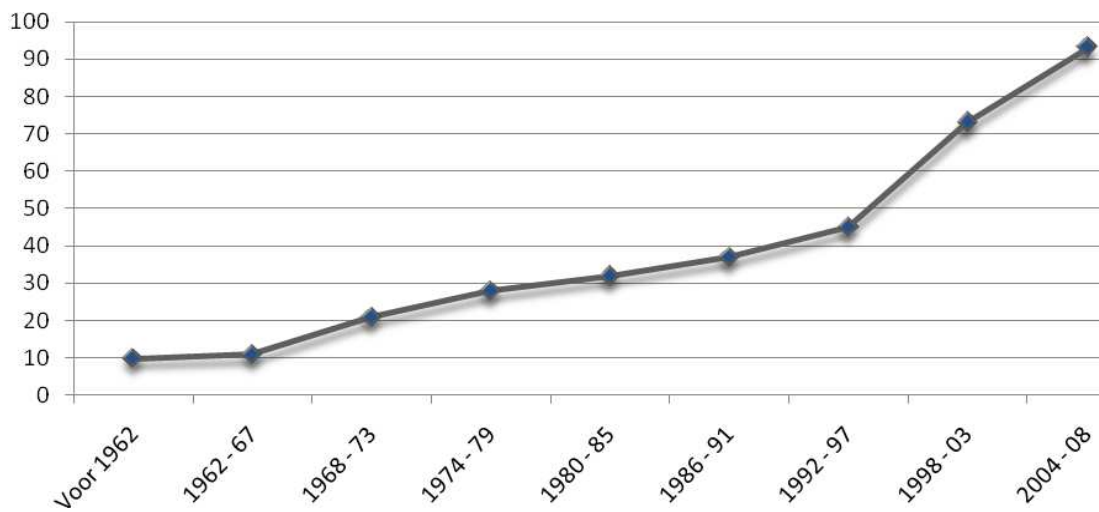


Figure 1: Partnerships in the Meetjesland Area

The 94 partnerships in question contain several arrangements which do not fit in with our definition. These largely involve participations by municipalities as shareholders in large national organisations. If we remove these from our list, we are left with 90 arrangements which suit our purpose.

The reasons for this increase are, firstly, increased pressure on municipalities through which cooperation becomes increasingly necessary and, secondly, an increased number of central government undertakings (both federal and Flemish) to cooperate on certain tasks or programmes through certain institutional forms. The Flemish government has also redrawn the framework for inter-municipal cooperation, as a result of which more varied forms of cooperation have become possible. This has certainly also had the effect of stimulating the number of partnerships. The final contributory factor is a form of isomorphism through which some forms of cooperation activate other forms of cooperation in other domains. Professional actors in these arrangements play an important role in the latter process (Bruneel, De Rynck et al. 2008).

Legal forms and policy domains

The legal forms which these partnerships take appear to be extremely varied. We found one organisation that had Chapter XII of the OCMW statute as its legal basis. The legal forms prescribed by the inter-municipal cooperation decree occur thirteen times: two service-providing organisations, three Commissioned associations, six project organisations and seven inter-local organisations. Thirty-seven partnerships have assumed essentially private legal forms: 22 have the status of a non-profit organisation, 5 have the status of a limited liability company and 9 partnerships are registered as cooperatives. Eleven partnerships have a specific decretal or

statutory form, such as the emergency assistance zone, the local police zone, the regional social consultative committee, etc. Thus, we are seeing the use of predominantly private forms of cooperation. Most notable is the visage of the NPO. In many cases, this form is actually compulsory: the central government imposes the private form by law. We will come back to this later.

Legal form	
Chapter XII OCMW statute association	1
Service providing association	2
Commissioned association	3
Limited liability company	5
Falling under an NPO	5
Project association	6
Inter-local association	6
Polders en Wateringen (water management organisations)	8
Cooperative	9
Specific decretal or statutory form	11
Partnerships with no legal personality	12
Non-profit organisation	22

Table 1: Legal form of the partnerships

Legal form is not the only area in which the partnerships greatly differ. We also see a significant variation in the policy domains in which we can categorise these partnerships.

It is not always easy to classify partnerships according to policy domain. The recycling centres in the case study could fall under the environmental policy domain, because they actively help reduce the mountain of waste, just as easily as they could fall under the employment policy domain, because recycling centres also participate in social employment. We have classified the actors on our list according to their main activity.

Policy domain	
Cross-border cooperation	1
IT	2
Youth	2
Sports	2
Culture	3
Tourism	3
Public facilities	4
Employment	4
Nature and environment	5
Education	6
Socio-economic development	7
Other	8
Housing	9
Security	10
Water management	12
Health and welfare	12

Table 2: Policy domain of the partnerships

The policy domains of Water Management and Health and Welfare are the two most popular for setting up partnerships. Legal obligations are an important reason for this, like they are for the ten partnerships in the Security policy domain,

It would have been impossible to analyse all 90 partnerships in detail. We therefore took a sample of all partnerships involving at least six municipalities from the Meetjesland area, and in which at least half of the municipalities participating in a partnership were from the Meetjesland area. This gave us a selection of 25 partnerships. The selection includes both public-public partnerships and public-private partnerships. We also looked at the funding for each of these 25 partnerships. The results are given in the table below. We looked at the funding of these partnerships for the 2007 financial year and noted the channels, public and private, through which they were funded. Local governance networks are funded, in essence, through six major funding channels. To start with, there is public funding from the European Union, the Federal government, the Flemish Government, the provinces and local governments. In addition to this, there is private funding, and a miscellaneous category which includes income from things such as refunds, sales of various assets, etc. We note that the funding structure for all these different partnerships differs from partnership to partnership.

Partnership	European Union	Federal government	Flemish government	Province	Local government	Private sector	Miscellaneous	Totaal
COMEET (partnership for culture)			319.000	88.000	19.000			426.000
Emergency zone Meetjesland Fire Brigade					2.700			2.700
Inter-municipal Contracting Organisation for waste processing					10.000.000	10.000.000		20.000.000
Archaeological Partnership			50.000	10.000	40.000			100.000
Meetjesland Recycling Centre			327.730	2.101	35.174		508.776	873.781
Leader Meetjesland, Leie and Schelde	214.873		250.685	250.685				716.243
Meetjesland Local Health Care Consultation			106.771		12.730			119.501
Meetjesland Social Construction Company			1.763.083					1.763.083
Meetjesland Neighbourhood Sports				7.981	2.750		3.944	14.675
Meetjesland Regionaal Landschap (Regional Landscape)	19.741		255.157	119.874	23.690		52.223	470.685
Meetjesland Regional Welfare Consultation			13.700	52.340			3.869	69.909
Regional Youth Service Organisation				25.000	30.000		2.917	57.917
Regional Socio-economic Dialogue Committee			232.670	37.500			25.000	295.170
Meetjesland Homecare Cooperation Initiative			5.400					5.400
Zomergem Homecare Cooperation Initiative			4.500					4.500
Meetjesland Social Leases Office			147.022	7.500	21.529		81.551	257.602
Meetjesland Development Policy Centre	16.928		148.193	8.775	50.241	7.029	79.671	310.837
Regional Platform+ Meetjesland	64.400		79.877	25.437	114.019	45.672	24.198	353.603
Meetjesland Tourism			39.009	46.562	46.562		16.503	148.637
Veneco ² (spatial planning and economic development)							600.000	600.000
Watering De Burggravenstroom			40.000	53.000	85.000		457.000	635.000
District Water Board Burggravenstroom								0
Meetjesland Welfare Alliance		25.362			147.289			172.651
Meetjesland Housing Centre			111.120	12.500	124.847	7.000	13.945	269.412
Police care zone Meetjesland - Evergem								0
Total	315.942	25.362	3.893.918	747.255	10.755.530	10.059.701	1.869.597	27.667.305
<i>Percentages</i>	<i>1,1%</i>	<i>0,1%</i>	<i>14,1%</i>	<i>2,7%</i>	<i>38,9%</i>	<i>36,4%</i>	<i>6,8%</i>	<i>100,0%</i>

Table 3: Partnership Funding - 2007. Data collected by self disclosure of the partnerships

We can conclude that in our Meetjesland case, there has been an acceleration in the number of network-style partnership forms. We note that a broad range of legal forms exists, but that a significant number of these arrangements operate under private law status. We see that this trend is manifest in all policy domains, but that it is concentrated in three. We also note that the manner by which partnerships are funded is very fragmented and involves a variety of government players who co-fund, as well as private actors who either partly co-fund or do not co-fund at all. We discuss the nature of these private actors below.

2 The Hybridity of accountability in local governance networks

Above, we looked at the nature of local governance network or local partnership types in one particular case study. In this paragraph, we now look at how the nature of the institutional characteristics of these arrangements affects aspects of political accountability. Though, as we have said in the introduction, this is little more than an initial exploration of the subject, we would like to demonstrate that the institutional setting of the arrangement is a crucial building block in reaching a better understanding of the political accountability issue: in what way are politicians and authorities involved, how is accountability in this area formally organised, and what problems do we identify in the initial phase of the analysis, based on the first round of interviews? We will start by discussing formal aspects of accountability in inter-municipal cooperation structures. These are all examples of organisations formed under public law, where the basic legislation stipulates how they must account for their actions to political representatives, in this case a group of city councils which have voluntarily opted to work together in a particular domain or on a particular programme. We then discuss two examples of public-private arrangements with a private law form, where several authorities at different administrative levels are involved in the arrangement in one way or another. We will show that accountability is particularly hybrid in nature in the latter category, and that it leads to particular complexities.

Inter-municipal cooperation

The Inter-municipal Cooperation Decree was introduced in 2001. It created a new legal framework for inter-municipal cooperation in Flanders. One of the main drivers for the legislator's implementation of this new decree was the problem of accountability: the legislator was of the opinion that municipalities were not involved actively enough or fully in control of their own partnerships, and that this was particularly true of members of the city councils. The then "intercommunals" came under criticism: it was thought that they had become too powerful and the idea was to prevent them from effectively representing a new layer of government. In any case, the issue of political accountability was an important motivator for drafting a new decree.

The legislator now provides for four forms of inter-municipal cooperation. The first is the interlocal association. The interlocal association has neither legal personality nor conferment of management,

and is largely designed for small-scale initiatives. The project association does have a legal personality, but there is no conferment of management from the municipalities to the project association. The project association is mainly designed for planning, implementing and monitoring a particular temporary project, where a legal person is desirable with regard to managerial tasks. The interlocal association and project association are generally thought of as two “lightweight” forms of inter-municipal cooperation. The service-providing association and Commissioned association, the other two forms provided for in the decree, are considered as the two “heavyweight” forms, due to the nature of their activities. The service-providing association is intended primarily to provide support services for participating municipalities, without these municipalities conferring managerial powers. Management can only be conferred in the case of the Commissioned association, the heaviest form of inter-municipal cooperation, which takes over a number of powers from the municipalities. Given their differing natures, each has a different system of accountability. The framework below sets out the most important, formal accountability provisions relating to the forms of inter-municipal cooperation specified in the decree.

	Inter-local association	Project association	Service providing association	Commissioned association
Legal personality	No	Yes: under public law	Yes: under public law	Yes: under public law
Conferral of power from the municipalities to the inter-municipal arrangement	No	No	No	Yes
Structure	Management committee	board of directors	At least: board of directors and General Meeting. General Meeting appoints the board of directors on the instructions of the actors participating in the arrangement.	At least: board of directors and General Meeting. General Meeting appoints the board of directors on the instructions of the actors participating in the arrangement.
Supervision	Indirectly, via general administrative supervision of the municipalities' decisions with regard to these associations	Indirectly, via general administrative supervision of the municipalities' decisions with regard to these associations	All decisions are subject to direct Flemish government supervision. Appointment of a government commissioner charged with supervision. Some decisions subject to special supervisory rules.	All decisions are subject to direct Flemish government supervision. Appointment of a government commissioner charged with supervision. Some decisions subject to special supervisory rules.
Transparency of governance	Subject to all transparency regulations set forth in the decree of 26 March 2004 on transparency in government.	Subject to all transparency regulations set forth in the decree of 26 March 2004 on transparency in government.	Subject to all transparency regulations set forth in the decree of 26 March 2004 on transparency in government.	Subject to all transparency regulations set forth in the decree of 26 March 2004 on transparency in government.
Ability of private actors to participate	Yes	No	No	No
Ability of public actors other than municipalities to participate	Yes	Yes	Yes	Yes

Municipal representation	Exclusively city council members, mayors or aldermen on the management committee.	Exclusively city council members, mayors or aldermen on the board of directors. At least one member with an advisory vote per municipality participating in the board of directors who is not a member of the administrative majority in the participating municipality in question.	General meeting: Exclusively city council members, mayors or aldermen. Board of directors: city council members, mayors or aldermen or an expert representing the municipality, provided that justification is expressly given. No more than five members with an advisory vote on the board of directors from a city council, who are not members of the administrative majority in the participating municipality in question.	General meeting: Exclusively city council members, mayors or aldermen. Board of directors: city council members, mayors or aldermen or an expert representing the municipality, provided that justification is expressly given. No more than five members with an advisory vote on the board of directors from a city council, who are not members of the administrative majority in the participating municipality in question.
Public meetings	No provisions on this.	No	General meeting: yes board of directors: no	General meeting: yes board of directors: no
Inspection of minutes	City council holds all powers since no legal person has been set up.	By city council members at the secretariat of the affiliated municipality. By provincial council members at the provincial secretariat (if the province is a partner). By citizens subject to request, under the transparency in government decree.	By city council members at the secretariat of the affiliated municipality. By provincial council members at the provincial secretariat (if the province is a partner). By citizens subject to request, under the transparency in government decree. By government commissioner based on copy of each decision.	By city council members at the secretariat of the affiliated municipality. By provincial council members at the provincial secretariat (if the province is a partner). By citizens subject to request, under the transparency in government decree. By government commissioner based on copy of each decision.

Governance mandate compatible with other functions or offices	Yes	Confined to exhaustive list (legislative members, members of parliament, governor, etc.)	Confined to exhaustive list (legislative members, members of parliament, governor, etc.)	Confined to exhaustive list (legislative members, members of parliament, governor, etc.)
Feedback to City Council	No specific regulation provided for.	No specific regulation provided for.	At least twice a year at the public meeting of the city council.	At least twice a year at the public meeting of the city council.

Table 4: Formal accountability provisions in the Inter-municipal Cooperation Decree.

We can group together a number of observations, on the basis of institutional form, relating to accountability in forms of inter-municipal cooperation.

To start with, all forms of inter-municipal cooperation are subject to supervision by the Flemish government. This supervision applies indirectly to interlocal associations and project associations, via general administrative supervision of the municipalities' decisions in relation to these associations. Specific supervisory rules apply to service-providing organisations and project associations, and a government commissioner is appointed to this end. Specifically, this means that, at the Flemish level, there is stricter supervision of what takes place in the service-providing association and the Commissioned association. This supervision is largely an administrative check to ensure that all of the decretal provisions have been strictly observed. There is also, in these heaviest forms, a government commissioner who exercises permanent control. When we analyse the administrative obligations set forth in the decree - these were not included in the table above - we note that the heavier the inter-municipal partnership, the greater the administrative accountability.

Service-providing organisations and Commissioned associations aside, all formal organs within the inter-municipal partnership must consist of city council members. An expert may only be appointed to the board of directors of a service-providing association or Commissioned association, on behalf of a municipality, if the reasons for this are expressly stipulated. In both inter-municipal partnerships, the general meeting is reserved exclusively for city council members. In the project association, service-providing association and Commissioned association, there is provision for advisory representation on the board of directors by a member of the opposition of the municipality in question. In the case of the project association, this is at least one member per participating municipality and, in the case of the service-providing association and Commissioned association, this is no more than five mandates in total, to be divided among the participating municipalities. As regards city council members who do not hold a management function in an inter-municipal partnership, and as regards service-providing organisations and Commissioned associations which are not members of the board of directors, a variety of mechanisms are provided to ensure their access to information. Since, in the case of the interlocal association, no new legal personality is created, the city council retains the entirety of its powers and each city council will be required to decide all points on the agenda separately. The other three forms delegate powers to the management bodies. They are required to provide the minutes for perusal by the city council members at the secretariat of the participating municipality. Furthermore, each member of the city council is free to attend the public general meeting of the service-providing association and the Commissioned association. Each year, at least two formal feedback sessions must be organised during the public meeting of the city council by the director appointed by the municipality to the service-providing association and the Commissioned association. The directors issue a report and give account of the policy operated by the inter-municipal partnership. If the participating municipality does not have a representative on the board of directors of the inter-municipal partnership, this task shall be carried out by the chairman of the board of directors of the inter-

municipal partnership, or a managing director. Finally, there are also a number of provisions relating to the representation of city council members who do not hold an administrative majority in their municipality. There is, for each municipality participating in the project association, at least one representative with an advisory vote on the board of directors, who does not belong to the administrative majority of the city council in the municipality in question. In the service-providing association and Commissioned association, there are no more than five members with an advisory vote on the board of directors of the city council, who are not members of the administrative majority in the participating municipality in question.

We therefore note that the decree provides, albeit formally, for a number of new mechanisms to enable city council members and the city council to become more and more systematically involved in inter-municipal cooperation arrangements and to play their roles within these. These formal mechanisms do however differ, depending on the form taken by the inter-municipal cooperation arrangement. In the lightest forms, feedback to the municipalities is extremely strong, given that approval is needed for all important decisions. In the heaviest forms, with the most developed legal personalities, the main task has been to strengthen mandates and feedback to the city council. We will come back to this subject later on.

Hybrid inter-municipal partnership

In the field of inter-municipal partnerships, we also see arrangements which have more Hybridity than those partnerships which are set up and funded purely by municipalities. Let us consider COMEET, for example, a purely public-public partnership in the policy field of culture. COMEET has the legal status of a project association. The board of directors at COMEET is made up exclusively of cultural aldermen from the participating municipalities. For all that, those same local governments, which represent 100% of the board, contribute yearly only EUR 19,000, or less than 5%, of the overall funding. The Flemish Government on the other hand, with a financial contribution of EUR 319,000, or roughly 75% of the partnership's overall budget, is the main source of funding. The province also makes a financial contribution on top of this. We can notice that both the province and the Flemish Government are involved, if not administratively, then certainly financially, in this form of public-public partnership. Where these types of arrangements are concerned, accountability is no longer merely confinable to the issue of municipal organisation, or proportionalities in a municipality, as is the case with purely inter-municipal partnerships, and as targeted by the legislator with the 2001 decree. Here, the streams of political accountability flow equally to the municipalities, to the founding and managing administrations, to the Flemish government and to the province, albeit to a lesser extent. In the case of the Flemish government, the administrative control dominates, as a result of all the obligations the arrangement is required to satisfy, and for which it is accountable. Finally, it is the Flemish ministers who decide these budgets and therefore the continued existence of these arrangements. This raises many questions over the nature of the mandate held by the local politicians who sit on them.

They appear no less the implementers of Flemish policy, or at least programmes approved by the Flemish government, than the directors of their own autonomous, municipal programmes. It goes without saying that here, in this picture which is rather too black & white, the issue of accountability is far removed from that in arrangements which are managed and funded entirely by municipalities.

Public-public-private partnership

Our sample of arrangements contains quite a few which are not purely inter-municipal partnerships as defined in the 2001 decree. We turn our attention to these forms in this paragraph. They are arrangements in which public and private actors participate and in which several authorities often intervene, certainly when it comes to funding. When we speak of private actors, we use the definition by which public-private partnerships are described in the Flemish decree, i.e. all non-public actors. By private actors, therefore, we mean not only companies with commercial purposes but, and certainly in our case study, non-profit organisations. The most common legal form for public-private partnerships in our case study is the NPO. When we look at how these public-private partnerships are funded, we note that funding is varied: there are often multiple funding authorities. The private actors seldom provide funding, or, if they do, it is merely a token amount. However, they do take part in managing these arrangements: i.e. they sit on the board of directors and attend the general meetings of these NPOs.

The combination of public tasks in organisations with private law status (1), the participation of private actors in the board of directors, but rarely in funding (2), and the combination of funding sources from different authorities (3) means that these arrangements can, in a general sense, be described as “hybrid” in three ways, certainly from the viewpoint of accountability. There are plenty of problems to be discerned in the relationship of inter-municipal partnership forms with municipalities, but the issue of accountability in these forms tends to be confined to simple relationships in relations between municipalities and their own partnership forms, and can therefore be dealt with within these relationships. Compared with public-private partnership forms, accountability is much more complex and multi-tiered. The municipalities do not manage these arrangements alone, nor do they fund them alone. This is why we call the issue of accountability “hybrid” here, and indicate the problem areas that arise around this accountability. We find evidence of this issue of Hybridity in the literature.

In their paper of 1988, “The Public-Private Distinction in Organization Theory: A Critique and Research Strategy”, Perry and Rainy describe several forms of cooperation between the public and private sectors based on studies in the 1970s and early 1980s. These studies describe cooperation between the public and private sectors in an unusual way. A clear distinction is always made between “ownership” and “funding”. Ownership and funding are either in the hands of the private sector exclusively, or the public sector exclusively. Therefore, hybrid types are also described on the basis of this division: “*Organizations that overlap (i.e., private ownership with public funding,*

or public ownership with private funding) represent mixed or hybrid types, such as government corporations, government contractors, or public utilities.” (Perry and Rainey 1988)

Since the 1990s, partnerships between public and private actors have become an important element of public service provisioning around the world (Osborne 2007). The idea of public-private partnerships has come increasingly to the fore, largely since the 1980s, the first leading examples being a number of remarkable city regeneration projects. Naturally, cooperation between public and private actors is in itself nothing new. The study above, by Perry and Rainey (1988), shows that there was already a whole spectrum of public-private partnerships in the 1970s and 1980s. But there were examples of partnerships between the public and private sectors long before this (e.g. 1930 in Boyle 1993).

However, the nature of these partnerships appears to have changed (Kouwenhoven 1993: 119-120; Sullivan and Skelcher 2002: 81) following a number of administrative reforms in the public sector in the 1980s and 1990s (Sullivan and Skelcher 2002: 15). Studies and analyses of “Local Governance Networks” reveal that all kinds of hybrid public-private partnerships have come about in a number of European countries (Bel and Fageda 2008). It would seem that hybrid forms such as these are also on the rise in the United States. Recent research has also shown that local governments in the United States are becoming less inclined to enter into contracts with the private sector and that forms of “mixed public-private delivery” are rising steeply (Warner and Hefetz 2008: 155). In both Europe and the United States, the strict dichotomy between the public and private sectors is being abandoned. If we analyse public-private partnerships in Europe and the United States today, we soon see that the strict division between “Ownership” and “Funding”, in which both “Ownership” and “Funding” can be ascribed exclusively to either the public or the private sector, is extremely difficult to maintain. This is because ownership and funding are often shared in modern-day public-private partnerships. We also see an expression of this in the way the literature describes “hybrid types”. Essentially, the literature refers to hybrid types when either a public actor teams up with a private actor under private law (Bel and Fageda 2008), or when a private actor teams up with a public actor under public law. Ownership and funding are shared.

In our case, we note that the most common structure for the public-private partnership is the NPO, a legal form under private law. We have seen that these NPOs are largely paid unilaterally by the government, and that private players participate in their management without contributing to their funding. This is a case of “ownership” without funding. At the present time, we are not entirely sure of what ownership means in these cases: do the private actors play a marginal role in the board of directors, and are the positions they hold merely symbolic, or do they really do have a say in the management? Obviously, this is of huge importance in the debate on accountability.

The private-law nature of an NPO carries important implications for the formal way in which accountability is regulated. In the framework below, we summarise the main elements and compare them with the way in which public-private partnerships can function under public law, being the

interlocal association, the only form under the inter-municipal partnership decree in which private actors may participate.

	Inter-local association	NPO
Legal person	No	Yes: private law
Supervision	Indirectly, via general administrative supervision of the municipalities' decisions with regard to these associations	No specific supervision regulation provided for.
Transparency of governance	Subject to all transparency regulations set forth in the decree of 26 March 2004 on transparency in government.	No
Municipal representation	Exclusively city council members, mayors or aldermen on the management committee.	Not compulsory and can be freely set by the municipality.
Inspection of minutes	City council holds all powers since no legal person has been set up.	No, unless specified otherwise in the agreement with the municipality or in the articles of association.
Feedback to City Council	No specific regulation provided for.	No, save the justification for allocating funding to the NPO.
Own personnel	Provided by a municipality, but not employed by the arrangement.	Yes

Table 5: Formal public accountability in the Inter-local association and the NPO

Earlier in this paper, we explained that the inter-municipal cooperation decree was introduced in 2001 on the basis that there were accountability problems with the former “intercommunals”. It was the legislator’s intention to offer a solution to this. However, we note that the local governments opt en masse for the NPO form when it comes to cooperating with each other and with private actors, or that this form is imposed by the same central government and is one of the preconditions for funding. The table above shows a significant trend among municipalities. It is clear that when compared to the interlocal association, the NPO comes with considerably less in the way of accountability obligations.

The table shows us that there is an extremely wide range of accountability mechanisms available to the public law form of the interlocal association, whereas the interlocal association does not have legal personality and none of its “decisions” will come into effect without the approval of all the city councils of the participating municipalities. Diametrically opposed to this, we have the NPO, which does have a legal personality and through which the arrangement can develop its own autonomous policy dynamic. Thus, the NPO’s decisions do not require ratification by the city

councils of the participating municipalities. Despite the NPO being a much heavier form of partnership, it has fewer mechanisms of accountability.

Criticism of the NPO form from the viewpoint of political accountability is by no means new. This is because at one point, quite a few municipalities had set up NPOs, the boards of directors of which consisted entirely of municipal representatives. The NPO was used as a tool to lend shape to policy in a subtle manner and escape central government supervision. This had extremely negative consequences for the transparency of policy. Therefore, in as early as 1993, the Minister for internal affairs issued a circular in an attempt to increase the transparency of NPOs that had been set up by local governments. A number of NPOs were considered “municipal NPOs” and were required to satisfy special regulations. An organisation will be a municipal NPO if two conditions are satisfied. To start with, more than half of the NPO’s governing bodies must consist of city council members or members appointed by the city council. Secondly, the NPO must rely principally on the municipal budget for its funding, through the grants it receives, for example. NPOs of this type come indirectly under the Flemish government supervision regulations through administrative supervision of the municipalities’ decisions. They are also subject to all of the transparency regulations outlined in the decree of 26 March 2004 concerning transparency of government, and the city council is entitled to monitor their operation. This makes an important difference where accountability is concerned. The rules governing whether or not an NPO should be considered a municipal NPO are merely guidelines and not legal definitions, and in practice this still leads to a great deal of uncertainty as to the scope of the concept “municipal NPO”.

Since the 1990s, we have seen that the NPO is also very popular for partnership forms involving more than one municipality, possibly in conjunction with private actors. These NPOs are not considered “municipal NPOs”, nor are they bound by the more stringent accountability mechanisms described in the circular of 1993.

The Hybridity in these arrangements therefore lies in the traction between private law status and public task, and in the mixed management formula. However, there is yet another element which strongly affects the nature of this Hybridity: here, the authority is not unequivocally local, as it is in the case of inter-municipal cooperation, and the authority may even be polycentric. The central government, and in our case, chiefly the Flemish government, plays a variety of roles in these arrangements. It imposes the management form through regulation in a number of cases, or attaches this as a precondition for funding. In the regulations, the Flemish government stipulates a whole range of specifications, regarding form and content, to which the arrangement is required to adhere. The Flemish government checks these arrangements through administrative procedures. Finally, in many cases, the Flemish government provides the funding, and at times this is so substantial that it provides much more funding than the local actors.

Here too, we can apply the distinction between ownership and funding, and in doing so expand the approach of Perry and Rainey: in a number of arrangements ownership, or management, is in the

hands of the local players (both city councils and non-profit actors), but it is the Flemish government which imposes the form and decides the method of operation, and it is also the Flemish government which provides the majority of the funding, without necessarily having representatives on the management boards of these arrangements. The Hybridity resulting from the mix of ownership and funding relates to both the public-private component and the public-public component in these arrangements. In our opinion, this opens a new debate on accountability in these types of arrangement. The concept of “mandate” takes on a different meaning depending on whether the municipalities’ mandataries occupy the position from within the municipality and use the municipality’s funds, or occupy a position in a structure in which the content, form and finances are controlled from a distance by the Flemish government.

We illustrate this problem using two examples of public-private NPOs which are, in one way or another, mutually yet differently intertwined with the Flemish government.

The first partnership that we will look at is Toerisme Meetjesland (Tourism Meetjesland). Toerisme Meetjesland is a public-private partnership set up with the purpose of developing and promoting tourism in the Meetjesland area. It is made up of the municipalities, the province, representatives from the tourist sector, etc. The NPO is not included in a regulatory framework imposed by the Flemish government.

The second partnership that we will look at is Regionaal Landschap (Regional Landscape), which is also a public-private partnership, and its main purpose is to generate support for nature conservation. Regionaal Landschap works towards developing the natural environment in the area and towards recreational development. The private actors are representatives from the agricultural sector, a number of environmental organisations and a representative from the tourism sector. The NPO has grown from the bottom up and is gradually becoming included in a regulatory framework which is imposed by the Flemish government. After much discussion at the Flemish level, it is now the Flemish Agency for Nature and Forestry which supervises Regionaal Landschap administratively and to whom Regionaal Landschap is accountable. This means that the Regionale Landschappen fall under the political responsibility of the Flemish Minister with the portfolio for nature conservation. As a result, these Regionale Landschappen inevitably fall into fields of tension between Flemish administrations and Flemish ministers. Therefore, it is certainly no longer purely local agendas which determine the functioning of the Regional Landscapes.

These organisations are identical from a strictly legal viewpoint. They are both public-private partnerships, set up under private law in the form of an NPO. In neither of these organisations do the partners pursue a purely commercial interest, but they aim to achieve constructive development in their own field. They are both funded by the Flemish government, the province and the municipalities. In addition, the Regionaal Landschap has a form of project funding through the European Union, which we will omit from further consideration in order to keep our analysis simple.

The nature of the relationship with, and funding from, the Flemish government also differs considerably: in Tourism Meetjesland, the Flemish government intervenes on a project basis only, and not structurally or systematically, whereas Flemish funding of the Regionaal Landschap is structural, based on a decree promulgated by the Flemish government. A decretal framework of this type does not exist for Tourism Meetjesland. This can all be easily explained from a historical point of view: when it comes to tourism, the Flemish government has traditionally distanced itself and left this initiative over to the provinces and municipalities. In the case of nature conservation, the situation is completely different: this subject is (has become) so politically essential that instruments such as Regionale Landschappen, though they have grown locally and from the bottom up, are being increasingly perceived by the Flemish government as one of “its own” instruments.

The municipalities

We analyse and compare the mechanisms of political accountability (Bovens 2007), in a narrow sense, as the relationships with regard to public actors that provided funding to both organisations. The partners’ accountability relationships with the participating municipalities are largely identical. The city council appoints a representative to represent the municipality in the partnership and, as the case may be, provide feedback at the council meetings and, if necessary, determine viewpoints prior to the next meeting. This appointment of a person to represent the council in the partnership represents the core of the accountability relationship between the municipality and the partnership. The document research shows that the activities of Toerisme Meetjesland and those of Regionaal Landschap are discussed in the city council almost exclusively when appointing a representative or allocating funding. In addition, we also note from the interviews with the city council members that these points on the agenda are almost always dealt with as formalities. Both NPOs publish an annual report every year to which everyone has access, including members of the city council. Yet, these annual reports are rarely if ever discussed in the city council. We can conclude that, in reality, accountability in these two forms of public-private partnership consist almost exclusively of formal municipal representation in the management bodies of the two public-private partnerships.

Our exploratory study has revealed that the ability of opposing council members to influence decisions in both public-public and public-private partnerships is extremely limited. The formal framework and the culture of party politics in Flanders makes it such that public-public and public-private partnerships are largely the playing field of the majority parties, and, in particular, of aldermen and mayors. The case also shows us that, in practice, city council members in the majority, being bound by party allegiance, rarely debate inter-municipal cooperation in the city council.

In theory, the partnerships’ decisions are legitimated through the fact that the city council appoints a representative from the council and gives him a mandate to make decisions within the partnership

on the municipality's behalf. The problem is that the details of this mandate are not usually described. The mandataries are, it seems, required to give meaning to their mandates themselves, but, as a political organisation, they are rarely directed by the municipality. As a result, there are quite a few appointed representatives who appear to act at their own discretion or in function of political parties or other social groups of which they are a member, rather than in function of the interests of their municipality. It seems that these formally appointed mandataries have plenty of room in which to manoeuvre the realisation of their own agendas.

The province

We see that the province has a provincial council representative on the board of directors of both partnerships, and that they arrived there in the same way that the municipality appoints city council representatives. In our case, as regards accountability to the province, we went no further than a study of the documents and conducted no interviews to look at the accountability relationship in practice. However, we can make a number of observations. The accountability relationship with regard to the province is a little different to the two structures we cover here. When we analyse the relationship between Toerisme Meetjesland and the province, we do immediately notice an important element. The province does its funding indirectly. For every euro which the municipalities contribute to the NPO, the province also contributes a euro, but it does this via Toerisme Oost-Vlaanderen, a separate (and private) legal structure which the province uses to lend shape to its tourism policy. Where accountability is concerned, this means that, in respect of the public funding it receives indirectly from the province, Toerisme Meetjesland is accountable to the private structure Toerisme Oost-Vlaanderen. In turn, this NPO is accountable to the province. However, there is a provincial council member on the board of directors for Toerisme Meetjesland. This means that the funding is given in stages, but that the province is, in fact, directly represented in Toerisme Meetjesland. As a member of the board of directors of Toerisme Meetjesland, the provincial council member is accountable to Toerisme Oost-Vlaanderen, which is in turn accountable to the provincial council on which the Toerisme Meetjesland board member sits. Additionally, the provincial council member who represents the province on the board of directors of Toerisme Meetjesland is also an alderman in one of the participating municipalities. This is an illustration of the interrelatedness of the functions, roles and mandates which give accountability its particularly confusing and hybrid content, certainly where these mandataries are concerned. It is a question of exactly what the term "mandate" means in this case.

The Flemish government

The relationship with the Flemish government is completely different: To receive grants from the Flemish Government, Regionaal Landschap must obtain Flemish Government accreditation, to which is attached a great many conditions on how the resources are used, reporting on activities, etc. From the accountability perspective, this means that there is a much stronger relationship between the Flemish Government and Regionaal Landschap than there is between the Flemish Government

and Toerisme Meetjesland. Through its financial contribution to some of the local partnerships, the Flemish government plays a very steering role without actually taking part in these partnerships' governing bodies.

The complexity and interrelatedness of network arrangements exist not just at the various government levels (municipalities, province, Flemish government, etc.), but in respect of each other. The two network arrangements discussed above each have a representative from their organisation on the board of directors. We see this trend in many network arrangements in the case study. Above all, the membership of these directors should be seen as a part of sharing knowledge and expertise and coherent, mutual policy-forming between the various network actors. This leads to even more Hybridity because people given a mandate for a network arrangement by a city council also become, through that arrangement, members of one or more other network arrangements, through which they then represent an arrangement and not their municipality.

On this point, it is still difficult for us to accurately estimate the scope of this intense interrelationship of people, roles and mandates. More research is required. On the one hand, this interrelatedness no doubt promotes communication and harmonisation, and there are certainly positive elements in this from the network perspective. On the other hand, it is the problem of accountability which seems to become more acute as a result: it becomes less and less clear who is saying or doing what. In the worst case scenario, this intense interrelatedness could lead to an abuse of power.

Conclusion

We have discussed purely inter-municipal forms of partnership and established that the issue of accountability for these forms largely relates to the way in which city councils organise themselves internally, and the way in which their mandataries function in these partnership forms. We have noted that, in respect of these forms too, there is talk of a Hybridity which arises from the funding structure, where, for a least a few examples in our case, there is talk of dominant Flemish funding, without the Flemish government participating in the management of these inter-municipal arrangements. We then broadened the focus to include arrangements with an overwhelmingly private law status. The status itself contains the first form of Hybridity: these arrangements fulfil a public task within a private law structure. This clearly also impacts on the relationships with the city councils, and the formal forms of accountability are different to those for public law forms. They are much less developed. The hybrid character of accountability increased in these forms in which public and private actors take care of management. It is not just the municipalities which manage, but important social actors manage with them and occupy their own place in the debate on accountability. Finally, we completely widened the perspective on Hybridity to include those

arrangements with a private law status, consisting of local public and private actors, but in which funding from the Flemish government is at a very high rate or even more or less dominant.

From the perspective of local governments, and this is where our focus lies, we see an especially complex field, in which not only is there a sharp rise in the number of arrangements and a distribution across multiple policy domains, but an increasing diversity when it comes to the institutional settings of these arrangements and a significant differentiation when it comes to the position and role of the city councils as managers, clients and financiers. In many arrangements, the group of municipalities acts not only as manager or client, but shares this role with private actors or works within the policy frameworks imposed by the Flemish government. In other arrangements, it is even the Flemish government which provides the majority of the funding.

Our aim was to see how the institutional settings affect the issue of accountability. Though we do not have much in the way of sound empirical material at the present time and in this phase of our study, this panoramic view can give us a good understanding of the complexity of accountability in a set of network arrangements. We realise that we are still confined to a reasonably formal level with this, and that we have not yet studied in depth how accountability actually works. There may yet be important differences to be observed between formal and factual patterns. Additionally, we have not taken into consideration the aspect of who the mandataries are, and who should be held accountable. In our study we do, however, note that these are not just politicians and that they include civil servants who play important roles as “boundary spanners” in the game between municipalities and arrangements in which the municipalities participate. This might be another level of Hybridity, but then only in the sense that is used by Aberbach and others to typify the relationship between politicians and civil servants (Aberbach, Putnam et al. 1981). We will obviously look at this point in greater detail in our study. Here, accountability will be linked to the interaction between politicians and civil servants.

Our main conclusion on this point and at this level of study is that a significant differentiation of institutional settings will lead to the issue of accountability taking on lots of different forms, so that the problem cannot be assessed in the same way for all of the arrangements. The combinations of legal forms, management structure, funding structure and legislation are so different that the roles of the city councils and those of their mandataries in the various arrangements are extremely different, and that the meaning of the term “mandate”, and therefore the related issue of political accountability, will take on other meanings too. The central point is that, in our case, we are always dealing with the same city councils and often the same politicians, who usually hold mandates in several of these arrangements. This appears to lead to complex settings both for them and for the city council that gives them their mandate, and, in any case, it appears that there is not just one issue of accountability, but very diverse sets of accountability issues within this general approach, as a result of which the nature of the responsibility of the municipality can differ greatly at any time through the entire system of arrangements. The development towards managing a municipality from and within networked systems of local governance networks raises a number of issues, about which city councils are only just now gradually becoming aware. In the meantime, our

first institutional and panoramic analysis shows that there is no easy solution at hand, and that the management of relationships between municipalities and arrangements requires a particular form of capacity. The issue of accountability in relationships with network arrangements cannot be understood through general and uniform models. This would be clear even if our analysis were confined to the level of formal, institutional characteristics.

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