

Challenges of Intergovernmental Relations in Non-Federal Countries: Reflections on the Management of the COVID-19 Crisis in the Netherlands

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This paper complements the literature on intergovernmental relations by analysing the case of the Netherlands' management of COVID-19, focusing on the challenges posed by the application of safety regions, particularly the lack of accountability mechanisms, and the role of the so-called Safety Council. Even though intergovernmental coordination was conducted primarily through this body, reports have questioned its feeble framework. Overall, two lessons can be learned from the Dutch experience. First, the potential long-term discussions regarding the balance of power at the subnational level, with the executives now

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displaying a stronger role, and local councils being less involved in determining policies and in accountability practices. Second, the potential permanent effects of transitory measures, such as greater salience of safety regions as well as the reliance on the Safety Council in the Netherlands, which emerges as an important actor, somehow altering the traditional territorial distribution of powers.

Keywords: intergovernmental relations, safety regions, crisis coordination, democratic legitimacy, accountability, COVID-19

1. Introduction

Over the course of history, democracies have survived many crises while also having an inherent tendency to handle them in the heat of the moment, from one crisis to another, and only to display their strengths over time. This gives democracy stability and confidence but, at the same time, introduces a possible trap, since people can forget the critical moments and start believing in a certain “end of history”. This could lead to new crises that can prove too big to escape (Runciman, 2015).

It appears that the history of democracy, as the COVID-19 pandemic shows, is full of setbacks and small advances followed by profound, poly- and even permacrises, and it is seldom easy to know how to steer democratic societies to adequately weather these storms. Hence, it is critical to learn the right lessons from each crisis to continue the never-ending process of renewing and strengthening the democratic system. This paper moves forward in that objective, by studying the relationship between the different levels of government in the Netherlands during the management of the COVID-19 pandemic, focusing on the decentralisation and centralisation challenges, accountability deficits, and the issues concerning the so-called Safety Council (SC) created by the Dutch public administration, and potential lessons regarding intergovernmental relations in non-federal countries.

The first departing point is recalling the traditional literature on crisis management, which disregarded or downplayed the role of the government in these scenarios (Quarantelli, 1978). Yet, more contemporary studies have made much clearer the crucial role – for better or worse – that the governmental dimension plays, and particularly intergovernmen-

tal relations (IGR) and intergovernmental management (Rosenthal, Hart & Kouzmin, 1991). At the same time, this line of thought still emphasises the centrality of strong central level authorities, even in the context of official frameworks that highlight the role of local government (Rosenthal & Kouzmin, 1997). Yet, as the Dutch case will portray, centralisation needs to be balanced out properly with local autonomy and decentralisation. For this purpose, intergovernmental coordination is crucial because of the several types of asymmetries that can emerge between and among levels of governments. In fact, during an emergency like a pandemic, three types of asymmetries are particularly relevant: information asymmetries, because central government must safeguard overall planning and cohesion; administrative asymmetries, because the solution to a certain problem transcends the strict boundaries of governments (event nationally as in the case of the COVID-19 pandemic); and policy asymmetries, because of the potential contradiction of the policies that would be implemented by distinct governments (Ruano & Profiroiu, 2017).

On the other hand, from the perspective of public administration studies, authors have highlighted that decentralised systems are preferable, since they are more efficient in dealing with complex and uncertain information (Scott, 1987). Pluriform governance structures are said to be better than uniform ones because contingencies and contexts vary, while also encouraging local innovation (Pollitt, 2007), an argument logically connected to dealing with crises and emergencies. In other words, decentralised structures may have advantages for solving difficult problems since they empower several subunits to search for policy solutions in parallel, and to share and coordinate the information discovered (Kollman, Miller & Page, 2000). However, widening opportunities for citizens' participation in local decision-making, while at the same time improving public services delivery and responsiveness to the people, are not always simultaneously achieved (Saito, 2011). Hence, it is crucial to introduce coordinated intergovernmental relations as a bridging mechanism to balance out effectiveness and legitimacy in the context of decentralised administrative structures, as the Dutch case will show.

In this context, the central research question can be stated as follows:

In the context of the Dutch decentralised public administration, how has the COVID-19 pandemic impacted intergovernmental relations and its effective and legitimate management?

Naturally, this guiding question can be divided into several sub-questions, which can be summarily stated as following:

- a) Regarding how to organise the political system in terms of the relationships between the different government levels, how was the Dutch decentralised political system able to coordinate/cooperate with its diverse government tiers?
- b) How were tensions between the central and subnational governments managed during the COVID-19 crisis?
- c) How to craft a balance between democratic inclusiveness, both regarding individuals as well as organisations, and government effectiveness, in the context of intergovernmental coordination?

In order to address these questions properly, it is important to clarify the scope of the research and certain crucial concepts. First of all, for the purpose of this research, it is understood that a certain institutional design, particularly the territorial structure or organisation of the state, aims at balancing two distinctive but equally crucial values: effectiveness and democratic legitimacy. Effectiveness can be conceptualised as the institutional design capacity, at least in theory, to achieve certain goals or outcomes. What those outcomes are is contested, but typically, regarding the territorial structuring of the State, they encompass economic development, social well-being, and polity and policy stability (De Vries, 2000). In turn, democratic legitimacy in the realm of the territorial structure of the State can be conceptualised as both increasing citizen participation by bringing government closer to the citizens, and also enhancing opportunities for accountability, because it provides easier access to information about local authorities (Treisman, 2007). Furthermore, the literature distinguishes two sources of legitimacy: input and output legitimacy. Input legitimacy consists of participation and consensus or government by the people, while output-orientated legitimisation derives from the government's capacity to solve problems requiring collective action, or government for the people (Scharpf, 1999). In turn, the contemporary scholarship also considers a third dimension, labelled throughput legitimacy, which is dependent upon the quality of the policymaking processes, the black box of governance that absorbs the input and generates the output, where accountability, transparency, and inclusiveness are critical (Schmidt, 2020). This latter dimension will be the main concern of this paper.

The research starts with the hypothesis that COVID-19 affected intergovernmental relations and intergovernmental coordination in the Dutch case, challenging the effective and legitimate management of the emergency. Moreover, the paper will show the way those challenges have affected debates about intergovernmental relations and decentralisation in the Netherlands, which in turn could resonate in other decentralised

countries facing similar discussions. This paper will begin by providing a framework related to IGR. Afterward, it will explain and analyse the Dutch territorial governance system during the COVID-19 pandemic, with an emphasis on IGR. Finally, it will present comparative and concluding observations.

2. Intergovernmental Relations in Non-Federal Countries

The increasing demands placed on all types of political and administrative structures, particularly because of joint programmes, shared financial schemes between organisations, and financial transfers, explains the raising interest in research about IGR (Hueglin & Fenna, 2015). In this context, countries not defined as unitary in their constitutions but embodying different forms and degrees of regionalism, such as Italy (Ceccherini, 2021) and the United Kingdom (Anderson, 2022), as well as formally unitary decentralised states, such as the Netherlands (Szmulewicz, 2022), have been attracting the attention of researchers. Toonen (2010) proposes distinguishing between the intergovernmental constitution concerned with the formal distribution of powers, intergovernmental relations defined as the organisational relationships and linkages between government units, and intergovernmental management, which focuses on problem-solving activities and procedures.

By focusing on IGR, the analysis moves beyond the traditional depiction of the formal distribution of powers, by highlighting the dynamics of the relationships between government levels, as well as concerns regarding its influence on the effectiveness of government, as shown by recent empirical and comparative research on IGR during the COVID-19 pandemic (Bergström et al., 2022).

However, IGR can pose critical challenges to democratic legitimacy and accountability. For instance, studies have highlighted the emergence of informal coordination mechanisms during the COVID-19 pandemic, which led to misalignment between subnational units as well as challenges of the lack of democratic legitimacy and accountability, which allegedly formal mechanisms would provide (Nader, Fuchs & Méndez, 2021). At the same time, local cooperation and horizontal collaboration across subnational governments and municipal associations have contributed to reducing transaction costs by sharing resources and knowledge, while

highlighting the need to address unequal distribution of capacities and financial resources (Mavrot & Malandrino, 2022; Ramírez et al., 2020).

Additionally, and building on Smiley's (1979) criticism of Canadian IGR, authors have questioned the technical nature and managerial emphasis of IGR. This line of argumentation is based primarily on three reasons: accountability lines of governments towards their respective legislatures and public opinion are weakened; the introduction of relevant intergovernmental relations distances the accountable politician from the constituents; and even if IGR are transparent, voters are still faced with issues of blame allocation (Greer, 2006).

Critical to understanding IGR is the distinction between cooperation and coordination across and between levels of government. Relationships characterised by the dominant role of the central state are understood as coordination, whereas equal footing of all the levels of government involved is considered a key element of cooperation (Ceccherini, 2021). In turn, co-operation can be vertical, e.g., in the case of voluntary agreements between central and subnational governments, or between provinces and municipalities, as in the case of the Metropolitan Region Rotterdam-The Hague or the Amsterdam Metropolitan Area (OECD, 2014), or horizontal, as in the case of different types of intermunicipal cooperation, or the work carried out by associations of municipalities (VNG) and provinces (IPO). In fact, Wayenberg and colleagues (2022) report that Dutch municipalities participate on average in 33 formal and informal intermunicipal collaborations.

Furthermore, vertical cooperation can rely on certain instruments or arrangements, such as governance agreements (*bestuurakkoord*) between the central government, the VNG, the IPO, and the association of regional water boards (UvW). In the Dutch case, the provinces have the role of coordinators, to provide coherence and align national and local objectives. Nevertheless, there are difficulties in enforcing this role because they are subordinated to the national frameworks and lack the power to compel municipalities to take the provinces' policies seriously (OECD, 2014; De Vries, 2004). In institutional terms, the relationship between municipalities and the central government is one of coordination and negotiation, given the interdependence between different government levels, particularly because of the significant role municipalities play in the execution of public services, and in the decision-making processes (Wayenberg et al., 2022).

Finally, despite the fact that IGR have traditionally been approached by studies focused on federal countries, the Dutch case shows that decentralised non-fully-fledged federal countries can also contribute to the literature on IGR. Following Toonen's (2010) already mentioned three-fold

classification (2010), non-federal countries allow to change the focus from the formal distribution of powers (intergovernmental constitution) to the organisational relationships and linkages between government units (intergovernmental relations). This means that a focus on non-federal countries can contribute to understanding crisis governance, in the sense that by incorporating these countries the research emphasises the “in-flux” nature of intergovernmental relations, and to addressing concerns regarding the influence of IGR on the overall architecture and functioning of government (Cuesta-López, 2014).

3. Methodological Considerations

In terms of the methods, this paper analyses the actual workings of the intergovernmental constitution, that is focuses on the challenges posed to the vertical intergovernmental relations during the COVID-19 crisis in the Netherlands, a country traditionally defined as a “decentralised unitary State” (Toonen & Steen, 2007). Specifically, it focuses on the role of municipalities and their relationships with safety regions in the context of managing the pandemic, while also looking at the relations between the latter and the central government. It also addresses the democratic legitimacy and accountability questions emerging from IGR. This has been done by revising a series of reports, documents, and news articles, as well as conducting individual, semi-structured interviews with a selection of policymakers and researchers online via different platforms between April and August 2021,¹ which corresponds to the period of analysis covering the first wave of the pandemic (2020), as well as the second (winter of 2020–2021).

This study assumes the logic of “the most different or diverse case,” which means selecting a country that presents significant differences to others relevant in terms of the institution or variable of interest (Hirschl, 2019), in this case intergovernmental relations. This method is employed fundamentally in order to test the analytical framework of intergovernmental relations as generated in federalism studies, in the Dutch case that belongs to the family of “decentralised states,” hence critically assessing the validity of this framework, particularly in the context of an emergency or crisis, and the way this institution works in practice (Hirschl, 2019).

¹ To facilitate more open conversations, the interviewees chose to remain anonymous.

In terms of research techniques and given that the research is interested in a “law in action” approach, the actual functioning of the legal rules would also need to be accounted for. For that purpose, accounts of the countries dealing with the crisis will be comprised of several sources (electronic journals, blogs, newsletters, and so on). Also, it looks at secondary sources while also conducting interviews with selected policymakers and researchers. Semi-structured online and in-person interviews were conducted by the author during 2021. The interviews were directed towards experts on the topics and the country, as well as towards decision-makers that were involved in the decision-making processes, covering 2020 and early 2021. For confidentiality purposes, the names of the interviewees are omitted.² An anonymised list of interviews is provided in the Appendix. This method allows us to triangulate information from different primary sources, as well as from secondary literature (Vromen, 2018).

Notwithstanding the strengths of the methodological approach, the justification for selecting this case, and the research techniques adopted, a couple of limitations need to be recognised. First of all, the interviews were conducted through online platforms, which had the advantage of being the only available channel considering the epidemiological situation at the time but also meant that certain characteristics of this data-gathering technique were missing, including the capacity to more readily perceive attitudes and dispositions of the interviewees and also a more dynamic interaction during the encounter. Moreover, time constraints and limited resources, particularly considering the context of the research project, required that the number of interviews and on-the-ground observations was more limited than initially planned, hence augmenting the reliance on the researcher’s interpretation of the available data (Hopkin, 2010). Secondly, and more importantly, while privileging detailed information about the case and tracing processes in the explored institutions, the case study reduces the validity of extrapolating more general statements from the empirical results. This implies that the case study might be unrepresentative and the findings specific to this particular case (Hopkin, 2010). Hence, potential improvements of this research design are offered in the conclusions.

² Examples of the questions formulated in interviews are incorporated in the Appendices, as well as explanations of the process for arranging the details of the interviews.

4. Safety Regions in the Netherlands

The challenges posed by the safety (often also translated as security) regions (SR) to democratic accountability and legitimacy, in the case of the Netherlands, can be analysed using the framework of IGR theory.³ The governance system during the COVID-19 pandemic was based on the Safety Regions Act (*Wet veiligheidsregio's* or SRA). This functional administrative act contemplates dividing the country into 25 safety regions which can issue legally binding emergency ordinances (Meuwese, 2020). At the same time, these ordinances followed “binding instructions” issued by the Emergency Cabinet, headed by the Prime Minister, and integrated also by the Ministry of Public Health, and Ministry of Justice and Security, as well as the experts from the Outbreak Management Team (OMT) and the National Institute for Public Health and Environment (RIVM). While the mechanisms for implementing these instructions and the multilevel governance system were structured under the SRA, the content of the Emergency Cabinet instructions was based on the prescriptions of the Public Health Law. This crisis management structure required a great deal of operational and administrative coordination, both between the SRs, and with the central government. On 12 March 2020, the government raised the status of the emergency to GRIP-4 level, after the crisis had extended to more than one municipality (Instituut Fysieke Veiligheid, 2020; Wayenberg et al., 2022).⁴ With the exception of a couple of cases, the 25 SRs match most of the 25 regional health services (*gemeentelijke geneeskundig dienst* or GGDs).⁵

³ The official English version of the Safety Regions Acts speaks indistinctively about “safety” and “security” regions.

⁴ In the Netherlands, the Coordinated Regional Incident-Management Procedure or *Gecoördineerde Regionale Incidentbestrijdings Procedure* (GRIP) scales up to five levels of emergency, from GRIP-0 being the lowest one, to GRIP-5 covering multiple regions, and managed in a more centralised manner.

⁵ Given that public health is a shared responsibility between the national government and the municipalities, each municipality has its own GGD. These local public health services cooperate with each other to organise 25 regional public health services, covering all municipalities. Regional structures generally provide advice to municipal public health services but, as will be seen with the safety regions, the relations between this “regional arrangement” and the municipal structure are complicated, and they receive little insight from the national government (Maarse et al., 2018, pp. 83–85). Municipalities individually and in cooperation have great freedom to give the GGD a role to their liking. In practice, there are large differences between GGDs, in terms of the scope of the range of tasks and the set-up of the organisation, and also problems of democratic accountability.

5. The Issue of National vs Local Competences in the Netherlands

According to the Constitution, municipalities and provinces have a certain degree of autonomy to regulate and administer their own affairs, while also being required to cooperate with regulations and orders from higher government bodies in certain cases, or co-administration (Art. 124). A municipality is headed by the municipal council, directly elected by the people, and a municipal government headed by a mayor appointed by the government. In turn, the country's administrative division also recognises provinces as the second tier of government, led by a provincial council representing the people at this level, and an appointed King's commissioner (Voermans, 2016a). Despite this political-administrative organisation, provinces normally lack competences regarding public health, safety, and security, three of the main policy areas discussed during the first two waves of the COVID-19 emergency (2020 and first half of 2021). In normal times, those attributions are distributed between the national government – embodied in the Ministry of Public Health and the Ministry of Justice and Security – and the municipalities themselves.

In these circumstances, recourse to the functional organisation of the SR can be interpreted as a deliberate choice in order to “scale up” competences that normally belong to municipalities, as well as to create a “middle space” to foster further dialogue between the subnational authorities and the national government. Therefore, the government avoids the need to consult over 300 local public entities, which could potentially provide over 300 different responses or public policies to handle the pandemic. At the same time, the impact of that institutional choice put the provinces' existence into question. The accumulated effect of resorting to functional organisations rather than to the provinces for crisis management, as well as the historically low turnout in provincial elections, has resulted in an ongoing debate about the role and even the justification of having provinces in the first place, with some scholars even claiming that “the future of the province is at stake” (Boogaard, as cited in Dennis l'Ami, 2023). This is a critical trend that was detected and has continued to spiral over the last 20 years (de Vries, 2004).

In practice, the emergency response system corresponds to the following stages. First, mayors of normally the largest municipality of the functional region, titled chairperson of the safety region, assumed the powers vested in each individual mayor, including the competence to approve emergency ordinances (Art. 39 of the SRA). However, often times these ordinanc-

es were based on the model enacted by the Safety Council (SC), which is a cooperative body comprising the chairpersons of the 25 SRs,⁶ with some autonomy from national standards as long as the subject is not regulated. In fact, the differences between the SRs have been minimal,⁷ despite the fact that some of them adopted their own measures, for issues such as the regulation of local markets and tourism or bans on honorary hedges and certain public areas (Esser & Boogaard, 2020).⁸ Although the content of the model regulations was almost entirely decided by the health and security ministries, these offices consulted the mayors who integrated the so-called Safety Council before adopting them, to check whether they would have public support and could be enforced in practice (mayor and chairperson of an SR, interview, 29 April 2021). In turn, at the subnational level, the chairpersons of SRs also consulted civil society organisations in their respective regions, in particular when more stringent measures were imposed or needed. In general, this approach helped in preventing possible protests and negative reactions against the measures.⁹

Enforcement of these ordinances relied on each mayor, who in the absence of a particular SR regulation for a specific issue, could implement their own safety measures.¹⁰ The fact that each safety region adopted almost the same rules during the entire COVID-19 emergency, which was not the case in crises before COVID-19, can be traced to the consen-

⁶ The Safety Regions Act defines the Safety Council as the chairmen of the safety regions acting jointly (Art. 1). Even though this translation from Dutch might be contested, given the fact that the institutionalisation and formal powers of this body are more limited than what the name “council” seems to assume, this paper will maintain that denomination because it is the term used in the official English translation of the law from the Dutch word *Veiligheidsberaad*.

⁷ Empirical research covering a total of 559 emergency regulations enacted by the safety regions and comparing them to the 17 model emergency regulations by the Safety Council, concluded that emergency regulations deviated very little from the model ordinances in the period up to 1 December 2020 (Becker et al., 2020).

⁸ In general, the different regulations by certain safety regions are related to imposing harder measures than the ones directed or recommended by either the Safety Council ordinances or the recommendations of the central government. For instance, during Easter 2020, certain safety regions ordered the closing down of shared facilities in camping lodges and rental of cabins and other small accommodations in parks, in order to prevent the flow of tourists in the context of the blossoming season in western areas of the country (interview with the mayor and chairperson of a safety region).

⁹ The clear exception to this being the nationally imposed curfew in the winter of 2021, which resulted in violent and repeated riots and protests in many large cities in the country.

¹⁰ There are a few examples of rebellious mayors who, for example, decided to stop or minimise the enforcement of rules which they did not agree with (van Der Steen, 2021)

sual policymaking culture (Lijphart, 2012; Hendriks & Schaap, 2011), strong institutional and interpersonal trust in the Netherlands,¹¹ as well as significant long-term informal cooperation (Toonen & Steen, 2007, public administration scholar, interview, 4 February 2021; political science scholar, interview, 5 February 2021). Others have also indicated the small size of the country and the need for national coverage of the measures as possible reasons. In Boogaard's opinion, this happened because the consequences produced in one part of the country could easily spill over to other locations, disrupting the health care system in regions apart from the ones where the outbreak began (Boonstra, 2020).

On the other hand, the same reasons that explain informal cooperation, can also lead to criticism because of the opacity of specific decisions, the difficulties in assigning responsibilities, and the lack of sufficient accountability for the decisions adopted (Congress of Local and Regional Authorities, 2021; Loof et al., 2021). Additionally, attributing it to the size of the country might justify the nationally coordinated general policies, but the enforcement of these measures and their individual adaptations is an issue where the representative democratic institutions subnationally – at a local or provincial level – could and should have had more influence (elderly woman in central Netherlands, interview, 27 August 2021).

Regardless of the reasons that may explain adopting this model, it has been characterised as a formal and permanent emergency network, with a clear focus on improving its effectiveness and resilience (Resodihardjo, Van Genugten & Ruiter, 2017). Even though the latter dimension will not be addressed in this research, its focus on effectiveness can be relevant for the potential trade-off away from the values of democratic intergovernmental relations such as legitimacy and accountability.

In general, the emergency system allowed for little territorial autonomy and democratic accountability.

“At the local level, mayors also took decisions and liked being crisis managers, while city councils had a hard time keeping up with them (...) perhaps this is only natural in a crisis, that the crisis managers try to be as effective as possible and are less concerned with democratic rules than the bodies that should control them” (public administration expert, interview, 19 August 2021).

This structure of governance strengthened the municipal – or regional – executive powers, which are not adequately balanced out with repre-

¹¹ Confidence in the government increased by about 18% during and a little after the height of the COVID-19 crisis in 2020 (Groeniger et al., 2021).

sentative institutions, particularly city councillors. This trend was already detected before the new Municipal Law of 2002,¹² when the dualistic model was established for decentralised authorities, but was exacerbated during the management of the COVID-19 crisis (Wayenberg et al., 2022; Hendriks & Schaap, 2011). This contradicts other recommendations, such as the 2006 Council of State on intergovernmental relations, which raised concerns as to what extent the enhanced role of executive leadership, such as mayors in municipalities and the chairpersons of SRs, is balanced out by representative and deliberative institutions,¹³ particularly city councils (municipal councillors, interviews, 30 June 2021 to 27 August 2021).

Moreover, accountability for the decisions of an SR is very limited and the potential mechanisms for that were rarely used during the COVID-19 crisis (Szmulewicz, 2022), despite the fact that city councillors could raise questions to mayors, but only in the local governments where the mayor served as the chairperson of the respective SR at the same time. In practice, few local councillors made use of this mechanism (subnational governance researcher, interview, 22 April 2021; councillor from southern Netherlands, interview, 30 June 2021). Additionally, even though the chairpersons of SRs were obliged to submit a detailed report explaining their decisions and the motivations behind the policies they adopted, this was only presented after the end of the emergency. In the case of the COVID crisis, this meant that any account of their policies was given several months after the first decisions were made (Evaluatiecommissie Wet veiligheidsregio's, 2020; public administration scholar, interview 4 February 2021).

Regardless of this, the crisis provided several positive examples. In the Municipality of Oss, in the Noord-Brabant Safety Region, the mayor and vice-chairperson of the SR explained the measures to the councillors of another city at a meeting (van de Lustgraaf, 2020; mayor from central Netherlands, interview, 16 August 2021). Additionally, some mayors reported the measures under discussion of the SR to their respective city councils, during weekly meetings in the first phase of the pandemic. However, councillors still claim that they held no meetings with the mayor who acted as the chairperson of their respective SR (councillor from

¹² See de Groot, Denters & Klok, 2010; and also the arguments by Mazza, 2016.

¹³ This power shift towards the executives, and away from local and provincial councils, had been already noted by scholars. See, among others, Voermans, 2016b; Volland et al., 2018.

central Netherlands, interview, 27 August 2021). In numerous instances, interviewees noted the good example of the mayor of Amsterdam, Femke Halsema, acting as chairwoman of the Amsterdam-Amstelland Region, praising her positive attitude and dialogue with the city council (councillor from southern Netherlands, interview 30 June 2021).

Another example is the chairperson of the Leiden Safety Region, who regularly sent letters to the municipal councils explaining the measures taken and held frequent online meetings that were attended by around 60 to 70 councillors, debating and discussing the final report on their local crisis management structure in December 2020 (mayor and chairperson of an SR, interview, 29 April 2021). Nonetheless, not all the SRs included non-regional mayors or local councillors in their decision-making processes. Even though the mayors of all territories integrated the board of their respective SR (SRA, Art. 11), they were more involved at an informal level, engaging on different communication platforms and pulling together certain resources (Wayenberg et al., 2022).

On the contrary, from the citizens' perspective, the SRs created a more distant bureaucracy than municipalities, with access which is more difficult and can be dominated by special interest groups, and whose intermunicipal coordination makes it difficult to assign specific responsibilities (OECD 2014). Therefore, it is difficult to provide accountability and to identify who has the final say in each decision, which provides flexibility and smoothness to the decision-making process at the same time (Congress of Local and Regional Authorities, 2021). Given that it is hard to say who the competent authority is, citizens have difficulties learning and understanding the structure of their public institutions.

On the other hand, this only strengthened in practice one half of the municipal executive: the mayor. The other half, the aldermen or alderwomen were generally left out of the decision-making process during the COVID-19 crisis (alderwoman from a municipality in central Netherlands, interview, 27 August 2021). Therefore, the power shift from individual local mayors to the chairpersons of SRs (sometimes nicknamed super mayors or regional mayors) also meant that aldermen, alderwomen, and non-regional mayors played no direct role in managing the crisis (Wayenberg et al., 2022).

For instance, in Maastricht, the mayor referred to their "national role" as chairperson of the SR, acting as a representative of the national government in their territories, as the reason for not being held accountable to his or her own city council (council member from southern Netherlands,

interview, 30 June 2021; subnational governance researcher, interview, 22 April 2021; Esser & Boogaard, 2020). In rare cases, a certain accountability was possible by using informal networks, e.g., by connecting aldermen and alderwomen from one small municipality with their partners from larger municipalities, or collecting information from organisations related to safety regions (alderwoman from central Netherlands, interview, 27 August 2021). In this context, interviewers frequently referred to the word “understanding,” meaning that most of the time city councils assumed that the urgency of the crisis required a more passive and coinciding role than usual (alderwoman from central Netherlands, interview, 27 August 2021). Others stated that considering that there is no democratically elected organisation at the level of the SR, accountability of any kind is barely possible.¹⁴

As explained above, this top-down coordination was different from cooperation, because there was a dominant role of the state (Ceccherini, 2021, p. 69). Even though the report on the SRA did not consider the COVID-19 emergency management, the actual workings of the institution during the pandemic confirm its conclusion: “safety regions function well individually for risks and crises within their own regional borders but fall short when dealing with cross-border incidents” (*Evaluatiecommissie Wet veiligheidsregio's*, 2020). Overall, the report holds a positive overview regarding the existence of the SRs and the structuring of the regions themselves, both issues that have been under public debate, while raising critical points.

6. The Safety Council: Towards Institutionalised Executive IGR?

In addition to the territorial governance system discussed, there is an ongoing discussion about the impact that the Safety Council, the convening body of the chairpersons from the 25 SRs, could have on regionalisation and IGR in the Netherlands, performing some kind of regional coordina-

¹⁴ The legitimacy and accountability problem has been noted in previous studies of regional structures and institutions in the Netherlands, pointing to a prevailing issue of legal design where there is a trend of transferring powers and competences to meso-level institutions without the necessary legitimacy and accountability mechanisms (see Hulst, 2005; Andeweg, Irwin & Louwerse, 2020).

tion and advisory role to assist government measures (Boonstra, 2021), in the absence of a stronger middle level government with the competences to coordinate during crisis management (OECD, 2014). In other words, reports have qualified the Dutch territorial governance system as having an “hourglass” character, because the regional level appears squeezed between two strong levels of government, the central and the local (OECD, 2014, p. 208).

In fact, by mid-February 2021, this organisation was giving advice to the Cabinet on the roadmap to reopen Dutch society once the hardest part of the emergency was over, moving beyond its original mandate. This confirms the perception that, in practice, this body had somewhat altered its concept during the crisis: from its original consultative nature to a somehow more coordinating role, and then back to a cooperative mode once the peak of the crisis was over and more regional differentiation was possible (Boonstra, 2021). After the COVID-19 crisis, the Dutch government attempted to use the structure of the SRs to handle the asylum-seeking crisis coming¹⁵ from Ukraine. Even though some initial decisions were made between the central government and the SRs, negotiations failed to continue at that level. Still, the fact that SRs sat together with the government in August 2022, and that the VNG and the IPO drew up quasi arrangements concerning the reception of asylum seekers and the possible housing and integration of asylum permit holders, is proof that the SRs continue to be recognised as a partner in IGR in the Netherlands.

In this sense, one can connect the SRs to the trend of creating new regional arrangements in several policy domains in the country (35 labour market regions, 42 youth care regions, over 50 social support-regions). This makes a *de facto* shift towards functional regionalisation and has been questioned by the OECD for its lack of an appropriate, updated, and clear legal framework (2014). Other existing regional organisations include 21 regional water authorities (*waterschappen*), police regions with similar boundaries as the SRs, but financed and supervised by the central government, 25 functional regions that coordinate preventive healthcare delivered by municipalities, and a myriad of other functional territorial arrangements.

Moreover, there are several structural coordination problems between the SR management, and the other institutions involved in dealing with a

¹⁵ I owe this observation to Geerten Boogaard.

crisis, at the municipal level, the public health organisation (GGD),¹⁶ the provincial structures, and so on (OECD, 2014).

“We have a lot of regions in the Netherlands. Actually, we don’t exactly know how they function, how they relate, and what the collective impact of these regions is, besides [the fact] that they are not democratically elected” (public administration expert, interview, 19 August 2021).

On the other hand, the influence of the SC on national policymaking throughout the various stages of the pandemic has led some researchers to consider it as a type of lobby group representing the interests of mayors at the national level (public administration expert, interview 19 August 2021), which can also be problematic for the relationship between the VNGs and the national government.¹⁷ In fact, even after the SRA was reformed in December 2020 to allow for a more centralised steering of the pandemic response, the chairperson of the SC was still allowed to attend the weekly cabinet meetings discussing the COVID-19 measures (mayor and chairperson of a safety region, interview, 29 April 2021). However, the mayors’ participation at the small team of ministers’ meetings in an advisory role meant they were losing the influence they had on national decision-making during the first wave of the pandemic (Wayenberg et al., 2022). Therefore, and in the context of the activation of a national crisis, the SC acted as a coordination body, mediating between the government’s decisions affecting the territories, rather than a cooperative institution.¹⁸ Still, it should be clarified that the Safety Council only coor-

¹⁶ The GGD organisation is also regionalised, headed at the regional level by aldermen representing the municipalities conforming to their region, but they do not exactly correspond to the same distribution as safety regions, nor do they correspond to the provinces, further complicating the decision-making and decision-controlling processes.

¹⁷ The National Association of Municipalities (VNG) plays a role more in the national policy arena than as representatives of the territories involved, as a lobby association institutionalised in The Hague, with their own office there. The same might be said about the Association of Provinces of the Netherlands (IPO). For instance, it was active during the discussion of the Temporary Corona Law (TCA), but not so much during the first phase of the pandemic and the decisions adopted at that time. Especially smaller municipalities have difficulties making their voice heard in the VNG, and also city councils play a minor role in an association mostly controlled by the municipal executives (interview with subnational governance researcher). The TCA was extended every three months pending a permanent law. Four extensions were approved, and the fifth one was rejected by the *Eerste Kamer* in May 2022. The VNG was also the partner for the central government regarding the measures to address the socioeconomic impact of the pandemic (see OECD 2020, pp. 55–56).

¹⁸ It should be clarified that the Safety Council only coordinates the regions for the purposes of the Safety Regions Act, and no other policy areas or domains. Naturally, during

dinated the regions for the purposes of the SRA, and no other policy areas or domains. Naturally, during the COVID-19 crisis this seemed to extend beyond that restricted mandate.

Some scholars interviewed stated that the actors involved needed to find “new ways of interaction,” as “new relations became important,” and concluded that it was crucial for them to think “how to relate to the other parties” (public administration expert, interview, 19 August 2021). As one expert puts it:

“In the first instance, it was the central government that tried to come up with all kinds of regulations...but along the way, it became clear that others were also involved, for instance the mayor who had to enforce the rules that were made at the central level, by the crisis team at the centre. And also, mayors tried to communicate with the centre to have an influence on what the rules were about (...)” (public administration expert, interview, 19 August 2021).

In fact, the report evaluating SRs recommends a stronger and more formalised position of the SC, to increase the territorially cooperative nature of the crisis management system, without completely changing the coordination and policy-defining role assigned to the central government (Evaluatiecommissie Wet veiligheidsregio's, 2020). However, without an adequate and clear legal framework, this *de facto* coordination role can lead to ambiguities, uncertainties, opacity, and lack of democratic legitimacy. The search for these types of executive intergovernmental relations institutions, like the SC, appears to match current trends in public opinion, such as a wave of criticism of the Dutch Senate (*Eerste Kamer*), and the need to rethink bicameralism in the Netherlands. The public perception of the SRs was at its strongest at this point, while the *Kamer's* was at its weakest (Voermans, 2021). Not coincidentally, while discussing the Corona Act of December 2020, the Senate chose to stay out of the procedure for the ordinances to be enacted, and they retaliated in May 2022 by refusing to renew the application of the TCA.

The declining role of second chambers in effectively representing sub-national entities, the growing influence of the executives in opposition to parliaments in decision-making processes at all levels, and the need for permanent coordination, especially in highly technical and complex matters, have led to the creation of institutions that bring together sub-

the COVID-19 crisis they seemed to cover everything, and their powers appeared extended. However, this should not be the case in normal circumstances.

national and national executives in most parts of the world. Hence, these intergovernmental councils that include governmental representatives of all levels of government play an essential role in facilitating cooperative participation (Szmulewicz, 2023).

7. Concluding and Comparative Observations

The case of the Netherlands during the COVID-19 pandemic can lead to a series of comments and reflections. The first comment, related to the above-mentioned issue of formalisation, is that this type of institutionalisation of existing practices of governance will have an impact on the need for urgent and rapid responses in terms of crisis management. One might even say that, when compared to other countries, the lesser necessity for detailed rules in the Netherlands speaks plenty about the trust and confidence in government as a general feature of their political culture. This greater flexibility is also visible in the large level of creativity displayed by mayors during the crisis in terms of informal collaboration and pooling resources together (Wayenberg et al., 2022). On the other hand, empirical research on inter-municipal cooperation in the Netherlands – a relatively similar structure – has shown that introducing institutional provisions to organise certain public entities can contribute to the democratic quality of organisations that lack a more direct democratic mandate (Klok et al., 2018). This conundrum is somehow similar to the paradoxical relationship between the traditional notions of law and public administration and calls for a revised relationship between the two disciplines. As the conclusions from a law and public management conference given over 20 years ago put it: “Where is the complementarity between public law and public management? Provided that lawyers transcend their classical role of establishing an authoritative hierarchical framework, they have a fundamental role in designing the accountability framework within the network, while public managers have a fundamental role in the development of the network” (George, Machado & Ziller, 2001, p. 36)

The second contribution is that, amongst the key similarities observed between the Netherlands and other countries during the COVID-19 pandemic, one must not understate the crucial role of national leadership. Like in the Dutch case, researchers have highlighted the centralisation of decision-making in the hands of national executives in Italy (constitutional law scholar from Italy, interview, 29 July 2021). Along the same

line, even the mayor of a prominent municipality, acting as head of a SR, mentions that:

“In the beginning, everyone was thinking ‘well this is a crisis, we don’t behave as we normally do. Let them [central government, particularly the health ministry] do their job’. Nobody was questioning the measures of the central government...this was the case of the second chamber (*Tweede Kamer*) and the city councils...there was no debate” (mayor and chairperson of a safety region, interview, 29 April 2021).

Third, the centralised approaches in countries like the Netherlands and Italy in managing the COVID-19 pandemic somehow contradicted their decentralised competences and traditions: the relevant position of local democracy in the Netherlands (Hendriks, 2009) and the recent federalising trend in Italy (Ceccherini, 2021). In the Dutch case, accommodation and compromise in the Netherlands, also concerning central-local relations, were somewhat diminished when government structures tended to centralise decision-making. But at the same time, when compared with the more tense IGR like in Italy, the idea of power-sharing between the centre and the periphery, connected to a more effective management of emergencies, was still preserved to a certain level (Moorkamp, Torenvlied & Kramer, 2020; political science scholar, interview, 5 February 2021). In other words, this attempt at centralisation, clear during the initial responses throughout the first wave and throughout the winter of 2020–21 – contested by some academics and even subnational authorities, particularly city councillors – proved effective because of the Dutch recourse to informal coordination and, in general, a much more consensual approach than other political systems. However, this centralisation of the pandemic became a contradiction of their historical political traditions of “considerable central-local interdependence rooted in strong coordination mechanisms, such as the central government appointment of mayors, to encourage central-local policy alignment,” which led to a significant confusion over regional and local roles in crisis management, as well as to a conflicted process of decision-making, with much limited subnational consultation (Bergström et al., 2022, pp. 184–185).

Fourth, as Unikowski (2008) has highlighted, key bureaucratic officials took the role of critical intergovernmental actors, yet it is not clear how different institutional designs (federal v. non-federal, competitive v. cooperative, and so on) can affect the way these actors conduct their operations as part of the intergovernmental relations ecosystem. The well-oiled bureaucracy in the Netherlands, with a significant level of continuity,

agency, and multilevel technical cooperation (key public servant, municipality in North Brabant, interview, 27 May 2021), was crucial for the good management of the pandemic. This essential machinery included the role of experts in decision-making, and especially those bureaucrats advising political leaders, as well as implementing policies or assisting in the design of public policies. Even smaller municipalities normally have a relatively good structure of support for local council, from several public servants collaborating with councillors in their roles, particularly in information gathering, and with mayors, aldermen and alderwomen at the local executive level. In the Netherlands, the figure of a secretary (*griffier*), who has multiple functions within the local government, is particularly relevant (key public servant, municipality in North Brabant, interview, 27 May 2021).

Fifth, from a different angle, the Dutch case also confirms the advantages of institutions that promote coordination and convergence in policymaking, beyond the diffusion of powers, competences, and resources. As Gerring and Thacker's (2008) centripetal theory shows, good government can derive from reconciling broad-based inclusive institutions that are also authoritative, therefore providing effective mechanisms for reaching and implementing agreements. According to this theory, centripetal institutions are those that push the diverse interests involved toward the centre, offering incentives to participate and disincentives to defect, which culminates in an authoritative decision-making process. These causal mechanisms will make centripetal institutions more successful in achieving party governance, conflict mediation, and policy coordination (Gerring & Tacker, 2008). One way to accomplish coordination in decentralised structures is adopting common standards, which is supposed to be a voluntary process of setting shared outputs across different government levels and among its subunits. As it has been explored, the Dutch safety regions can be seen through this prism in a certain way.

This pragmatic approach could also assist in analysing the interactions between two or three levels of government that are normally involved in the various stages of the policy process, regardless of the formal definition of the form of state. For instance, the rigid Napoleonic model can be contrasted with the autonomy-oriented system prevalent in Scandinavian countries and the Netherlands. As it has been pointed out in recent studies, multilevel, decentralised countries can be more effective in coordinating crisis responses than centralised policy processes, provided that their IGR are structured in such a way as to provide pathways for tensions to be resolved, and where subnational governments have the capacity and

mandate to negotiate with the centre (Bergström et al., 2022). Despite its flaws, this seems to be the case of the SRs and the SC, which was facilitated by a culture of consensus – on a multilevel basis and with civil society – as well as a robust support structure within the bureaucracy,¹⁹ even though they still face accountability and legitimacy challenges.

Moreover, the case highlights the level of cooperation beyond the formal distribution of powers, embodied by the instruments and institutions used to promote cooperation across all levels of government, as well the cooperative dynamic inside the party system. In fact, it has been noted that the Dutch government closely cooperated and consulted the SRs' chairpersons before and during the adoption of measures either in the SC or by inviting its chair to the council of ministers, even though the chairpersons of SRs were affiliated with both coalition and opposition parties, and were often mayors of municipalities where the opposition was the majority (Massart et al., 2021).

8. Final Observations

Two important lessons from the Dutch experience arise so far. First, it shows a certain change in the balance of power within subnational institutions, with the executives playing a larger and stronger role, and the city council becoming less involved in determining policies, which goes beyond the text and original intent of the SRA considering the prolonged nature of the COVID-19 crisis as well the extensive scope of the measures adopted in this period. Even considering their controlling role, the actual accountability practices by city councils and city councillors were limited. This is a trend that has been observed in recent decades in other countries as well.

Second, it underscores the salience of the safety regions through an extensive and prolonged application of the SRA, the *de facto* transfer of powers from the safety regions to the central government and their extensive re-

¹⁹ In fact, the Netherlands Institute for Public Safety (NIPV) is the research and knowledge centre that links and strengthens ties between the country's 25 safety regions, the central government and partner organisations, including the fire brigades, the police, regional medical emergency bodies, municipalities, and other strategic partners (see: <https://nipv.nl/english-summary-of-this-website/>). I am grateful to Professor Sandra Resodihardjo for introducing me to this body and its critical contribution in terms of exchange of technical information, research about crises, and processing the lessons and learnings.

liance on the SC. This included very little differentiation in terms of local regulations and their dependency on the model ordinances agreed upon by the SC. During the COVID-19 pandemic, this council emerged as a powerful actor in IGR and reduced the involvement of the mayors in central decision-making, particularly after the first wave of the crisis was over (Wayenberg et al., 2022).

The emergence of the SRs as a new layer of government, separate from provinces and municipalities, as well as the increasing centrality of the SC, merits moving the case of the Netherlands from the field of centre-local relationships, typical in the research about centralised states (Thoening, 2006), to the broader field of intergovernmental relations. This change represents a critical juncture in the study of intergovernmental relations and even in the territorial structures of states, given the fragile institutional position of the provinces, a shift that is also observed in countries like Portugal (Moreno González, 2023). It is certainly not a mere incremental change: the structure of the SRs and its application beyond the COVID-19 pandemic, for instance to the case of the so-called asylum crisis in 2022, stands out from other regional arrangements with limited usage in the past in the Netherlands. Nonetheless, it remains to be seen if this juncture materialises in formal and institutional changes that lead to more clear vertical pathways and an articulated relationship between the centre and the subnational governments.

As mentioned in the introduction, intergovernmental relations provide an adequate lens through which to analyse the actual functioning of the system of vertical distribution of powers, beyond the text of the constitution. Hence, this framework advances the research on the relationship between law and public administration. In concrete, formal intergovernmental institutions in the Netherlands were “enabling,” meaning that they needed to be understood as an integrated system of rules that structures social and organisational interactions, therefore causing certain dispositions for particular behaviours (Hodgson, 2006), but not constraining entirely the actors’ behaviour, particularly during the crisis. Hence, a more nuanced picture of the real life of the formal institutions emerges, one that highlights adherence to the law in the books, as well as points of departure or adaptation from it.

For instance, it is confirmed that the Netherlands has a fluid and flexible political and administrative territorial organisation, particularly after examining the actual performance of the IGR system. In fact, it can be said that the SR and particularly the meeting of the 25 chairpersons of the SRs (the Safety Council), performed a sort of informal accountability

function with regards to both the central government's decisions, as well as concerning the decisions adopted by the SRs themselves. This function went well beyond its original design and somewhat compensated for the lack of accountability of government decisions by the parliament, despite the shortcomings already mentioned.

On the other hand, the minimised necessity of detailed rules can be a sign of trust and confidence in the government as a general feature of political culture in the Netherlands, as explained in the first paragraphs of the concluding section. Or, to put it differently, functional organisations created above the municipalities, like the safety regions or inter-municipal collaboration, not only create risks for accountability, particularly for the role of local councils, but also raise a number in terms of informality, transparency, and multiplicity of roles (Veenendaal, 2024).

Further research is needed to assess whether this shift represents a move from an effective vertical leadership, as executed by the national authorities in the first months of the pandemic, to a constant horizontal coordination between subnational authorities, as seen in the second stage of the crisis, to an informal vertical coordination from the perspective of the SC (as it occurred after the summer of 2020 and especially after December 2020). The Dutch case shows that we need to further study the degree of institutionalisation and fulfilment of principles of these types of coordination bodies, such as accountability and democratic legitimacy. When doing so, learning from the COVID-19 pandemic experience can make democracy more resilient and better equipped to deal with the permanent polycrises of the 21st century.

References

- Anderson, P. (2022). Plurinationalism, devolution and intergovernmental relations in the United Kingdom. In Y. Fessha, K. Kössler & F. Palermo (Eds.), *Intergovernmental relations in divided societies* (pp. 91–112). Cham, Switzerland: Palgrave Macmillan, https://doi.org/10.1007/978-3-030-88785-8_4
- Andeweg, R., Irwin, G., & Louwerse, T. (2020). *Governance and politics of the Netherlands*. London, UK: Red Globe Press.
- Becker, R., L. Honée, G. Boogaard J., & Geertjes (2020). Mate van juridische differentiatie door veiligheidsregio's [Levels of legal distinctions by safety regions]. In *Corona Papers*, 2020, Retrieved from <https://coronapapers.nl/nieuws-1/nieuws/mate-van-juridische-differentiatie-door-veiligheidsregio-s>

- Bergström, T., Kuhlmann, S., Laffin, M., & Wayenberg, E. (2022). Special issue on comparative intergovernmental relations and the pandemic: how European devolved governments responded to a public health crisis. *Local Government Studies*, 48(2), 179–190, <https://doi.org/10.1080/03003930.2022.2039636>.
- Boonstra, W. (December 22, 2020), Veiligheidsregio's volgden veelal modelverordening [Safety regions mostly followed model ordinance]. *Binnenlands Bestuur*. Retrieved from <https://www.binnenlandsbestuur.nl/openbare-orde-en-veiligheid/nieuws/veiligheidsregio-s-volgden-veelal.15516229.lynkx>.
- Boonstra, W. (February 11, 2021), Veiligheidsregio's volgden veelal modelverordening [Regional mayors in the corona crisis mainly performers]. *Binnenlands Bestuur*. Retrieved from <https://www.binnenlandsbestuur.nl/openbare-orde-en-veiligheid/nieuws/regioburgemeesters-in-coronacrisis-vooral.16046681.lynkx>, retrieved on 25-11-2021.
- Ceccherini, E. (2021). Intergovernmental relationships in Italy. A feeble but useful model. In E. Arban, G. Martinico & F. Palermo (Eds.), *Federalism and constitutional law. The Italian contribution to comparative regionalism*. Abingdon, UK: Routledge, <https://doi.org/10.4324/9781003104469-6>
- Congress of Local and Regional Authorities (2021). *Report on the monitoring of the application of the European Charter of local self-government in the Netherlands*. Congress of Local and Regional Authorities, Council of Europe. Retrieved from https://search.coe.int/congress/pages/result_details.aspx?ObjectId=0900001680a42001
- Cuesta-López, V. (2014). Intergovernmental relations in Spain and the United Kingdom: the institutionalization of multilateral cooperation in asymmetric polities. *Perspectives on Federalism*, 6, 299–318. Retrieved from <https://www.on-federalism.eu/component/jdownloads/?task=download.send&id=23&catid=4&m=0&Itemid=101>.
- de Groot, M., Denters, B., & Klok, P. (2010). Strengthening the councillor as a representative and scrutiniser: the effects of institutional change on councillors' role orientations in the Netherlands. *Local Government Studies*, 36(3), 401–423, <https://doi.org/10.1080/03003931003730469>
- De Vries, M. (2000). The rise and fall of decentralization: a comparative analysis of arguments and practices in European countries. *European Journal of Political Research*, 38, 193–224, <https://doi.org/10.1111/1475-6765.00532>
- De Vries, M. (2004). Institutional fleeing: the slow death of Dutch provinces. *Public Organization Review: A Global Journal*, 4, 295–315, <https://doi.org/10.1007/s11115-004-4599-9> <https://doi.org/10.1080/03003930.2021.1958786>
- Esser, J., & Boogaard, G. (2020). 25 kapiteins, 1 vloot [25 captains, 1 army]. *Nederlands Juristenblad*, 2020/1445. Retrieved from https://www.navigator.nl/document/idf5e11efc208b4241a378d3e8aaa09949/nederlands-juristenblad-25-kapiteins-1-vloot?ctx=WKNL_CSL_85
- Evaluatiecommissie Wet veiligheidsregio's (2020). *Evaluatie Wet veiligheidsregio's* [Safety Regions Act report]. Retrieved from <https://open.overheid.nl/repository/ronl-ba7df199-91c7-4f4b-8469-5e775b4fc4aa/1/pdf/tk-bijlage-evaluatie-wet-veiligheidsregio-s.pdf>.

- George, A., Machado, P., & Ziller, J. (2001). Law and public management: starting to talk. *EUI Working Paper LAW No. 2001/12*. Florence, Italy: European University Institute.
- Gerring, J., & Thacker, S. (2008). *A centripetal theory of democratic governance*. New York, USA: Cambridge University Press, <https://doi.org/10.1017/CBO9780511756054>
- Greer, S. (2006). Conclusion: territorial politics today. In S. Greer (Ed.), *Territory, democracy and justice. Regionalism and federalism in western democracies*. London, UK: Palgrave Macmillan, https://doi.org/10.1057/9780230510388_12
- Groeniger, J., Noordzij, K., van der Waal, J., & de Koster W. (2021). Dutch COVID-19 lockdown measures increased trust in government and trust in science: A difference-in-differences analysis. *Social Science & Medicine*, 275, <https://doi.org/10.1016/j.socscimed.2021.113819>
- Hendriks, F. (2009). Democratic reform between the extreme makeover and the reinvention of tradition: the case of the Netherlands. *Democratization*, 16(2), 243–268, <https://doi.org/10.1080/13510340902732482>
- Hendriks, F., & Schaap, L. (2011). The Netherlands: subnational democracy and the reinvention of tradition. In F. Hendriks, A. Lidström & J. Loughlin (Eds.), *The Oxford handbook of local and regional democracy in Europe*. Oxford, UK: Oxford University Press, <https://doi.org/10.1093/oxfordhb/9780199562978.001.0001>
- Hirschl, R. (2019). Comparative methodologies. In R. Masterman & R. Schütze (Eds.), *The Cambridge companion to comparative constitutional law*. Cambridge, UK: Cambridge University Press, <https://doi.org/10.1017/9781316716731.002>
- Hodgson, G. (2006). What are institutions? *Journal of Economic Issues*, 40(1), pp. 1–25, <https://doi.org/10.1080/00213624.2006.11506879>
- Hopkin, J. (2010). The comparative method. In D. Marsh & G. Stoker (Eds.), *Theory and method in political science* (pp. 285–307). Macmillan, 3th Edition, https://doi.org/10.1007/978-0-230-36664-0_15
- Hueglin, T., & Fenna, A. (2006). *Comparative federalism: a systematic inquiry*. Toronto, Canada: Broadview Press.
- Hulst, J. (2005). Regional governance in unitary states. *Local Government Studies*, 31(1), 99–120, <https://doi.org/10.1080/0300393042000332882>
- Instituut Fysieke Veiligheid (2020). De veiligheidsregio's in de eerste weken van de coronacrisis [The safety regions in the first weeks of the corona crisis]. Arnhem: IFV. Retrieved from <https://nipv.nl/wp-content/uploads/2022/02/2020501-IFV-De-veiligheidsregios-in-de-eerste-weken-van-de-coronacrisis.pdf>
- Klok, P. J., Boogers, M., Denters, B., & Sanders, M. (2018). Inter-municipal cooperation in the Netherlands. In F. Teles & P. Swianiewicz (Eds.), *Inter-municipal cooperation in Europe*. Cham, Switzerland: Springer, https://doi.org/10.1007/978-3-319-62819-6_8
- Kollman, K., Miller, J., & Page, S. (2000). Decentralization and the search for policy solutions. *The Journal of Law, Economics and Organization*, 16(1), 102–128, <https://doi.org/10.1093/jleo/16.1.102>

- L'Ami, D. (July 8, 2023). Toekomst van de provincie staat op het spel: "Ze moet ballen tonen" [Future of province at stake: "It must show balls"]. *Algemeen Dagblad*. Retrieved from <https://www.ad.nl/politiek/toekomst-van-de-provincie-staat-op-het-spel-ze-moet-ballen-tonen~a1ed2d73/>
- Lijphart, A. (2012). *Patterns of democracy* (2nd Ed.). New Haven, Connecticut: Yale University Press.
- Loof, J., Korzelijs, J., van den Brink, J. E., & van der Steen, M. (2021). *Bestuursrecht in crisistijd* [Administrative law in times of crisis]. The Hague, The Netherlands: Boom juridisch.
- Maarse, H., Jansen, M., Jambroes, M., & Ruwaard, D. (2018). The Netherlands. In B. Rechel, A. Maresso, A. Sagan, C. Hernández-Quevedo, G. Williams, Er. Richardson, E. Jakubowski & E. Nolte (Eds.), *Organization and financing of public health services in Europe. Country reports* (pp. 81–95). United Kingdom: World Health Organization.
- Massart, T., Vos, T., Egger, C., Dupuy, C., Morel-Jean, C., Magni-Berton, R., & Roché, S. (2021). The resilience of democracy in the midst of the COVID-19 pandemic: Democratic compensators in Belgium, the Netherlands and France. *Politics of the Low Countries*, 3(2), 113–137, <https://doi.org/10.5553/PLC/.000018>
- Mavrot, C., & Malandrino, A. (2022). Editorial. Three years of COVID-19 pandemic: Coping with crisis governance in the long term. *European Policy Analysis*, 9(2), 96–100, <https://doi.org/10.1002/epa2.1175>
- Mazza, M. (2016). The local government in the Dutch constitutional system: A Comparative and European perspective. In G. Ferrari, R. Passchier & W. Voermans (Eds.), *The Dutch Constitutional beyond 200 Years*. The Hague, The Netherlands: Eleven.
- Meuwese, A. (2020). *The disjointed Dutch policies to fight COVID-19*, in *The Regulatory Review*. Retrieved from <https://www.theregreview.org/2020/05/18/meuwese-disjointed-dutch-policies-fight-covid-19/>
- Moorkamp, M., Torenvlied, R., & Kramer, E. (2020), Organizational synthesis in transboundary crises: three principles for managing centralization and coordination in the corona virus crisis response. *Journal of Contingencies and Crisis Management*, 28, 169–172, <https://doi.org/10.1111/1468-5973.12294>
- Moreno González, G. (2023). La problemática constitucional de la regionalización en Portugal [The constitutional problems of regionalisation in Portugal]. *Revista de Derecho Político*, 117, 221–250, <https://doi.org/10.5944/rdp.117.2023.37926>
- Nader, E., Fuchs, M. C., & Méndez, D. (2021). Estudio comparado: respuesta de los países federales y no federales ante la pandemia [Comparative study: federal and non-federal countries responses to the pandemic]. In E. Nader & M.C. Fuchs (Eds.), *Covid-19 y Estados en acción: un estudio constitucional comparado entre países federales y no federales* (pp. 444–480). Bogotá, Columbia: Tirant lo Blanch.
- OECD (2014). *OECD territorial reviews: Netherlands 2014*. Paris: OECD Publishing, <http://dx.doi.org/10.1787/9789264209527-en>.

- OECD (2020). The territorial impact of COVID-19: Managing the crisis across levels of government. *OECD policy responses to coronavirus (COVID-19)*. Paris, France: OECD Publishing, <https://doi.org/10.1787/d3e314e1-en>
- Pollitt, C. (2007). Decentralization: A central concept in contemporary public management. In E. Ferlie, L. Lynn & C. Pollitt (Eds.), *The Oxford Handbook of Public Management* (pp. 371–397). Oxford, UK: Oxford University Press.
- Quarantelli, E. L. (1978). *Disasters: theory and research*. Beverly Hills, California, USA: Sage.
- Ramírez, E. E., Grin, E. J., Sanabria-Pulido, P., Cravacuore, D., & Orellana, A. (2020). The transaction costs of government responses to the COVID-19 emergency in Latin America. *Public Administration Review*, 80(4), 683–695, <https://doi.org/10.1111/puar.13259>
- Resodihardjo, S., Van Genugten, M., & Ruiter, M. (2017). A theoretical exploration of resilience and effectiveness requirements' compatibility in formal and permanent emergency networks. *Safety science*, 101, 164–172, <https://doi.org/10.1016/j.ssci.2017.07.004>
- Rosenthal, U., & Kouzmin, A. (1997). Crises and crisis management: toward comprehensive government decision making. *Journal of Public Administration Research and Theory: J-PART*, 7(2), 277–304, <https://doi.org/10.1093/oxfordjournals.jpart.a024349>
- Rosenthal, U., Hart, P., & Kouzmin, A. (1991). The bureau-politics of crisis management. *Public Administration*, 69(2), 211–233, <https://doi.org/10.1111/j.1467-9299.1991.tb00791.x>
- Ruano, J. M., & Profiroiu, M. (2017). Conclusions: intergovernmental networks and decentralization in Europe. In J. M. Ruano & M. Profiroiu (Eds.), *The Palgrave handbook of decentralization in Europe* (pp. 477–495). Cham, Switzerland; Springer, https://doi.org/10.1007/978-3-319-32437-1_18
- Runciman, D. (2015). *The confidence trap*. Princeton, USA: Princeton University Press.
- Saito, F. (2011). Decentralization. In M. Bevir (Ed.), *The SAGE handbook of governance* (pp. 484–500). London, UK: Sage, <https://doi.org/10.4135/9781446200964.n31>
- Scharpf, F. (1999). *Governing in Europe. Effective and democratic?* Oxford, UK: Oxford University Press, <https://doi.org/10.1093/acprof:oso/9780198295457.001.0001>
- Schmidt, V. A. (2020). *Europe's crisis of legitimacy: governing by rules and ruling by numbers in the eurozone*. Oxford, UK: Oxford University Press, <https://doi.org/10.1093/oso/9780198797050.001.0001>
- Scott, W. R. (1987). *Organizations: rational, natural and open systems* (2nd ed.). Englewood Clis, NJ: Prentice-Hall.
- Smiley, D. (1979). An outsider's observations of federal-provincial relations among consenting adults. In R. Simeon (Ed.), *Confrontation and collaboration-intergovernmental relations in Canada today*. Toronto, Canada: Institute of Public Administration of Canada.
- Szmulewicz, E. (2022). Governing decentralised States under emergency situations: Italy and the Netherlands during the Covid-19 crisis. *DPCE Online*, 54,

- 2037–6677. Retrieved from <https://www.dpceonline.it/index.php/dpceonline/article/view/1726>
- Szmulewicz, R. E. (2023). Intergovernmental relations. In J. Cremades & C. Her-mida (Eds.), *Encyclopaedia of contemporary constitutionalism* (pp. 1–18). Cham, Switzerland: Springer, https://doi.org/10.1007/978-3-319-31739-7_221-1
- Thoening, J. C. (2006). Territorial Institutions. In R.A.W. Rhodes, S. Binder & A. Bert Rockman (Eds.), *The Oxford handbook of political institutions* (pp. 281–302). New York, USA: Oxford University Press.
- Toonen, T. (2010). Multi-level governance and intergovernmental relations: integrating the theoretical perspectives. In E. Ongaro, A. Massey, M. Holzer & E. Wayenberg (Eds.), *Governance and intergovernmental relations in the European Union and the United States* (pp. 29–49). Cheltenham, UK: Edward Elgar, <https://doi.org/10.4337/9781849807067.00008>
- Toonen, T., & Steen, T. (2007). Constituting the cooperative state: strategies for collaborative decentralisation within Unitary States. *Zeitschrift für Staats – und Europawissenschaften*SE, 5(3–4), 497–523, <https://doi.org/10.1515/zfse.5.3-4.497>
- Treisman, D. (2007). *The architecture of government*. Cambridge, UK: Cambridge University Press, <https://doi.org/10.1017/CBO9780511619151>.
- Unikowski, (2018). Swimming Outside the Flags'. Continuity and change in Australian intergovernmental management. In T. B. Fenwick & A. Banfield (Eds.), *Beyond autonomy. Practical and theoretical challenges to 21st century federalism* (pp. 112–134). Leiden, The Netherlands: Brill.
- van de Lustgraaf, R. (22 August, 2020). Ze hebben het in de coronacrisis voor het zeggen, maar wie controleert de Veiligheidsregio's eigenlijk? [They have the upper hand in the corona crisis, but who actually controls the safety egions?]. *Trouw*. Retrieved from <https://www.trouw.nl/binnenland/ze-hebben-het-in-de-coronacrisis-voor-het-zeggen-maar-wie-controleert-de-veiligheidsregio-s-eigenlijk-bdf99587/>
- van Der Steen, M. (2021), Overheidssturing in de coronacrisis: perspectieven, praktijken en dilemma's. In J. Loof, J. Korzelius, J. E. van den Brink & M. van der Steen (Eds.), *Bestuursrecht in crisistijd* (pp. 137–338). The Hague, The Netherlands: Boom juridisch.
- Veenendaal, W. (2024). Governing intermunicipal partnerships in the Netherlands: a democratic deficit. *Acta Politica*, 59, 321–339, <https://doi.org/10.1057/s41269-023-00295-6>
- Voermans, W. (2016a). *A bird's eye view of Dutch Constitutional Law*, 10. <https://ssrn.com/abstract=2778622> <http://dx.doi.org/10.2139/ssrn.2778622>
- Voermans, W. (2016b). Constitutional law. In E. Hondius, W. Voermans & J. Chorus (Eds.), *Introduction to Dutch Law* (5th edition) (pp. 317–367). Alphen aan den Rijn, The Netherlands: Kluwer Law International.
- Voermans, W. (2021) *Het land moet bestuurd worden: Machiavelli in de polder*. Amsterdam, The Netherlands: Prometheus.
- Vollard, H., G. Boogaard, J. van der Berg, & Cohen, J. (2018). *De Gemeenteraad; Onstaan en Ontwikkeling van de Lokale Democratie* [The City council; origins and evolution of local democracy]. Amsterdam, The Netherlands: Boom.

- Vromen, A. (2018). Qualitative methods. In V. Lowndes, D. Marsh & G. Stoker (Eds.), *Theory and methods in political science* (pp. 237–253). London, UK: Palgrave Macmillan, https://doi.org/10.1057/978-1-137-60353-1_14
- Wayenberg, E., Resodihardjo, S. L., Voets, J., Van Genugten, M., Van Haelter, B., & Torfs, I. (2022). The Belgian and Dutch response to COVID-19: change and stability in the mayors' position. *Local Government Studies*, 48(2), 271–290, <https://doi.org/10.1080/03003930.2021.1958787>

Legal Sources

- Constitution of the Kingdom of the Netherlands. Official English version. Government of the Netherlands. Retrieved from <https://www.government.nl/documents/regulations/2012/10/18/the-constitution-of-the-kingdom-of-the-netherlands-2008>
- Safety Regions Act. Official Dutch version. Overheid.nl. Retrieved from <https://wetten.overheid.nl/BWBR0027466/2024-01-01>

APPENDICES

Appendix 1: Example of an interview

1. Personal introduction.

Good afternoon, Mayor Thank you very much for this opportunity to engage with your knowledge and experience, which directly connects to my research.

My name is, and I am PhD Candidate at Professor ..., who is my thesis supervisor, sends his warmest regards.

I am very interested in your opinions and thoughts regarding decentralisation and the COVID-19 pandemic, both as mayor of ..., as well as head of the ... Safety Region.

For the sole purpose of my research and the accuracy of your own opinions, would you mind if I record this meeting?

2. Research introduction.

I am working on decentralisation and the COVID-19 pandemic. I am interested in trying to understand why some countries adopted coordinated nation-wide policies, while others privileged subnational autonomy and decentralisation. Also, understanding the factors that explain countries' responses to the crisis from a territorial perspective.

3. Opening question.

First of all, how would you assess the functioning of the safety regions in the country in general and in ... specifically?

How would you characterise the relationship between the national government and subnational authorities during the pandemic in the Netherlands?

4. Following questions/topics

Following your response, what do you think are the main factors that explain these dynamics between the national and subnational governments in the Netherlands?

Can you point to particular mechanisms for coordination/collaboration between subnational and national authorities in the Netherlands in emergency contexts?

How would you assess the performance of the Safety Council in light of the experience with the COVID-19 pandemic so far?

Furthermore, do you think municipalities are sufficiently considered in the work of safety regions?

Do you think this mechanism properly represents large municipalities, as well as smaller communities?

What are your opinions and thoughts on the recent decisions announced by the government, in order to extend the COVID-19 restrictive measures?

Do you think the interests and perspectives of the local authorities have been properly considered in these recent announcements?

What are the accountability mechanisms in place for heads of the safety regions and do you think they have worked well during the pandemic?

Finally, are there any other remarks or comments that you would like me to incorporate into my research?

5. *Closing remarks*

Thank you very much for your time and consideration. Your insights and opinions are very valuable for my research.

I am looking forward to continuing exchanging ideas with you and learning from your expertise.

Appendix 2: Considerations for organising the interviews

In terms of preparation, the first thing was to select and contact the key informants. In the selection process, a list of potential informants was compiled, which was then narrowed down to key informants belonging to different sectors and expertise (public sector, local elites, academia), according to the research focus and hypothesis. This was then discussed and agreed with the supervisors. After the interviewees were selected, the particular informant was contacted first by email, explaining the purpose of the research and the interview, which was then confirmed by telephone. In some instances, with high-ranking officials or elites, an initial contact by email introduced the PhD candidate and also opened further and more direct communication. In order to achieve the expected results, a meeting of one hour was estimated as ideal, yet considering that many respondents were not able to grant that time, some of the interviews were scheduled for 20–30 minutes.

In terms of the venue, even though an in-person interview at the interviewee's place of work would have been preferable, given that sanitary restrictions were still present when the large majority of the interviews were conducted, in the first semester of the year 2021, the use of online communication software, such as ZOOM or Microsoft Teams, was the final means for the conduct of the interview. The interviews were recorded with permission from the informant.

Also, since the responses will be included in the research to be published, informed consent was asked of the interviewee, and delivered before the interview was initiated.

The dress code was formal, but not too formal; the impression of someone who takes the interview seriously while also giving room for open and honest responses.

In terms of the script for the start of the interview, it included the following steps.

1. Introduction of the researcher.
2. Introduction of the research. This research is part of the empirical foundation of my PhD project, as part of PhD programme, under the supervision of professor
3. Opening.
4. Key initial question: (here). In your opinion and experience (here, follow-up questions).
5. Closing and further recommendations.

Thank you very much for your time and consideration. Your insights and opinions are very valuable for my research. Also, if possible, I would appreciate it if you could suggest to me other colleagues of yours who might be good contacts for my project.

I am looking forward to continuing to exchange ideas with you and learning from your expertise.

Appendix 3: Anonymised list of interviews

1. City councillor from a Maastricht municipality. Date: 17-05-2021.
2. Mayor of a smaller Dutch municipality salient during the COVID-19 pandemic. Date: 03-05-2021.
3. Public management expert with an emphasis on Dutch intergovernmental relations. Date: 22-04-2021.

4. Mayor and head of a safety region. Date: 29-04-2021.
5. Public management professor, expert on crisis management. Date: 02-02-2021.
6. Professor specialised in Dutch health law. Date: 02-02-2021.
7. Dutch professor emeritus of public administration. Date: 18-08-2021.
8. City councillor from The Hague. Date: 10-11-2021
9. City council alderwoman in a municipality in the central Netherlands. Date: 27-08-2021.
10. Dutch public management specialised in network governance. Date: 19-08-2021.
11. Long-time *griffier* from a municipality in North Brabant, the Netherlands. Date: 27-05-2021.
12. Dutch professor of public administration specialised in decentralisation in the Netherlands and comparative scholarship. Date: 28-01-2021.
13. Professor of human rights in the Netherlands and the European Union context. Date: 30-06-2021.
14. Professor of constitutional law specialised in Dutch decentralisation. Dates: 30-06-2021 and 16-07-2021.
15. Belgian public law professor who is an expert on intergovernmental relations. Date: 14-04-2021.

CHALLENGES OF INTERGOVERNMENTAL RELATIONS IN NON-FEDERAL COUNTRIES: REFLECTIONS ON THE MANAGEMENT OF THE COVID-19 CRISIS IN THE NETHERLANDS

Summary

Intergovernmental relations (IGR) have emerged as a significant research topic in all sorts of political systems, with an increasing body of literature focusing on non-federal countries. Moving research beyond the more known federations has the advantages of emphasising the “in-flux” nature of IGR as well as tackling concerns regarding the adequate balance between effectiveness and democracy in multilevel arrangements. This paper addresses the challenges that IGR pose to democratic legitimacy and accountability, by analysing the case of the Netherlands’ management of the COVID-19 pandemic. It focuses on the functioning of the safety regions (SR), particularly the strengthening of the municipal (or regional) executive, at the expense of representative institutions and particularly the local councils. In addition, the lack of accountability mechanisms, and the prominent role of the so-called Safety Council, which could have a significant impact on regionalisation and IGR in the Netherlands, are also discussed. While some reports have called for a stronger and more formalised position of the Safety Council, without an adequate and clear legal framework, this institution for organisational coordination can lead to many challenges from the point of view of democratic multilevel constitutionalism. Yet, on the other hand, the formalisation of existing governance practices might impact the need for rapid responses in crisis management. Overall, two contributions might be learned from the Dutch experience. First, the change in balance within subnational institutions, with the executives now playing a larger and stronger role, and the city councils being less involved in determining policies and with limited real accountability practices. Second, the transfer of powers from local municipalities to safety regions, and from regions to the Safety Council, through the extensive and prolonged application of the SR, thus altering the normal allocation of powers and competences, and the traditional channels for intergovernmental relations.

Keywords: *intergovernmental relations, safety regions, crisis coordination, democratic legitimacy, accountability, COVID-19*

IZAZOVI MEĐURAZINSKIH ODNOSA U UNITARNIM DRŽAVAMA: OSVRT NA UPRAVLJANJE KRIZOM COVID-19 U NIZOZEMSKOJ

Sažetak

Međurazinski odnosi pojavili su se kao značajna istraživačka tema u svim vrstama političkih sustava s rastućim opsegom literature koja se fokusira na unitarne države. Pomicanje istraživanja izvan uobičajene domene federalno ustrojenih zemalja ima svoje prednosti jer naglašava „fluidnu“ prirodu međurazinskih odnosa, a također usmjerava pozornost na prikladnu ravnotežu između učinkovitosti i demokracije u višerazinskim aranžmanima. Ovaj rad bavi se izazovima koje međurazinski odnosi predstavljaju za demokratski legitimitet i odgovornost analizirajući slučaj nizozemskog upravljanja pandemijom COVID-19. Rad se usredotočuje na funkcioniranje sigurnosnih regija, posebno na proces jačanja općinskih (ili regionalnih) izvršnih institucija na štetu predstavničkih, a posebno lokalnih vijeća. Osim toga, raspravlja se i o nedostatku mehanizama odgovornosti i istaknutoj ulozi tzv. Sigurnosnog vijeća koje bi moglo imati značajan utjecaj na regionalizaciju i međurazinske odnose u Nizozemskoj. Iako su neka izvješća pozivala na jači i formalniji položaj Sigurnosnog vijeća, bez odgovarajućeg i jasnog pravnog okvira ova koordinacijska institucija može proizvesti mnoge izazove s gledišta demokratskog višerazinskog konstitucionalizima. S druge strane, formalizacija postojećih upravljačkih praksi mogla bi utjecati na potrebu za brzim reakcijama u upravljanju krizama. Općenito, iz nizozemskog iskustva mogu se izvući dva zaključka. Prvo, dogodila se promjena ravnoteže među subnacionalnim institucijama pri čemu izvršna vlast sada igra veću i jaču ulogu, a lokalna su vijeća manje uključena u određivanje politika i s ograničenom stvarnom odgovornošću. Drugo, prijenos ovlasti s lokalnih jedinica na sigurnosne regije i s regija na Vijeće za sigurnost opsežnom i dugotrajnom primjenom sigurnosnih regija mijenja uobičajenu raspodjelu ovlasti i nadležnosti, kao i tradicionalne kanale za međurazinske odnose.

Ključne riječi: međurazinski odnosi, sigurnosne regije, krizna koordinacija, demokratska legitimacija, COVID-19