

Coping with Migrants and Refugees

Multilevel Governance across the EU

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Introduction

According to scholars, the singularity of multilevel governance (MLG) as a system and as an instance of policy-making rests on its promise to produce coordinated policy outputs in order to solve shared problems (see Alcantara and Nelles 2014; Maggetti and Trein 2019; Piattoni 2010). According to Agranoff (2018), in a scenario characterised by the intersection of complex vertical intergovernmental relations and horizontal partnership networks, MLG structures emerge to connect different public and private actors in finding solutions to a specific policy issue. Certainly, the complexity of the challenges brought about by the arrival of asylum seekers and refugees in the aftermath of the 2015 European migration crisis can be considered a good test case for MLG. In this volume, we have analysed the multilevel political dynamics underlying policy-making processes on the implementation of one of the key components of the Common European Asylum System (CEAS), i.e., the Reception Directive, with the goal of understanding if and to what extent such dynamics have been underpinned by MLG policy-making.

First introduced in 2003 and then reformed in 2013, the Reception Directive had the explicit aim of ensuring asylum seekers “a dignified standard of living and comparable living conditions in all Member States” (par. 7, Recast Reception Directive 2013/33/EU). However, as clarified in the Introduction to this volume, apart from establishing some minimum standards, the provisions of the Reception Directive remain quite vague and general. States still retain considerable discretion in determining how to concretely organise and provide specific services (see e.g. article 18 on housing). Furthermore, many of the services and provisions mentioned by the directive such as housing, food and material assistance intersect and overlap with issues of social assistance more generally. Given the complexity of reception policy, we can easily expect complex policy-making processes to take place, characterised by the involvement and participation of different public and non-public actors.

Thus, asylum seekers' reception represents a classic MLG challenge, i.e., one that brings a multiplicity of interdependent actors into play, questioning state-based hierarchical implementation processes. Whereas in the literature MLG is often understood in a quite undefined way as synonymous with dispersion of state authority, in this volume we have adopted a more constraining approach. As clarified in the Introduction, we define MLG as a specific mode or instance of policy-making that results from the simultaneous occurrence of collaborative relations between different governmental authorities (vertical dimension of policy-making) and between public and non-public actors (horizontal dimension). From this perspective, MLG can coexist with other possible instances of policy-making, top-down traditional hierarchy included (for a similar approach see Alcantara, Broschek and Nelles 2016; Scholten et al. 2018).

Against this background, in the following sections we present the main results of the empirical studies on asylum seekers' reception in the context of the so-called "refugee crisis" in Italy, Spain, Germany, Finland and Greece. The first section discusses the main modes of policy-making unravelled by our study, showing how, contrary to our initial expectations, MLG represents more the exception than the rule in the reception policy field. Hence, the second section builds on these results to reflect upon the possible factors that can favour the emergence of quasi-MLG policy-making starting from the three hypotheses presented in the volume's Introduction. In the third section, still drawing on our empirical studies and more specifically on local case studies, we discuss the possible links between MLG and policy convergence. In the last section, new possible research paths and policy developments on asylum seekers' reception policy following the Covid-19 crisis are put forward.

Modes of policy-making in the asylum seekers' reception policy field

In our analysis of the multilevel political dynamics in the field of asylum seekers' reception, we have distinguished between policy formulation, analysed in Chapter 3, that focuses on decision-making processes around the reform of national reception policies; and policy implementation that is the object of in-depth investigation in the country chapters. Figure 10.1 presents the main results of these analyses, and identifies the modes of policy-making prevailing in each of our case studies, distinguishing policy formulation and implementation (with the latter in *italic*). Along with national case studies, the figure also considers the experience of the Partnership for the Inclusion of Migrants and Refugees (PIMRs) undertaken in the context of the Urban Agenda for the European Union analysed in Chapter 2.

With respect to processes of policy reform, our study reveals an increasing centralisation of decision-making in the aftermath of the refugee crisis, leading to a prevailing hierarchical mode of policy-making in all of

		Cooperation on the horizontal dimension	
		+	-
Cooperation on the vertical dimension	+	MLG Italy 2014–2016	IGR Coordination PIMR Germany
	-	<i>Greece, Italy</i> <i>Spain, Germany, Finland</i> Network governance	Italy 2017 onwards, Spain, Greece and Finland Hierarchy

Figure 10.1 Modes of asylum policy-making in Finland, Germany, Greece, Italy and Spain (2014–2018)

the analysed countries, including those where some MLG was in place in prior years and with the partial exception of Germany. In fact, going into more detail, we find three patterns. The first pattern is that of countries like Finland, Greece and Spain, which had always been characterised by a highly centralised reception system and which during the crisis become even more centralised. More specifically, in Finland the concentration of responsibility in the Finnish Immigration Service, which had already began before 2015, was somewhat accelerated by the emergency. In Greece, in 2016 the establishment of the Ministry of Migration was accompanied by an increasing shift of authority into its hands. In the case of Spain, during the refugee crisis regional authorities played a crucial role by initiating the juridical process that called for a reform of reception, yet this was underpinned by highly conflictual relations. In fact, the national government preferred to appeal to the Supreme Court rather than deal with local and regional authorities’ requests for greater involvement.

A second pattern is that of Italy, where centralisation followed a short MLG interlude. In fact, in this country, some MLG arrangements were put in place between 2014 and 2016, allowing for cooperation not only among authorities at different levels of government but also with some civil society organisations. These arrangements were totally swept away by the Ministry of the Interior of the centre-left Gentiloni government in 2017, leading to a highly contested reform of reception with the so-called “Security and Immigration Decree” during the Five Star-Lega government.

The third pattern is that of Germany, where intergovernmental coordination between the federal government and the state governments has always

been of key relevance in reception policy, reflecting the type of cooperative federalism that characterises the German state. Nevertheless, in the years of the crisis, the federal government has established a greater overview of issues regarding redistribution of asylum seekers and funding for reception.

When shifting from policy formulation to policy implementation, MLG policy-making remains similarly marginal. In fact, in this respect, the case-studies chapters have highlighted the emergence of a network governance mode of policy-making, with extensive collaboration between local authorities and non-public stakeholders. These networks appear to be largely limited to the local level without scaling up towards higher levels of government. In the case of Germany, collaboration with state (*Länder*) authorities occurred within the context of the intergovernmental relations underlying the German federal system. However, in the context of crisis, horizontal cooperation between public and non-public actors in the implementation of reception policies has become even more prominent in all the five countries considered in this study.

Against this backdrop, some experiments of MLG took place in Italy and Greece, which are indeed located at the border between network governance and MLG in the Figure. In the first case, this collaboration involved local and national authorities; international institutions (especially UNHCR—UN Refugee Agency); as well as local, national and international NGOs. In the second case some MLG arrangements were established between local authorities, NGOs and international institutions, yet the national government remained out of these arrangements.

Thus, as is clear, MLG appears to have been quite rare in both processes of policy formulation and implementation of reception policies. On the one hand, with respect to decision-making on policy reforms, hierarchical relations have prevailed, with national governments centralising powers and responsibility on the issue especially in the aftermath of the crisis. On the other hand, with regard to implementation, network governance has become prominent at the local level, with local authorities and NGOs often engaged in coordinating responses to the challenges of reception.

Overall, and similar to other areas of asylum policy, reception emerges as a highly centralised issue. It follows that MLG-like policy-making arrangements are few and their impact quite limited.

This result is further confirmed by the analysis of the experience of the PIMR, undertaken in the context of the Urban Agenda for the EU with the explicit aim of providing an MLG policy-making venue on the highly pitched reception issue. On the one hand, the participation of NGOs was limited to few work conferences, while on the other hand, the representatives of the national governments formally engaged in the PIMR showed scarce interest in its work and participated only intermittently. In fact, the PIMR seems to have worked as an instance of intergovernmental cooperation between the European Commission and local authorities, the latter

represented by various individual cities and city network organisations, rather than an MLG-like policy-making arrangement.

Possible explanations for the (limited) MLG in the field of reception

In the Introduction to this volume we formulated three competing hypotheses around the emergence of MLG as a mode of policy-making. We report these below:

- H1: MLG policy-making is likely to be more relevant in federalist/regionalist state structures than in unitary states, since in the former, in order to allow for smooth implementation, there is a greater need to share policy decisions with regional/state levels of government and to coordinate the different actors that participate in the implementation process;
- H2: independent of state structures, MLG arrangements will develop from below to more efficiently address particularly complex issues that require coordination between a multiplicity of policy-makers and stakeholders; and
- H3: independent of state structures, MLG will eventually stem from the agency of local-level authorities depending on their definition of the situation and interest in the issues at hand.

The evidence provided in the previous section is clearly in contrast with H2. In fact, if it is true that reception emerges as a complex policy field and even more so in the context of the European refugee crisis, the complexity of the challenge nevertheless did not trigger increased collaboration between public and non-public actors at different territorial scales. Quite the contrary, MLG policy-making generally diminished instead of expanding.

In contrast, evidence on H1 is mixed. More specifically, federalist/regionalist states are far from showing clear instances of MLG. In terms of policy formulation, no MLG arrangements have been found in unitary states such as Finland and Greece, although in the latter international organisations such as UNHCR and the International Organization for Migration (IOM) were partially engaged through informal consultation with the national government. In contrast, in federalist and regionalist states actors different from the central government played a greater role in shaping reforms. More specifically, in Italy and Germany, respectively a regionalist and a federalist state, key policy reforms occurred with the involvement of sub-national authorities beyond the requirements established by law and, in the case of Italy, also with the involvement of civil society organisations. Spain, despite being a quasi-federalist state, is an outlier. In fact, as noted above, the reform of reception policy in this country has been marked by highly conflictual intergovernmental relations rather than by MLG. We can conclude

that institutional variables do not fully account for the variation in modes of policy-making in our group of countries.

Concerning H3, evidence seems to be at least partly consistent with this hypothesis. In fact, attempts to establish MLG policy-making arrangements often came from local authorities rather than from national governments. The latter sought rather to centralise decision-making, as explained in the previous section. Some local authorities opposed central governments' reception plans and refused to cooperate, as is the case of many Italian municipalities in the Veneto region, while others sought to reinforce collaboration with the central government, like the Greek, Spanish and German cities analysed in this book. Hence, political orientation was among the main drivers of local authorities' strategies on migrants' reception, with progressive localities keener to expand their intervention at a grassroots level and to establish collaborations with other actors in order to achieve this goal. Starting from the assumption that politics is key in shaping local policymakers' definition of the situation, H2 seems to have greater explanatory leverage than the other two hypotheses.

The results of local actors' pressure for more MLG were nevertheless rather disappointing. Given the tendency of central governments to centralise decision-making, the final outcome left little room for the development of MLG arrangements. As a consequence, conflictual multilevel policy-making relations often emerged, as seen in the cases of Italy, Spain and partially Germany, where a growing mobilisation of municipalities began to claim a voice in refugee policy and to host refugees rescued from distress at sea or trapped in refugee camps on the Greek islands.

In sum, whereas H1 shows limitations and H2 is rejected, H3 seems to retain some explanatory relevance at least insofar as the quest for MLG is concerned. In other words, our study has revealed how local authorities with different political orientations have defined the issue of reception in different ways, with progressive local governments more eager to engage in MLG arrangements. However, the impact of those efforts appears rather limited because of the gate-keeping role of national governments in controlling access to policy-making. This is also clearly indicated by the opposition of the EU Council of Ministers to the principle of conditionality in accessing the resources of the Asylum, Migration and Integration Fund (AMIF), since this reform would have allowed local authorities to have a greater say in the implementation of reception policy.

Thus, whereas the literature focuses on institutional structures and/or on bottom-up processes aimed at problem-solving, our study reveals a key role of power relations in limiting the scope for MLG in the chaotic context of the refugee crisis. In fact, central governments used the "opportunity" of the crisis to centralise policy-making in order to pursue different goals, such as speeding up asylum procedures and reducing the costs of reception in the cases of Finland, Greece and Germany; or reducing the influence and

possible divergences with local authorities in policy implementation in the cases of Italy and Spain. Certainly, they showed no interest in establishing and pursuing any kind of MLG relations.

Policy convergence and drivers of local initiatives

As explained in the Introduction to this volume, MLG is often assumed by scholars to be the best-suited policy-making arrangement for promoting policy convergence (Alcantara, Broschek and Nelles 2016; Curry 2018; Scholten et al. 2018). However, evidence on the impact and effects of MLG policy arrangements is still scarce and ambiguous. For that reason, our study has taken a hypothesis-generating approach with regard to the relationship between MLG and policy convergence.

A preliminary clarification is important. We do not conceive of policy convergence as harmonisation or increasing similarity at the legislative level, but rather as increasing similarity in one or more characteristics of a certain policy, e.g., policy objectives, policy instruments or policy settings (Knill 2005). Thus, in our study we have empirically assessed policy convergence by paying specific attention to policy instruments and practices, namely modes of functioning of the reception system, conditions of access and quality of reception services.

As pointed out above, and contrary to our original expectations, a first result of our study is that MLG arrangements on migrants' reception have been quite scarce, especially in the contingency of the 2015 refugee crisis, which actually led to increasing centralisation of processes of decision-making and implementation. Therefore, we can rephrase our research questions as follows. In the context of the problem pressure determined by a sharp increase of inflows, what were the main drivers of policy convergence and divergence in the field of reception? Was MLG policy-making of any relevance in this respect?

As for the first question, the perceived problem pressure related to extraordinary unplanned inflows seems to have produced a two-stage reaction, i.e., an initial policy divergence followed by efforts to restore some policy consistency, and therefore a greater convergence in local actions. In fact, at the very outset, the perceived problem pressure led to the adoption of emergency reception solutions that fostered policy divergence in terms of conditions of access to reception services, as well as in their functioning and the quality of the services provided. This pattern has been found in all of the target countries, with the exception of Spain where the pressure remained lower in the observed period and no emergency solutions were adopted.

Greece showed the highest degree of heterogeneity because of the variety of reception structures implementing different agreements and operational principles, and also the different funding schemes and responsible authorities, with international organisations playing a major role in establishing emergency reception programmes like ESTIA (Emergency Support

to Integration and Accommodation). However, policy divergence also occurred in countries with an established and institutionalised reception system like Finland and Germany. In Germany, while waiting for the setting up of new facilities to meet the rising demand for reception, many asylum seekers were placed in temporary emergency accommodation, including containers and tents. In Finland, at the peak of arrivals, the rapid setting up of emergency reception solutions by the central government brought about a substantial diversity in the type of buildings and their quality: facilities were set up in a few days so there was no time to inspect the buildings in advance and to negotiate contracts with the organisations tasked with management. At the same time, in all five countries considered, the growth in the number of organisations managing facilities, which had different backgrounds in terms of skills and expertise, increased the internal heterogeneity of reception systems. This was particularly evident in Italy, Spain and Greece, where the outsourcing of reception was poorly coordinated by national authorities. Moreover, for-profit organisations started operating reception facilities in Germany, Italy and Finland.

Following this first chaotic phase, central governments started to expand efforts to better regulate reception and define its standards in order to increase homogeneity of reception services throughout the country, or at least to counter heterogeneity. Thus, a second stage marked by a greater intervention and control on the part of central authorities started to take place. In doing so, several central governments refined the criteria of access to reception services by defining different categories of beneficiaries. For instance, in Germany, the policy reforms established categories and clustering of asylum seekers based on their likelihood of obtaining protection, and channelled those clusters into different reception and asylum procedures. In Italy, the reform adopted in October 2018 introduced three different levels of reception entitlements: people with humanitarian protection permits were excluded from reception, asylum seekers had to stay in governmental facilities while beneficiaries of international protection could enter the municipally led facilities—the only ones where integration services were provided. In Greece, the hotspot approach and the EU-Turkey Statement implemented through Law 4375/2016 resulted in a geographical division between the Aegean islands and the mainland, characterised by different asylum procedures and reception conditions. The new laws adopted in this second phase established uniform, although multiple, criteria throughout the country for access to reception services.

This process of policy convergence happened mainly through top-down and hierarchical decision-making processes rather than through MLG, with the partial exception of Italy where key policy reforms to improve convergence were adopted in the short time span when MLG arrangements were established (2014–2016). Therefore, our findings confirm what Knill (2005; see also Holzinger and Knill 2005) suggested: namely that policy convergence can be achieved, and maybe even more often, through imposition

from above and top-down control. Nevertheless, hierarchy still does not guarantee convergence as shown in the case of Greece, a unitary state with a highly centralised reception system which struggled more than the other countries considered in this book to achieve some policy convergence.

It follows that factors other than hierarchical vs. MLG policy-making can contribute to policy convergence or divergence, such as local actors' agency, and more specifically local authorities' initiatives in the field of reception. The comparative assessment of the local cases investigated in the volume suggests that in the 2010s politics played a major role in fostering local authorities' activation on the highly politicised reception issue. In Spain and Greece, for instance, the four investigated cities were led by progressive majorities and all of them mobilised to provide reception services beyond their mandate. More specifically, both Madrid and Barcelona were led by "*ayuntamientos del cambio*" ("city councils of change"), i.e., municipalities ruled by platforms linked to left-wing Podemos; while in Athens and Thessaloniki the mayors had run in the elections as independent candidates, yet were supported by coalitions of mostly socialist and liberal parties.

In Italy, the two analysed cities display different political dynamics which mirror the colour of respective local governments. Torino, which was traditionally ruled by centre-left parties until 2016, when the populist Five Star Movement gained the local majority, had established a roundtable on asylum as early as in 2000, which was crucial to coordinate the work of civil society organisations (CSOs) and NGOs managing reception centres and integration services at the turn of the 2010s. In contrast, in the province of Treviso where, as in the rest of the region, the right-wing anti-immigrant Lega party had traditionally been the main ruling party, local governments jointly decided to step away from reception. However, the centre-left coalition that governed the municipality of Treviso from 2013 to 2018 marked a clear change in local reception policy by setting up a SPRAR (Protection System for Asylum Seekers and Refugees) facility in 2015, the first one in the whole province.

In Finland local political majorities seem to matter as well, although to a lesser extent than in Italy. In Pargas, the municipal council had traditionally been ruled by the Swedish People's Party, a small liberal pro-immigration party; in Laitila on the other hand, the conservative agrarian Centre Party, with moderate positions on immigration, had always held the majority, although at the time of our fieldwork for the first time two representatives of the populist, anti-immigration and Eurosceptic Finns Party succeeded in obtaining two seats. Against this backdrop, in Pargas the local administration went beyond its formal authority by connecting the activities of the volunteers supporting asylum seekers with the work of the municipality and bridging local reception and integration measures. In Laitila in contrast, the action of the municipal council was limited to ensuring support for the establishment and continuation of the reception facility set up by the central government, despite the initial hesitation of some municipal politicians.

Whereas in the Spanish, Greek, Italian and Finnish local cases, the colour of political majorities appears relevant in explaining local authorities' initiatives in the field of reception, the German local case studies suggest the opposite. Aachen, with a conservative mayor since 2009, acted more inclusively than Chemnitz, which has had a social democratic mayor since 1993. Actually, the political culture of the larger regions in which the cities are located seems to have greater explanatory leverage than the local political majorities: in North Rhine-Westphalia (Aachen's state) the social democratic tradition related to SPD (*Sozialdemokratische Partei Deutschlands*) had prevailed until 2016, while Saxon (Chemnitz's state) has had conservative governments since the reunification.

Therefore, in terms of drivers of local authorities' agency we can conclude that politics matters, however we cannot say a final word on the relative weight of the city majority's political colours *vis-à-vis* the political tradition of the area. Still, politics was not the only factor driving local initiatives on reception. Other factors—such as the state of relations between central and local governments, activism in the local civil society and the role of migration in the consensus-building strategies of local mayors and parties—although not deeply investigated in our study, emerged as relevant factors in the country chapters.

With respect to policy convergence, local authorities' agency and different attitudes towards migration issues clearly contributed to increase the internal heterogeneity of the national reception systems. Whereas some localities refused to establish reception facilities or put in place only very limited interventions to facilitate the establishment of the ones set up by the central government, other local governments undertook autonomous initiatives aimed at expanding the amount and quality of reception and integration services. The final outcome is that the reception and integration measures which asylum seekers and refugees could enjoy varied substantially across the localities of the same country.

Moving forward. Asylum seekers (unlikely) MLG in the post Covid-19 context

The results of this study might seem somewhat disappointing to those readers, either scholars or practitioners, who were looking for a way out of the conundrums raised by the accommodation of asylum seekers in the context of CEAS. Scholars in public policy usually look to MLG as a mode of policy-making characterised by cooperative relations and a clear orientation towards problem-solving. However, evidence from our country case studies shows that MLG arrangements were rare between 2010 and 2018, while hierarchy remained the main mode of policy-making underlying reception policy. The highly sensitive nature of migration and asylum issues in terms of state sovereignty did not seem to leave much space for cooperation. Moreover, as shown in our studies, centralisation of decision-making was

an effective way for central governments to overcome the reluctance if not opposition of some local authorities over reception. Against this backdrop, in the following we elaborate on the implications of our analysis of the MLG of asylum from both a scientific and policy-development perspective.

More specifically, from a scientific point of view, our research shows the importance of national governments' gate-keeping role in enabling the emergence and/or constraining the scope of MLG policy-making. In other words, MLG is part and parcel of structures of power relations where the willingness to collaborate from above, i.e., from national governments, is often more important than the pressure to establish cooperation from below, i.e., from local authorities and/or NGOs. Whether this a particular trait of asylum policy as a highly controversial issue of state sovereignty (Boswell and Geddes 2011), or rather a more general limitation of MLG as a policy-making configuration taking place in the shadow of hierarchy (Börzel 2010), is still an open question, on which further comparative research is needed. To understand whether migration is really a least likely case for MLG policy-making, comparisons should take into consideration not only different countries but also, more importantly, different policy sectors (for an example see Piattoni 2010), to unravel the political dynamics underlying policy-making on different issues.

With respect to recent policy developments, the room for MLG policy-making does not seem to have expanded since our fieldwork ended in 2018. On the contrary, the Covid-19 pandemic has led to the adoption of top-down decisions around the management of asylum seekers living in reception facilities or arriving at the European borders, as already happened during the European refugee crisis. It goes without saying that MLG arrangements have fewer chances to prevail when fast decisions are needed in order to respond to the perceived problem pressure. Hence, the recurrent crises we are facing, despite differences in nature, together with the politicisation of migration-related issues, contribute to make the emergence of MLG policy-making in the field of asylum unlikely in the near future.

Paradoxically this happens when inputs from all levels of governments and from a wide range of actors appear to be extremely relevant in order to design new European solutions in the field of reception and, more broadly, of asylum. As pointed out by Wagner, Baumgartner and Mouzourakis (2019), attention to the setting up and top-down implementation of common procedures has prevailed over the elaboration of an advanced and renewed vision of what asylum shall mean in Europe. To contrast this trend, responsibility-sharing not only among member states but also and especially between levels of governments and different actors could lead to a more realistic and solid policy convergence which deals with and values the complexity of actors, strategies and initiatives on the ground. This was not the case for the New Pact on Migration and Asylum presented by the European Commission in September 2020 which largely proposes the same old solutions that have been rather disappointing so far (Odysseus Network 2020).

In fact, those solutions, focused on a combination of legal harmonisation, economic and technical support to national governments and top-down enforcement of solidarity, have turned out to be fragile, as our volume reveals, and might be easily disrupted by the crises ahead.

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