POLICY BRIEF

Multilevel governance of reception

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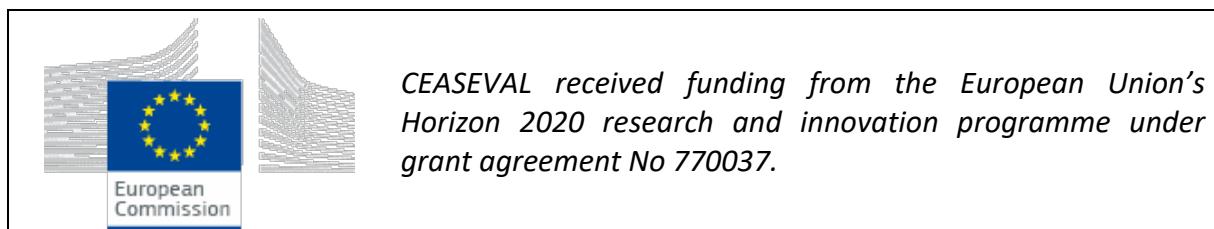
Policy Brief: Multilevel governance of reception

1. Introduction

Moving from the acknowledgement that harmonisation is neither a fixed term nor an inevitable outcome of the implementation of EU asylum directives, the CEAS EVAL project aims to explore the processes of legal harmonisation and policy convergence/divergence underpinning the construction of the Common European Asylum System (CEAS), going beyond legal frameworks and formal policy-making. In this perspective, the work package on the "Multilevel governance of reception" (WP3) defines convergence as the process through which different national systems of reception become more similar in their functioning, accessibility and quality of services. In assessing this process, we have paid specific attention to the complex relations between multiple actors (both public and non-public) at all levels of government (national, regional and local) which produce and implement reception policies through both formal and informal processes. These dynamics have been investigated in seven Members States located in Southern (Italy, Greece and Spain), Northern (Finland), Western (Germany and Luxembourg), and Eastern (Bulgaria) Europe.

2. Evidence and analysis

Below we summarise the main development trends of national reception systems in the last decade, when significant increases in inflows of asylum seekers occurred, especially right after the 2011 Arab Spring and in 2015-2016 with the so-called "refugee crisis". Despite these could appear as exceptional events, peaks in asylum seekers' arrivals could in fact become the "new normal" in the near future. Therefore, understanding how to manage these events is of great relevance for the good functioning of the CEAS.

On this backdrop, the CEAS appears as one among several factors driving the developments of national reception systems - and not the most important one, given the limited effects produced by the recast EU Reception Directive .

The limited impact of the EU Reception Directive (2013/33/EU)

The reception of the recast EU Reception Directive seems to have had a limited impact on national reception systems. In Luxembourg and Finland it did not bring about relevant changes since the reception systems of these countries were already in line with the requirements stipulated by the Directive. This was also the case of Germany, whose reception system had been a sort of blueprint for EU legislation in this field. In Italy the transposition of the recast EU Reception Directive represented a "window of opportunity" to institutionalise changes that had already been introduced through various legislative and administrative acts. In Bulgaria the transposition brought about mainly formal changes to the system. In Spain the Directive has almost been ignored, so that the European Commission opened an infringement procedure in September 2015. The only exception is Greece where the recast Directive has effectively driven a reshuffle the governance of reception. Other EU policies seem to have had a greater impact. In Italy the "European Agenda on Migration" led to the introduction of hotspots and to a clampdown on secondary movements. In Greece, a 2011 European Court of Human Rights decision (M.S.S. v. Belgium and Greece) branded reception conditions as unacceptable thus

leading to a strong role for international organisations and NGOs. Always in Greece, in 2016, the EU-Turkey Statement created a limbo situation for asylum seekers located in the Aegean Islands both in terms of procedures and reception conditions and restrained their freedom of movement to the mainland.

The increasing heterogeneity of national reception systems

Despite the recast of the Reception Directive aimed at enhancing convergence among Member States, during the so-called "refugee crisis" the degree of internal heterogeneity of national reception systems grew. In all our target countries, including highly centralised ones such as Finland, Luxemburg, Greece and Bulgaria, the setting up of emergency reception solutions by the central government in a very short time span brought about a higher diversity in the type and quality of services provided. Besides, also due to the alleged emergency situation, the increasing number and diversity of organisations involved in the management of reception facilities has further increased the heterogeneity of reception services. Still another source of heterogeneity in reception outcomes has been identified, especially in Italy, Greece and Spain, in the uneven capacity of local authorities to mobilise and coordinate stakeholders to develop locally-based solutions. Last but not least, in Italy and even more so in Greece, structural weaknesses in state capacity were partially compensated by tasking international organisations with key functions. In the case of Greece, where international organisations managed a relevant share of EU funding and projects, this contributed to further increase the heterogeneity of the reception system at national level.

Centralisation of decision-making and differentiation of implementation

In general, the results of our analysis show a prevalence of centralised and top-down decision-making processes in the field of reception. In the context of the "refugee crisis", decision-making became even more centralised with an increasing concentration of competences and power in the hands of central governments. Overall, functioning multi-level governance arrangements appear more the exception than the rule.

While decision-making processes got more centralised, implementation became more differentiated with the setting up of extraordinary procedures and solutions alongside ordinary ones and with a proliferation and diversification of the organisations in charge of managing reception facilities (including the opening to for-profit companies in Italy and Finland).

This double dynamic brought about "multi-level conflicts". On the one hand, local actors regarded central governments' decisions as impositions from above, from which they were excluded despite the greatest impact of establishing new reception facilities was on the local communities. On the other hand, the diversification of reception solutions produced a high heterogeneity in terms of their quality and size thus increasing the chances of generating negative effects on the local communities and fuelling discontent.

3. Policy implications and recommendations

To increase the convergence of reception policies and practices throughout Europe and to prevent political tensions, the recommendations emerging from the analysis carried out in WP3 are the following.

Supporting "local islands of convergence"

Convergence of reception practices seems difficult to achieve even within single Member States, despite the efforts made by central governments in the last decade. When convergence is achieved, it generally happens at the local level and on a small scale. It is pursued through horizontal coordination rather than the enforcement of stricter rules. An important role in such small-scale convergence processes is played by

horizontal networks bringing together representatives of municipalities, civil society and non-profit organisations, and sometimes also national institutions (e.g. Prefectures in the Italian case). These networks are the venues where stakeholders share not only organisational concerns but also proposals and solutions to common problems and build consensus through a bottom-up process.

These dynamics have led to the emerging of what we call "islands of convergence", developed locally and scattered throughout the countries. Starting from these "islands", action should be undertaken to expand good practices of coordination by providing venues where to share grassroots experience, discuss possible adaptations and conditions for transferability in other local contexts. This could help to turn those exceptions into ordinary and widespread solutions.

Monitoring decision-making and implementation processes

The EU monitoring of reception conditions is mainly focused on financial aspects and services delivered. Yet, governance settings and processes, including aspects such as the openness of decision-making and implementation practices, have a relevant impact on the quality of reception as well as on the degree of contention over the issue. Establishing common governance settings in all Member States would be unfeasible and likely counterproductive given the crucial importance of EU rules adaptation not just to national contexts but also to local ones. However, the setting up of indicators and monitoring activities of governance settings and processes could lead to the opening up of policy-making to the participation of non public actors and to enhance partnership and collaboration.

Investing on capacity building

Gaps in state capacity, i.e., state's ability to effectively cope with a certain phenomenon and enforce its decisions, appears as one of the main obstacles to harmonisation and convergence in the field of asylum, especially when it comes to reception. Indeed, reception requires the management of buildings and services, and it encompasses a complex process that goes from asylum seekers' disembarkation to either their expulsion or the achievement of autonomy in the host country. In Southern and Eastern Europe, the managerial culture of public institutions is generally poorer than in Western and Northern Member States, with little investment in reception policy planning and monitoring and the frequent adoption of emergency or extraordinary procedures. Furthermore, the administrative branches in charge of coordinating reception measures are frequently understaffed. By now the contribution of the European Union to Member States in the field of reception has occurred mainly in the form of funding and technical assistance whereas capacity building activities with regard to planning, implementation and monitoring of reception measures could be extremely valuable for the purpose of convergence among Member States.

Involving local administrations in decision-making processes

Municipalities have been excluded from decision-making processes on reception in many Member States, despite local communities are the most concerned by the setting up of reception facilities and are key actors in fostering refugee integration. This marginality led to relevant conflicts between central and local authorities during the "refugee crisis". Acknowledging the role of municipalities in the decision-making over reception as well as the importance of building transparent and collaborative partnerships with NGOs should represent key requirements in access to EU funding. The strengthening of vertical coordination and horizontal cooperation would likely improve the quality of services and partially prevent conflicts when the pressure of problems grows.