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# Chapter 8

## Intra-European Movement: Multi-Level or Mismatched Governance?



Dion Curry

### 8.1 Introduction

The case of intra-European movement raises significant debate about multi-level governance (MLG). In analytical terms, it asks how *multi-level* governance of intra-European movement actually is, what actors are involved and how? In normative terms, it considers whether intra-European movement can be seen as ‘successful’ multi-level governance. Intra-European movement is an area that faces both *issue complexity* and *institutional complexity* (Stephenson 2013, pp. 817) and as such, the governance arrangements are often correspondingly complex. This chapter will attempt to locate the case of intra-European movement within the broader literature on multi-level governance and try to draw out lessons for understanding MLG as a practical, analytical and normative concept. This is relevant to both the understanding of intra-European movement and the understanding of MLG. On the one hand, additional cases help to support or refute the robustness of our conceptualisation of multi-level governance; on the other hand, MLG as a concept can help us to understand the entanglement of a complex issue that cuts across political and policy bounds. The chapter will first develop a framework of multi-level governance that can be applied to intra-European movement. Then, the structural, relational and policy factors that affect MLG will be explored in the context of this specific case. The final section will try to craft some answers about what intra-European movement policy can tell us about multi-level governance, and vice versa.

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## 8.2 MLG as a Concept

As discussed in the introductory chapter, intra-European movement faces difficulties in conceptualising the ideas of both mobility and migration. However, this difficulty also extends to the concept of governance between and within political levels. Multi-level governance was first coined by Gary Marks as a way of explaining structural funding processes in the European Union (Marks 1993). Originally, MLG aimed to provide an alternative and somewhat middle-ground theory to European integration that avoided both the state-centric nature of intergovernmentalism and the federalism (or federalism light) espoused by supranationalism and neofunctionalism. MLG was conceived as a means of explaining how actors at different political levels work together to create and implement policies in areas with less clear-cut jurisdictional bounds than traditional policy. Two different types of MLG were identified. *Type I* MLG systems resemble federal-type structures, with non-intersecting, general purpose jurisdictions, clear spheres of authority and well-defined levels. In contrast, *Type II* MLG, a somewhat ‘newer’ governance form, is distinguished by overlapping, policy-focussed jurisdictions operating at shifting numbers of levels that are more flexible and inevitably messier than traditional federal-type multi-level structures.

While MLG was initially used as a way of analysing EU-level processes, it has since broadened out to include regional (e.g. Bache and Andreou 2011) and state-level analyses both within and outside the EU (e.g. Horak and Young 2012) as well as bottom-up examinations of the roles of local and urban governments (Grisel and van de Waart 2011; Zapata-Barrero et al. 2017; Zerbinati 2012). This includes expansion into functional uses, where the concept was applied in new policy areas or country studies (Stephenson 2013, p. 822) and even development of the concept as a way of identifying a normative ‘good’ form of governance (European Commission 2001; Committee of the Regions 2009). This creates the danger of conceptual stretching (Sartori 1970) or the creation of a ‘container concept’ that tries to be everything to everyone (Van Geertsom 2011, p. 169), but new research attempts to ‘travel’ the concept without reducing its precision or clarity. This has resulted in competing visions of how to study and explain multi-level governance (see, among others, Bache and Flinders 2004; Conzelmann and Smith 2008; Curry 2015; Hooghe and Marks 2003; Jordan 2001; Kohler-Koch and Larat 2009; Litzo-Monnet 2010; Piattoni 2010; Scharpf 1997). These refinements of the concept also raise new issues regarding MLG and its practical effects, including questions of scope (can MLG be applied outside of Europe, or to international relations?), academic rigour (is MLG a theory or just an organising framework?) and legitimacy and accountability (who is ultimately responsible when multiple elected and unelected actors at different levels are involved in crafting and delivering policy?).

The broadening and deepening of the concept in turn led to new attempts to categorise different modes of governance (see, for example, Grisel and van de Waart 2011; Howlett et al. 2009; Curry 2015; March and Olsen 1996; Offe 2006; Scharpf 1991; Treib et al. 2007; Weaver and Rockman 1993). These all offer their own strengths and weaknesses, trying to strike a balance between comprehensiveness

and elegance, general applicability and specific nuance. This chapter takes a slightly different approach and focuses on the factors that go into assessing the nature of multi-level governance. When governance plays out at multiple levels, attempts at coordination can face several difficulties that manifest themselves in structural, relational and policy ways. Complex institutional structures can lead to fragmentary policy-making. Relationally, hierarchy may make coordination difficult as actors compete for power. Finally, different actors may have competing, conflicting or shifting policy interests and goals (Taşan-Kok and Vranken 2011, pp. 16–17). These structural, relational and policy processes map onto Hooghe and Marks' typology of MLG, but provide a more granular way of analysing the factors influencing MLG.

The three categories of processes can be mutually reinforcing, contradictory or separate. Institutional structures and actor relations will have an impact on what policy options are open. The realities of policy-making and specific policy areas will, in turn, affect how actors work together and use institutional structures to develop policy. If these three factors are mutually reinforcing, structures that are supportive of MLG-type processes will develop. This will give actors more room to manoeuvre in shaping policy outcomes in a multi-level manner, actors may utilise structures in a way that supports multi-level solutions, and/or policies may lend themselves to solutions that make use of structures and relations in a multi-level way. If these processes are not mutually reinforcing, they can result in governance mismatch, which can take two forms. When these processes operate in contradictory fashion, *disjointed* governance can result, where actors, institutions and policies operate at cross purposes (Curry 2015). When these processes operate separately, you find cases of *decoupled* governance, where there is little coordination between actors, institutions and processes (Scholten 2013). Structures, relations and policy can be further broken down into 6 sub-categories (see Table 8.1).

It is important to remember that these factors are not binary and operate on a spectrum. In addition, they do not operate discretely, and often complement or amplify each other. Structural/institutional factors that affect the nature of multi-level governance can be grouped into two categories. First, there may be a rigid or flexible institutional structure in which actors operate. Rigid structures may be binding on the actors involved, which is often, but not always, tied to the threat (or not) of sanctions for inaction (or negative action). Conversely, these structures may take a flexible, non-binding, 'soft law' form that is more responsive to contextual and policy-specific factors. Second, the jurisdictions that make up the 'multi-levelness' of the policy area may be general purpose (normally geographical or cultural entities that exist across policy areas) or specific to that particular policy, an increasingly common configuration in EU settings. These two broad categories combine to create the institutional milieu in which governance exists, a spectrum where there can be clear lines of authority (in rigidly structure, general purpose jurisdictions), or one with indistinct lines of authority (flexible, policy specific approaches), and any variation in between.

Relational factors are ones that affect how actors – whether governmental, quasi-governmental or non-governmental - interact with each other both within and between levels. Again, there are two broad categories of relational factors. First,

**Table 8.1** Multi-Level Governance Processes in Intra-European movement

Type I multi-level governance		<b>Structural factors</b>		Type II multi-level governance
	Rigid institutional structure	↔	Flexible institutional structure	
	Multi-purpose jurisdictions	↔	Policy-specific jurisdictions	
		<b>Relational factors</b>		
	Hierarchical relations	↔	Heterarchical relations	
	Formalised relations	↔	Informal relations	
		<b>Policy factors</b>		
	Discrete policy responses	↔	Holistic policy responses	
	Uniform policy issue	↔	Complex policy issue	

relations may either be hierarchical with a clear chain of command, or be more heterarchical networks in which actors work more collaboratively. In areas where higher governmental levels have binding power, processes will be more likely to operate in a hierarchical manner, whereas heterarchical processes can originate where strong urban/local levels exist, or where urban/local levels assert themselves in areas left undeveloped by higher levels. In hierarchical, top down relationships, policy decisions are downloaded by decision makers at higher levels of government to be implemented by lower levels of government. Heterarchical relations allow for more two-way permeation of policy ideas, where processes may originate at lower levels and permeate upwards. Somewhere in between the two, lower levels of government may ‘upload’ information to decision-makers at higher levels of government (Güntner 2011). While not a truly heterarchical process, as decision-making is not shared between all actors, uploading does allow for more input from actors at lower levels. Second, these relations may be highly formalised and standardised or may take a more fluid, informal or ad hoc approach. This stability or fluidity can operate in terms of context, policy response, actors involved or other factors. The spectrum of relations can vary from a highly inclusive one marked by heterarchy and fluid, informal policy responses, to an exclusive one marked by hierarchy and stable, formal relations between actors.

Finally, policy factors affecting MLG can be grouped into two categories. First, policy responses may be discrete and compartmentalised, where issues are treated separately with clear lines of demarcation. Conversely, a holistic approach treats each issue as part of a larger whole covering a broader policy area. Coordination is required for both approaches, but for different reasons. Discrete policy responses

require coordination in order to clarify and delegate roles and responsibilities within specific issues, whereas holistic responses require coordination to ensure harmonisation across disparate issues. A lack of coordination can develop either between levels (for instance, with different governmental levels having different policies on an issue), within levels (where, for example, governmental and non-governmental actors may have different roles, policy goals and approaches) or over time. The level of coordination may also be tied to whether competence over that policy issue is exclusive or shared, and whether those creating the policy are the same as those implementing the policy. Finally, uncoordinated responses may develop when the policy issue is contested, either through new or unclear jurisdictional bounds or through attempts by actors to either take over or relinquish ownership and control of the policy. Second, the policy itself may be complex and cross-cutting or uniform, discrete and straightforward. Complex policies are ones that may deal with cross-cutting policy problems, have incomplete, contradictory or changing solutions, or have many possible options with no clear-cut ‘best’. Policy approaches are then found on a spectrum from chaotic (uncoordinated, contested, complex and non-state controlled), to controlled (coordinated, uncontested, straightforward, state-controlled policy).

To relate this back to Hooghe and Marks’ initial typology, governance that mainly hews to the left side of Table 8.1 can be seen as mutually reinforcing in a way indicative of Type I MLG, whereas governance that fits on the right side is mutually reinforcing in a way closer to Type II MLG. Governance responses may in turn target structural, relational or policy factors. This can result in various governance outcomes depending on how complete the change is in the three identified factors. There is little question that intra-European movement policy operates (and has operated for some time) at multiple levels, but this can still take several different forms. For example, shifts in the locus of power, such as to urban levels, may not actually improve the policy’s ‘multi-levelness’ in a governance sense. In other words, EU-level principles of free movement may not necessarily result in true *multi-level governance* and instead be an incomplete solution where a new EU-level policy approach is bolted onto an existing state- or urban/local-level governance solution. If there is no change in structural, relational or policy factors, the status quo will obviously ensue. If there is a change in only some of the factors, it may result in governance mismatch – either decoupled governance, where the levels operate more or less independently, or disjointed governance, where different levels may operate at cross purposes. A true *multi-level governance* response therefore must encompass complementary, mutually supporting shifts in all three factors. This results in three possibilities for the EU and member states’ policy responses to intra-European movement:

- P1: Structural, relational and policy factors are clearly demarcated and distinct across and within levels, indicating no multi-level governance.
- P2: Structural, relational and policy factors are misaligned across and within levels, thus indicating there is *governance mismatch*, which may take two forms. Contradictory governance responses on the three spectrums indicate

*disjointed governance*, while independent, non-reinforcing responses indicate *decoupled governance*.

- P3: Structural, relational and policy factors are interdependent, mutually reinforcing and complementary across and within levels, resulting in *multi-level governance*.

The chapter now explores these governance possibilities more thoroughly by turning to an examination of the multi-level governance processes at play in intra-European movement, drawing on the cases examined in this book. In addition, the case of Turkey is used as a comparison and counterpoint to look at how third-country migration is treated within EU countries, its relation to intra-European movement and its effects on governance.

## 8.3 Structural Processes

### 8.3.1 *Rigid Versus Flexible Institutional Structures*

As a policy issue, intra-European movement is subject to EU-level directives, with member states required to abide by the EU's free movement rules. In addition, once clear jurisdiction over migration is established within member states, these arrangements remain relatively stable over time (see the chapter by Zelano). However, intra-European movement is inextricably linked to issues of migrant integration. This issue is largely non-binding and flexible in nature and often takes place at the urban/local level, which plays a significant role in many of the case countries, at times even without significant member-state support. Overall, there was mainly evidence of a flexible and fluid structural approach to dealing with migrant issues, in a way that corresponds to Hooghe and Marks' Type II MLG. This is largely due to the nature of intra-European movement and the temporary nature of much of the movement. The EU's free movement requirement, coupled with the Schengen agreement, only seems to have an effect on rigidity in terms of the legally binding macro-policy considerations of migration. The day-to-day policy approaches were more left up to the member states, who in turn often involved or delegated certain responsibilities to urban/local and regional levels, which created a more flexible approach.

An example of this flexibility is the agreements between Polish and Dutch governmental and non-governmental bodies to facilitate movement of labour between the two countries and reasonable treatment of these migrants. Central governmental bodies such as the Polish National Labour Inspectorate and the Dutch Arbeidsinspectie work together on employment regulation and worker complaints with NGOs such as FairWork, who aim to protect migrant workers' rights (see Kindler's chapter). However, this institutional flexibility has not necessarily increased responsiveness, as many of the case countries still struggle in providing services to short-term migrants. In addition, flexible structures can have a deleterious effect on coordination. This flexibility was also evident external to the EU in Turkey, where migration as a policy concern is less institutionalised, with a comprehensive *Law of Foreigners and*

*International Protection* only coming into force in 2015 (see Chap. 11 in this book by Korci Korfali and Acar). Indeed, the need to institutionalise governance processes to improve coordination is noted elsewhere in this book (see Zelano et al.).

### **8.3.2 *Multi-Purpose Versus Policy-Specific Jurisdictions***

The issue of jurisdiction is a complicated one for European movement. While traditional governmental levels are clearly evident in establishing the bounds of the policy, the ways in which these levels operate are more specific to the policy area alone, with fluidity and policy specificity in how migrant integration is addressed. Requirements for free movement of labour are binding on EU member states and follow traditional, general purpose jurisdictional lines emanating down from the EU to member states. However, those member states then take different approaches to developing more policy-specific structures to meet the needs of migrants. Therefore, policy specificity largely depends on what aspect of the policy one is considering. While intra-European movement follows more multi-purpose jurisdictional lines, migrant *integration* is largely carried out in a more policy-specific jurisdictional capacity, often at the urban/local level.

The interplay between intra-European movement requirements and subsequent questions of integration has created some governance tensions between the inherently multi-level nature of international migration and the nation state-specific issues of labour markets. These difficulties are different for receiving countries that face an overabundance of labour supply and sending countries that may face a brain drain and a decline in the labour force. The problem of sending countries is particularly evident in Poland, where a large proportion of the population has emigrated from Poland to other EU countries. Poland then requires specific responses to deal with job shortages in regions hard hit by this emigration. This involved, ironically, opening up in-migration from Eastern Partnership countries such as Ukraine (see the chapter by Kindler). While general intra-European movement requirements are undertaken at an EU level, the high variability in member state responses to these requirements marks this case as one that has many policy-specific jurisdictional aspects. It is an area where member states have ceded power over their (intra-European) migration policies to the higher EU governmental level, but its close connection to migrant integration issues, which mostly takes place at the urban/local level, gives this high policy specificity.

## **8.4 Relational Processes**

### **8.4.1 *Hierarchical Versus Heterarchical Relations***

Both hierarchical and heterarchical processes are evident in the case of intra-European movement. The EU must contend with a complex and contingent vertical structure of governance in all policy areas. This may take the form of (1)



administrative regionalisation where regions are subordinate to the central government, such as in Greece and Portugal; (2) regionalisation through existing urban/local authorities, such as in the Netherlands and Ireland; (3) regional decentralisation in countries such as the United Kingdom, Sweden and the Czech Republic; (4) regional autonomy in Spain and Italy; or (5) federal cases such as Austria, Germany and Belgium (ESPON 2005, p. 296). However, these categories are contested and may change over time (ESPON 2005, p. 285; Tosics 2011a, p. 28). In addition to different national-regional governance structures, nation states may also deal with local governments and urban conurbations in different ways. This can be affected by the rate of growth of urban areas, structural differences between countries and whether countries have explicit urban policies or not (Tosics 2011b, pp. 36–39).

Given the wide variety of both national-regional and national-urban/local (or regional-urban/local) structures in place, any study of vertical governance structures must take into account (1) how many intermediary levels exist; (2) how strong these levels are; and (3) to what extent the levels are integrated (Tosics 2011a, p. 27). The case of intra-European movement displays both numerous and strong levels involved in the policy, with EU directives providing a clear hierarchical structure in which both urban/local governments and member states must operate according to those directives. Whereas migration displays clear hierarchy, with the EU controlling the process, integration, housing and often social policy are treated more heterarchically, involving multiple actors with little to no hierarchical control from higher governmental levels. Within nation states, there was also variance on how hierarchically controlled integration was and how much it involved other levels – mainly the urban/local actors –in delivering policies related to migration. It was often unclear who had control over migrant integration, and which level might wish to take on such a responsibility. Accordingly, in many countries, infrastructure for supporting integration was seen as somewhat lacking (see chapter by Zelano et al.).

While the overarching policy on migration may be hierarchical and top down, urban levels have still been able to craft bottom-up solutions to issues of integration where there has been a gap in policy-making from higher levels. Restrictions placed on new member states, as seen in Austria and the Netherlands for 2004 and 2007 accession countries, represent a clearly hierarchical process in regard to intra-European movement. These restrictions had some initial effects on mobility and migration patterns, temporarily limiting formal employment, although not necessarily stemming the flow of CEE citizens. The effects of these restrictions on the number of migrants in the long term (especially after the transitional period lapsed) were minimal, but one of the biggest effects was in legalising pre-existing migration corridors and formalising labour positions and social security. Countries such as the United Kingdom and Sweden did not exercise this hierarchical control over migration and instead waived transition periods for 2004 accession countries. Initially, this had some effect on patterns of movement in the UK, with an influx of Polish immigrants following the 2004 accession, but Sweden saw no visible impact on the number of Polish migrants (see Kindler's chapter). However, the lack of hierarchical control in imposing migration restrictions ended up placing more of the onus for action on lower levels of government (see Chap. 2 by Sert) and resulted in a some-

what more bottom-up approach to addressing migration issues. The Dutch case also provides an example of a more heterarchical approach to developing policy options, albeit in a slightly more limited fashion than in Sweden. In the Netherlands, city initiatives such as the ‘approach to attack slum landlords’ were initially developed at the urban level. In a process that is perhaps more akin to uploading or policy learning than true multi-level governance, the national level then adopted this policy for broader usage (see Zelano et al. in this book). This did not necessarily involve true MLG in terms of a partnership between levels, but it did indicate policy diffusion upwards.

Both Sweden and the Netherlands have precedents in other policy areas for utilising more heterarchical approaches to developing multi-level policy responses. Green investment programmes in Sweden provide an example of this. The central government provided funding for green initiatives, but it was the urban/local levels that developed the programmes and strategies for improving ecologically sustainable development and reducing emissions. This also required the urban/local levels of government to work horizontally with other actors in order to deliver effective policies, as an explicit goal of these programmes was the development of local networks involving governmental and non-governmental actors (Kelder 2011, pp. 150–156). The policy approach had significant multi-level components, although it did not involve the EU. It did, however, involve numerous state and non-state actors at local, regional and national levels.

Other policy case studies in the Netherlands also point to a complex relationship between urban/local and national levels. For instance, an initiative to create healthier neighbourhoods in disadvantaged areas was undertaken jointly by urban/local and national levels starting in 2007. The former Ministry for Housing, Planning and the Environment, along with municipalities, housing corporations and other ministries created a *Wijknaampak* (neighbourhood policy) to address health issues in the areas. The project was truly multi-level, drawing on (limited) European Social Funds but mainly spearheaded by national and urban/local levels. Activities were coordinated centrally but undertaken locally, with most of the funding also originating from local sources. Semi-public, non-governmental and private actors were involved, as were citizens of the neighbourhoods in question. The actual concrete plans were largely bottom-up processes driven by the municipality, as they were expected to set their own goals and approaches. These arrangements also had a cross-regional components, with major urban conurbations (Amsterdam, the Hague, Rotterdam and Utrecht) banding together to establish a regional agreement to address health inequalities (van de Waart 2011, pp. 130–136). This initiative was seen as successful for two main reasons. First, the role of leadership was key, with the Ministry of Public Health, Welfare and Sports playing a central role in both persuading the central government to develop this initiative and in convincing urban/local levels to take part. Second, local levels were given significant autonomy in how they implemented this policy, allowing them to tailor the policy to meet specific neighbourhood needs. Some parallels can be seen in the migrant integration case, particularly in regard to the central role played by urban authorities.

### 8.4.2 *Formal Versus Informal Relations*

Some types of formal, institutionalised relationships between actors usually exist in both hierarchical and heterarchical actor networks. Intra-European movement initiatives that originated from the top down often had in-built mechanisms for ensuring adequate communication and coordination of urban-level responses as well. For example, the Swedish Enforcement Agency centralised statistical capacity and initiatives to harmonise urban/local practices in terms of illegal migrant settlements (see Zelano et al.). There were political apparatuses in place to ensure communication between levels, although these were not always used effectively by all actors and more fluid, informal contacts seemed to be used more regularly. In fact, formalised conduits for interaction between the EU (Commission) and urban levels were identified as being lacking (see Zelano's chapter). Looking from the EU level, communication between EU and member states on migration issues was seen as strong (often daily) in general terms, but members of the Commission were more likely to interact most with other DGs within the Commission, rather than member state representatives. Likewise, interaction between member states was more likely to occur first outside of traditional EU structures before moving to consultative bodies or council working groups, with evidence that this trend was increasing over time (see Zelano). These indicate a general lack of formalised connections between levels.

More positively, this informality in relations extended to ways of developing consensus, at least in the early policy development stages. Actors were less likely to rely on overly formal procedures such as court challenges and instead focus on less structured ways to come to agreement on policy approaches. However, this informality also required a focus on lower-level policy action; once issues became too high up the political ladder, the efficacy of these informal relational solutions was greatly reduced (see Zelano). This difficulty when issues travel further up the governance levels is evident in research in other policy areas. While urban/local levels may participate in various governance processes in a wide variety of policy areas, there is a difference between participation or involvement and true influence or governance (see, for example, Blom-Hansen 2005; Stephenson 2013, p. 822; Bache 2008; Curry 2015, p. 181).

This also appears to be true in the case of intra-European movement, where there was strong urban *involvement* in the policy but less indication that policies around free movement were *changed* as a result of such initiatives involving the urban level (see Zelano). However, again there was more evidence of urban government effects on migrant integration. There, the prominent role of the urban level had an effect on the shape and formality of relations between levels. As mentioned above, many decisions about integration of migrants and their associated housing, social and welfare needs take place at the urban level, sometimes even without significant member state support. This creates dynamic responses to address policy problems while also bypassing or disrupting more stable, formalised relational networks between levels. In fact, intra-European movement policy shows signs of disintermediation - 'level-skipping' or cutting out the middleman - with the increasing role of local levels, especially urban areas, in shaping migration policy. Within member

states, regional levels are sometimes passed over with local and national levels working together on policy solutions. Austrian policies illustrate a clear case of this type of disintermediation, with many policies involving national and urban/local levels whilst skipping the *Länder* (see Zelano et al.).

National levels themselves may also be informally skipped. The ‘Conference of mayors on the impact of intra-European movement of EU citizens at local level’ is a strong example of this type of disintermediation. The conference was organised at the EU level and brought together local actors to discuss the impact of migration and policy options available in the area while mainly bypassing the nation state level. The conference provided a forum separate from the national level where these issues could be discussed. However, in general there was not clear coordination between urban/local levels and the EU level, with the EU failing to engage significantly with the urban/local levels in integrating migrants. This disintermediation and the flexible approach to policy solutions identified above do not necessarily restrict the true multi-levelness of a policy area and may in fact aid it. However, the flexibility afforded by disintermediation does not extend to all aspects of migration policy. This flexibility is especially necessary for seasonal and circular forms of migration, where governance networks might need to be more flexible than in situations of permanent migration. However, this flexibility in which levels are involved is not always evident in practice. The relative stability of actor networks dealing with the broad issues of migration somewhat reduced the responsiveness of policy approaches to targeting specific migrant groups.

## **8.5 Policy Factors Affecting MLG in Migration Policy**

### ***8.5.1 Discrete Versus Holistic Policy Responses***

Structural and relational factors come together to create a policy setting that either addresses broad policy issues in a holistic manner, or divides them into discrete sub-issues. In most if not all the case countries there was a clear divide between a) intra-European movement as a legal requirement, which was mainly addressed at the EU level; b) intra-European movement as a labour-market and social policy issue, which mainly took place at the member state level; and c) intra-European movement as a question of integration, which often took place at the urban/local or regional level. This is a clear indication of the broad policy issue of intra-European movement being treated as a group of responses to smaller, discrete policy issues. The issue then becomes a question of how these discrete policy issues were coordinated.

Most cases examined in this book were marked by a lack of vertical coordination between governance levels, but there were clearer examples of horizontal coordination between actors within levels. While migration policy is a central state concern, it does involve non-state actors in delivering services to migrant communities. The Austrian case shows clear coordination between state and non-state actors. In that case, horizontal integration is more evident in housing policy, cen-

tred on the local level and involving non-state actors in a significant way (see Zelano et al.). In policy areas such as home care, horizontal coordination is evidenced by the role played by private actors in delivering services, with agencies occupying a central position in placing EU migrant care workers with Austrian families. These migrants play a key role in this policy area, as few Austrians work in 24-hour care. At the same time, in order to ensure coordination this service is highly regulated from the centre and the agencies themselves guarantee (at least in some cases) that working conditions are met (see the chapter by Drbohlav and Pavelkova). This horizontal coordination of state regulation and protection and non-state provision through agencies was similar in the case of Polish migrants to Sweden (see Kindler). In both cases, non-state actors play a key role but still operate within the confines set by the state, thus increasing horizontal coordination.

In the Netherlands, urban actors have coordinated horizontally within their level to develop policies to address issues related to free movement. As in Austria, this has taken the form of including non-state actors in the policy process and in developing initiatives across regions, such as the partnership between Rotterdam and The Hague in creating arrangements to control fraud and mala fide employment arrangements (see Zelano et al.). Sweden provides a third case of horizontal coordination, as urban levels bring in non-public sector actors (in this case, religious institutions and charities) to address gaps in national policy with regard to housing (see Zelano et al.). Horizontal coordination is increasingly necessary in the Swedish case, especially where urban/local levels play a central role in addressing migration issues, which creates the need for more horizontal coordination between local levels of government who often face similar pressures and opportunities with regard to migration.

This horizontality is not limited to the local levels and also takes place to a more limited extent across member states. For instance, the Dutch government has worked in coordinating with other member states to set the agenda on migration issues and bring action in the area of wage dumping and other negative labour market practices (see Zelano et al.). However, despite the Dutch efforts this agenda-setting has not always resulted in coordinated national-level policies between member states. Looking outside of the EU, Turkey was in many ways an outlier to this tendency towards horizontal rather than vertical coordination. Turkish policy was exemplified by its top-down nature on specific policy issues, but this was not matched by horizontal coordination to bring the disparate strands of migration policy together. The lack of coordination at the urban/local level hampered the effectiveness of Turkey's migration policies and created the danger of mismatch between the actions of the central government and the urban/local levels (see Korci Korfali and Acar).

### ***8.5.2 Complex Versus Uniform Policy Issues***

Migration policy is also a complex policy as it is an essentially contested issue with often contradictory satisficing options. In addition, as has previously been shown in this chapter, different levels may not always work closely together and policy

responses may conflict or misalign. These factors create a complex environment that cuts across numerous policy areas, has multiple policy options and solutions, and has a constantly shifting policy context. Despite the EU's binding power over issues of intra-European movement, the issue remains significantly contested with multiple 'solutions' and no clear cut answer. Recent negotiations with the United Kingdom about migration and free movement post-Brexit are illustrative of its contested nature. The attempted renegotiation of UK membership revolved (inter alia) around issues related to EU migration, such as limiting EU migrants' claims to benefits (European Council 2016), and the ongoing Brexit negotiations paint intra-European movement as a key source of disagreement (Mason and Duval Smith 2016). In addition, although intra-EU and external migration are treated separately, they are inextricably linked in many of the policy debates, as well as being held together in issues such as migrant integration.

The cross-cutting nature of intra-European movement creates additional dangers of governance mismatch, with the most noticeable cross-cutting issue being the interplay between migration and integration. While EU-level processes are on firmer, more binding footing in regard to the economic aspects of migration, the social issues that are part of migrant integration remain more member state-driven (see Zelano). In addition, the focus of the issue may shift depending on the stage of the policy process, with different aspects (and actor configurations) being more important during policy design than during implementation (see Zelano). As well as the danger of mismatch between levels, this raises the likelihood of mismatch within the policy area itself, for instance between social and economic issues. Related to this, EU movement contains both new policy issues that need to be addressed – in the form of, for example, specific integration issues that have developed since the 2004 accession – and pre-existing policies where new migration pressures need to be incorporated, such as health and education (see Zelano et al.). Migration patterns can exacerbate existing social, demographic, employment and other issues, which in turn create separate governance issues that may only be tangentially related to the governance of migration itself. And, in some cases, instead of developing true cross-cutting policies, the approach may be more fragmentary. For instance, outside of the EU in Turkey, while migration-orientated approaches may be evident in certain policy issues such as labour market controls and registration, there is less development in other related areas such as housing (see Zelano et al.).

## **8.6 Intra-European Movement: Multi-Level or Mismatched Governance?**

While governance processes always operate on a spectrum and no policy area will fit perfectly into one or the other types of MLG, certain tendencies in structure, relations and policy can be identified for intra-European movement. In terms of structure, intra-European movement most closely resembled Type II MLG, with flexible institutional structures and policy-specific jurisdictions to address the issue. The

situation is more complex in terms of relational and policy factors. Relationally, clear hierarchies exist in intra-European movement, with the EU having clear legal authority. While issues of migrant integration may be more heterarchical in that urban/local levels are more centrally involved, this participation is either at the behest of the central member state government or due to a gap created by policy inaction at higher levels, thus operating in a ‘shadow of hierarchy’ (Héritier and Lehmkuhl 2008). At the same time, these relationships are not highly formalised, with more informal and fluid relationships often taking precedence. In terms of policy factors, intra-European movement is clearly regarded as a collection of discrete policy issues, with ‘integration’ treated differently from other migration issues such as labour market controls. However, it is also a complex policy issue with multiple facets and degrees of contestation.

To put this in perspective of the possibilities outlined at the beginning of this chapter, intra-European movement has, to a large extent, required some augmentation of governance processes to a) recognise the central legal role played by the EU in this area; and b) accommodate the multi-faceted and inter-related social and labour policies affected by migration. This has resulted in some shift of structural, relational or policy factors, meaning the status quo of traditional governance processes (P1) is not simply maintained. At the same time, there has been an uneven shift in how structures, relations and policy processes have adapted to the specific realities of intra-European movement, meaning that true MLG (P3) has also not been attained. The combination of hierarchical, often informal relations and a complex policy environment that nonetheless treats sub-issues as discrete silos creates *governance mismatch* in the nature of MLG in intra-European movement, affirming P2, as shown in Table 8.2.

**Table 8.2** Multi-Level Governance Processes in intra-European movement

Type I multi-level governance		<b>Structural factors</b>		Type II multi-level governance
	Rigid institutional structure	↔		<b>Flexible institutional structure</b>
	Multi-purpose jurisdictions	↔		<b>Policy-specific jurisdictions</b>
		<b>Relational factors</b>		
	<b>Hierarchical relations</b>	↔		Heterarchical relations
	Formalised relations	↔		<b>Informal relations</b>
		<b>Policy factors</b>		
	<b>Discrete policy responses</b>	↔		Holistic policy responses
	Uniform policy issue	↔		<b>Complex policy issue</b>



The cases examined in this book reveals migration and mobility policies to undoubtedly take place across multiple levels, even if all levels are not involved at all times. In terms of governance processes, relational factors appear to play a more predominant role in shaping migration policy than structural factors. In fact, the lack of institutional capacity was identified as an impediment in some cases. In the Netherlands, these relational factors allowed for innovative policy approaches, such as a bottom-up approach to integration driven by the urban/local level. This approach falls more in line with a true multi-level approach, as policy actions permeated upwards instead of simply travelling downwards, although it was still ultimately driven by a willingness at the central (national) level to adopt urban/local policy initiatives more broadly. The evolving nature of this approach highlights the need for more and wider research to build on existing literature examining governance networks over time (see, for example, Kapucu and Garayev 2012; Lowndes and Skelcher 2002; Jack et al. 2008). The strong presence of the urban/local level in this policy area further emphasises the need to consider MLG from two angles - both from the perspective of the decision-makers and from the perspective of the implementers by utilising a backward-mapping approach (Lipsky 1980). This approach starts from the perspective of the implementer and works back to the top to see whether the implementers' outcomes match with the initial goals of the policy (Elmore 1979–1980, p. 604). This can highlight any governance mismatch that is evident between the actors involved at various stages of the policy process.

Governance mismatch can have a significant impact on the efficacy of multi-level arrangements and was evident in the case of intra-European movement. While there are some successful examples of intra-European movement governance processes that approach true multi-levelness, significant parts of the policy display either *decoupled* or *disjointed governance*. The relative lack of EU-level coordination indicates governance decoupling between EU and member state levels. Again, this is partly the result of the unique supra-national powers of the EU, but it also creates the risk of a clear split between EU and member state goals. In a related case to this, that tension is already evident in the rifts between the EU-level response to Syrian refugees and member states that are firmly opposed to quotas imposed at the EU level. Within member states, there were clear cases of *disjointed governance*. Urban/local levels often drove policy initiatives, but these bottom-up responses lacked the coordinating powers of higher governmental levels, again limiting the true multi-levelness of these approaches and creating a misalignment of policy goals between levels.

Partly, this governance mismatch may result from the unique nature of intra-European movement policy. While many policy issues are contested as different actors and levels try to gain (or maintain) control over issues, migration also contains policy problems that are contested in terms of actors trying to *give up* control over these issues. Movement flows are controlled by the EU (for intra-EU 'mobility') or nation states (for non-EU migration). In contrast, issues of migrant integration are often ignored or left to urban/local levels to address. The split between decision-making and implementation has created often leaderless policy approaches, and while true MLG supports and indeed often calls for a networked, heterarchical



approach to governance, in reality the lack of leadership can create deadlock or inaction. Chapters 6 and 7 point to a surprising lack of EU involvement on migration issues, despite the free movement directive coming from that level. This results in a fragmented and uncoordinated policy approach that creates governance mismatch between urban/local and regional approaches as well as between member states. In many ways these processes can be seen as incomplete MLG (with only some levels involved) or ‘MLG-light’. These variations display many characteristics of MLG – multiple levels are involved, non-governmental actors can play a key role and policies may be relatively fluid and responsive – but remain incomplete in either the number of levels included or the structural, relational and policy processes that can support a multi-level governance frame.

## 8.7 Conclusions

This chapter provides a thorough study of a policy case that highlights the fine-grained capacity of the concept of multi-level governance to analyse policy processes. In addition, it increases the robustness of MLG as a concept by travelling it into a new policy area with its own unique governance framework. Analytically, this research points to the need for a more nuanced understanding of the various structural, relational and policy factors that shape multi-level governance. Practically, intra-European movement provides a deep and rich case to test the robustness of MLG as a way of understanding real-world processes. In particular, the work raises questions about the need to consider partial multi-levelness, where only certain levels are included in the policy process, and partial governance, where policies may operate over several levels but maintain traditional structures of power and decision-making. Finally, the case of intra-European movement shows the importance of context in determining the mode of multi-level governance that best fits a particular situation. Some examples in the case countries do point to relatively successful or ‘true’ MLG that encompasses both the multi-level and governance components of the term. However, in general the distinct lack of EU involvement beyond the directives on free movement point to an incomplete or mismatched case of MLG that does not fit neatly into Hooghe and Marks’ typology.

In many ways, intra-European movement represents both the promise and the disappointment of multi-level governance as a normative ideal. Different examples presented in this book highlight the flexibility and responsiveness of some policy initiatives, innovative ways of including non-governmental actors and the possibility of bottom-up initiatives permeating upwards. However, this is often welded on to a more traditional, state-centric structural system that can create governance mismatch where actors are not always able to respond in a way that fully meets policy needs. Ultimately, the range of initiatives presented herein highlight the reality that there is no ‘right’ answer to dealing with complex, multi-level policy issues. While different permutations of structural, relational and policy factors can result in successful or unsuccessful cases of MLG, all three broad factors must be mutually

complementary to avoid governance mismatch. Importantly, variations in any of these factors also require a concurrent shift in the other two in order to avoid disjointed or decoupled governance. However, the exact shift necessary in the other two areas is not always readily apparent.

Several characteristics of the type of MLG present in intra-European movement are worth highlighting in conclusion. First, *disintermediation*, where certain government levels may be skipped, was relatively common in the policy area, especially in terms of migrant integration, with urban/local levels addressing the issue directly without national-level input. Second, coordination *between* political levels was noticeably absent in many of the case countries. Instead, policy actors (mainly at the urban/local level) were more likely to coordinate horizontally within their level, developing new and less formal relations with non-typical actors, such as NGOs, housing associations and charities. Perhaps the most interesting addition to the understanding of multi-level governance presented by the case of intra-European movement is the need to separate out multi-level *contexts* from multi-level *governance*. There is no doubt that intra-European movement operates in a multi-level context, as multiple levels are necessarily involved. However, this does not necessarily equate with multi-level *governance*, as shown in this chapter and others (see Hinnfors). Care must be taken in the study of MLG to distinguish between policies that merely operate in a multi-level context and those that operate as multi-level governance, and the indicators developed in this chapter can hopefully act as a starting point for assessing MLG.

Intra-European movement policy also highlights several possible ways forward for MLG literature. First, it illustrates the importance of a bottom-up understanding of policy in explaining governance processes, one that takes into account implementation as well as decision-making. There is great flexibility in how multi-levelness is manifested, with bottom-up processes often equal to, or even superseding, top-down policy responses. In the case of migration, this was evident in the actors themselves and the central role played by the urban/local level in dealing with a policy that is ostensibly international by nature. The relationship between levels also extended both ways, at least in a limited fashion. Central governments shaped what urban and other local governments were and were not able to do, and in turn urban/local governments uploaded new policy options to the centre. While this power was 'soft' in nature, as local levels could not force higher levels to act, it is an important finding nonetheless as it illustrates the strength of persuasive policy approaches and policy uploading. Related to this, the change in context and situations related to intra-European movement in countries such as Sweden, the UK and Poland illustrate the need for greater and more systematic examination of multi-level governance processes over time.

Several final lessons on MLG can be drawn from this research. Other works have highlighted the importance of common and shared objectives between actors, coordinated strategies and actions and clear monitoring and evaluation of processes in ensuring that MLG is truly 'multi-level governance' (Van Geertsom 2011, p. 170). In dealing with international policy issues such as migration, cross-national (instead of, or in addition to, supranational) approaches to policy problems are often neces-

sary. Cases examined in this book, such as the Czech-Austrian, Polish-Dutch and (involving migration from outside the EU) Bulgarian-Turkish migration corridors, show that migration still often has a significant geographical component, with migrants moving to different countries but remaining relatively close to home. This could lead to the development of bilateral agreements at a regional level to facilitate easier and more effective migrant integration across shared borders. While improving coordination, common objectives and policy responses from all levels represent some good practice examples of achieving true multi-level governance, these are often easier said than done and do not represent overly helpful or concrete strategies for developing or changing specific MLG processes. By breaking the issue down into relational, structural and policy factors, this research shows the centrality of actor relations in crafting policy solutions, and also the necessity of having structural factors to protect these relations. More troublingly, there does not seem to be as much consideration of what multi-level governance processes are attempting to accomplish at a policy level. Successful MLG requires more consideration of what the point of these multi-level processes is intended to be and how it relates to a specific policy context. Even more importantly, careful consideration must be given to the interplay between the structural, relational and policy considerations at play. Whether these multi-level governance processes are intended as an indicator of power relations, a tool of coordination, a tool of participation and influence, or something else will have an effect on what form the governance processes should take, and how successful they are in meeting those goals.

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