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Auteur : Cannata, Giuseppe

Promoteur(s) : Michel, Quentin

Faculté : Faculté de Droit, de Science Politique et de Criminologie

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UNIVERSITÀ DEGLI STUDI DI CATANIA
Dipartimento di Scienze Politiche e Sociali

UNIVERSITÉ DE LIÈGE
Faculté de Droit, Science Politique et Criminologie

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Giuseppe Cannata

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Supervisors:

Prof. Quentin Michel
Prof. Stefania Panebianco
Prof. Hassan Bousetta

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Abstract

The migration and refugee crisis of 2015–2016 had a major impact on different dimensions of European politics and called into question the process of European integration. Such a disruptive crisis triggered a variety of policy responses, some of which appear to imply fundamental changes in underlying policy paradigms. To make sense of these non-incremental changes, the present research provides an insight into EU crisis decision-making, analysing its underlying mechanisms and dynamics through the lenses of the contingent learning approach. Indeed, the emergence of such changes is interpreted as going through a surprise-triggered understanding of cue–outcome associations in the context of the crisis and consequent behavioural adaptation, which took place without substantial alteration of beliefs systems. To test this hypothesis the present research employed process tracing methods, drawing on semi-structured interviews and qualitative analysis of official documents to reconstruct a possible causal sequence of crisis decision-making. The present analysis provided substantial evidence for the validity of such an interpretation, which can effectively complement the insights provided by integration theories and contribute to the understanding of the impact of crises on the Union.

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List of Abbreviations

CEAS	Common European Asylum System
CSDP	Common Security and Defence Policy
EAM	European Agenda on Migration
EASO	European Asylum Support Office
EBCG	European Border and Coast Guard
EU	European Union
EUBAM Libya	EU Integrated Border Assistance Mission in Libya
EUGS	EU Global Strategy
EUTF	EU Emergency Trust Fund for Africa
HCL	Human contingency learning
IBM	Integrated border management
IOM	International Organisation for Migration
JO	Joint Operation
GAMM	Global Agenda on Migration and Mobility
MLG	Multilevel governance
PT	Process tracing
SAR	Search and rescue
SBC	Schengen Border Code
TFEU	Treaty on the Functioning of the European Union
UNHCR	United Nations High Commissioner on Refugees

Introduction

The migration and refugee crisis of 2015–2016 had a major impact on different dimensions of European politics and called into question the very legitimacy of the European Union (EU) and of the process of European integration. The crisis has sparked the interest of the academic community, which engaged in extensive research on its implications and outcomes in terms of policy changes and reforms, multilevel governance and European integration broadly understood. Yet, less attention has been devoted to the actual dynamics of crisis policy-making. Therefore, the present research is intended to contribute to fill this gap by complementing existing accounts on how policy responses to the crisis came along, with the insight provided by policy learning theories. The main question to be answered is thus: ‘how did EU policy responses to the migration and refugee crisis come along and why and to what extent did they result in further integration?’.

The crisis indeed led to the emergence of policy changes that are well beyond the expectation of mainstream integration and learning theories. To make sense of EU responses we adopt the ‘contingent learning’ approach proposed by Kamkhaji and Radaelli (2017), according to which the pairing of an expected cue (i.e., increasing arrivals) and an unexpected outcome (i.e., the collapse of common asylum system and the Schengen crisis) might result in behavioural non-incremental policy changes. The guiding hypothesis can be formulated as follows: the outbreak of the migration and refugee crisis triggered contingent learning responses within the EU, resulting in surprise-triggered behavioural adaptations and policy changes which took place without substantial alteration of underlying policy paradigm.

The adoption of such a theoretical approach based on contingent learning may contribute, on the one hand, to the theorising about EU policy process in times of crisis, testing a more fine-grained causal model of crisis decision-making. On the other hand, it might fill the gaps left by mainstream approach of European integration theories to EU migration and asylum policy, improving the understanding of its dynamics in relation to crises.

To better contextualise the research, *Chapter 1* briefly sketches out a timeline of the crisis, highlighting its logic and putting into perspective the present research in relation to the main theoretical frameworks developed in the literature. Most notably, *Section 1.2* is concerned with a literature review of the explanations provided by the main European integration theories, neofunctionalism and liberal intergovernmentalism, and discusses their limits in making sense of processes and outcomes of the crisis. In the last section of *Chapter 1*, an alternative (and yet

complementary) approach will be discussed, based on the insights of policy learning theory and, more specifically, on contingent learning.

In *Chapter 2*, having delineated the methodological framework and having singled out the hypothesis to be tested, we expose the result of the research. The choice to rely on process tracing for testing the hypotheses is due the context-sensitiveness of such a method, which allows to capture the dynamics and causal sequences of crisis decision-making, being this latter the main concern of the present research. Accordingly, *Section 2.2* is devoted to the test a first hypothesis concerning the operational dimension of EU crisis management, which is held to have been based on some sort of learning, or ‘uploading’, from already existing practices emerged in frontline Member States. The focus is on the hotspot approach and on the launch of search and rescue operations in the context of multilevel interaction between Italy, considered as a paradigmatic case, and the EU. In *Section 2.3*, instead, the contingent learning hypothesis is tested by retracing the EU policy-making process, focusing on two paradigmatic cases: the emergency relocation schemes and the EU Trust Fund for Africa. The main argument for the existence of contingent learning is based on the interpretation of policy changes emerged as a response to the crisis and on EU policy makers’ understanding of cues and outcomes. In this regard, the analysis of relevant official documents, minutes of meeting, and reports would be supported by semi-structured interviews conducted with actors involved hands-on in crisis decision-making at the level of the EU.

The final *Chapter* is devoted to the discussion of the findings in the light of what emerges as a variable geometry of EU crisis responses. Indeed, if contingent learning might account for the immediate crisis responses, the extent to which policy changes were consolidated in actual reforms of EU legislation is conditioned by structural and political constraints. On this ground we contextualise the contingent learning approach in a wider framework provided by integration theories, as a complementary explanation rather than a rival one. A particular attention is devoted in *Section 3.1* to the impact of the crisis on the external dimension of EU migration policy. The hypothesised contingent learning mechanism can explain the leap forward represented by the immediate responses to the crisis, but it is not policy learning *strictu sensu*, since it does not involve a stable change in terms of policy beliefs. Therefore, a final section discusses the constraints and challenges of EU capability of learning from crises and the room for consolidation of contingent responses, in the light of most recent advancements of EU migration and asylum policy.

Chapter 1

The EU vis-à-vis the Migration and Refugee Crisis

The so-called Mediterranean migration crisis represents a crucial breaking point for EU migration policy and the very political identity of the Union. Yet the actual understandings of such a crisis are multiple and far from being uncontended, resulting from competing discourses and interpretations. In the first place, it can be understood as a ‘humanitarian crisis’, a notion that puts the spotlight on the tragic deaths and the enduring suffering shouldered by migrants during their journeys across the Mediterranean and even after their landing on European shores, due to the deficiencies in reception systems. From this point of view, the crisis implied a call for action for the EU, according to the logic of ‘saving lives’: an ‘imperative [...] to act in the here and the now’ to rescue migrants’ lives (Little and Vaughan-Williams, 2017, p. 535). Beside this first dimension, the Mediterranean migration crisis was also ‘security crisis’, as far as migrants were portrayed as a threat to states’ sovereignty, national cohesion, culture or welfare systems (Panebianco, 2020a, p. 10). In this regard, securitisation studies have informed a rich literature reflecting on how the migration and refugee crisis has been socially constructed as security issue, calling for an enhanced control and governance of Mediterranean migration (Bello, 2020; Léonard and Kaunert, 2020). However contradictory in principle, these two dimensions of the crisis are deeply intertwined: far from countering the securitization logic, the humanitarian discourse turned into an integral part of border control and migration governance, producing what has been defined as the ‘rescue-through-interdiction’ paradigm, namely a discursive framing of the migratory movements that ends up ‘presenting “illegal” immigration and “uncontrolled” transit as a scourge to eradicate’ for the very sake of migrants’ security (Moreno-Lax, 2018, p. 139).

On a different theoretical level, the migration and refugee crisis can be understood as a crisis for the EU and for its very identity. In this regard, it is worth to analytically distinguish the two dimensions of ‘migration crisis’ and ‘refugee crisis’. Such an analytical differentiation has little to do with the controversial categorisation of irregular migrants as asylum seekers or ‘economic migrants’ but is rather valuable as a mean to single out the multiple challenges posed by this crisis to the EU. On the one hand, the migration crisis represented a challenge for the overall organisation of EU migration policy, unfolding its shortcomings—most notably, the lack of appropriate legal migration channels—which produced new ‘paths into irregularity’ (Düvell, 2011). On the other hand, the refugee crisis resulted in a challenge to the specific policy

infrastructure of the Common European Asylum System (CEAS), which turned out to be ill-equipped to face the unprecedented pressures on frontline Member States' asylum systems and, ultimately, ended up in its collapse. Therefore, other than sanctioning the failure of the CEAS, the refugee crisis spilled over into a broader political crisis, which called into question the very role of solidarity as a backbone the European construction (Tazzioli and Walters, 2019). Moreover, it jeopardized the very functioning of the area of freedom, security and justice, calling into question one of its most crucial tenets—that is, free movement within the EU—to the point that some scholars have employed the label of 'Schengen crisis' to describe it (Börzel and Risse, 2018; Schimmelfennig, 2018a).

All these distinct—and yet intertwined—dimensions should be taken into account to make sense of the multifaceted implications of the migration and refugee crisis and will inform the discussion in the following sections. More specifically, *Section 1.1* will offer a brief reconstruction of the processes at stake which ultimately resulted in the 'crisis at the borders' of the EU, understood as the dramatic increase of migration figures and deaths that reached a breaking point in 2015. *Sections 1.2 and 1.3*, instead, will be devoted to the discussion of theoretical frameworks developed to understand the nature and impact of the crisis on the Union and on European integration, thus informing the core discussion of the present work, which will be the subject of *Chapter 2*.

1.1 Retracing the Crisis: Migrants and Refugees at the European Borders

Most accounts of the so-called Mediterranean migration crisis trace its inception back to 2015, when the EU was confronted with unprecedented numbers of arrivals of migrants and asylum seekers on its shores, resulting in the overload of frontline Member States' reception systems and facilities and, ultimately, in the collapse of the CEAS. In April 2015, two disastrous shipwrecks occurred in the middle of the Mediterranean, a few days apart. It was the culmination of a dreadful month for migrants, in which 1,230 people are reported to have lost their lives along the central Mediterranean route (IOM, 2016). On 18 April 2015, in particular, the shipwreck of a vessel with more than 800 migrants onboard, offshore from the Libyan coast, dazed European leaders and public opinion¹. All of a sudden, European leaders were confronted

¹ Hinnant, L., Thomas, T. and Larson K. (2018) 'Hunt for names in deadly migrant shipwreck yields more dead', *Associated Press*, 20 December. Available at: <https://apnews.com/article/international-news-europe-ap-top-news-africa-e1a948be2da642128fe039a95b568f14> (Accessed 22 May 2021). More recent inquiries revised upwards the estimate of the missing people in the shipwreck of 18 April 2015, so that the actual number of victims of that shipwreck is currently believed to be nearly 1,100.

with the reality of one of the worst humanitarian crises ever occurred at borders of the Union. Moreover, the very definition of ‘crisis’ implies a situation of uncertainty in which some sort of threat to fundamental values of a certain (political) system or organisation calls for urgent (policy) responses (Boin et al., 2005, pp. 3–4). Such a definition, even though functional from a theoretical point of view, should not overshadow the structural role of European border policies and management practices in creating and perpetuating migrants’ condition of insecurity (Jeandesboz and Pallister-Wilkins, 2016, p. 318). Indeed, even though the shipwrecks of April 2015 made the crisis evident to EU leaders and public opinion, that was only the tip of the iceberg. Sharp increases in migration flows, shipwrecks and deaths in the Mediterranean were already occurring well before 2015 and continued to be a dramatic reality after the end of the crisis, precisely because beside the contingent causes leading to that outbreak, there are structural reasons at the roots of the perilous and unsafe conditions of migratory movements across the Mediterranean. Therefore, to understand the nature and the consequences of the migration and refugee crisis, it is necessary to unpack its multi-layered causes and retrace the path which led to its outbreak in 2015.

In the first place, we should distinguish the unfolding of the ‘crisis for the EU’ from the actual developments in Mediterranean migration patterns. The year 2015 is conventionally considered as the beginning of the migration and refugee crisis for the EU, namely the moment in which ‘the refugee issue stepped out of the shadows and attracted the attention of the public and policy-makers’ even in those Member States most detached from migration issues (Horolets et al., 2020, p. 730). However, the first increase in migratory movements can be traced back at least to 2011, when the political instability following the Arab Uprisings in North Africa and, soon after, the unfolding of the Syrian civil war led to an upsurge in migration, particularly along the Central Mediterranean route (Fargues and Bonfanti, 2014, p. 7). Until then, EU institutions and individual Member States—Italy in the lead—had devoted significant diplomatic and economic efforts to set up joint patrols on the Libyan coast as well as agreements on combating ‘illegal migration’ and on cooperation for readmissions (Pradella and Taghdisi Rad, 2017, p. 2420). Along with soaring figures of arrivals, also casualties increased dramatically in the aftermath of Arab Uprisings, turning Mediterranean crossings in a *de facto* humanitarian crisis. According to the UNHCR, which started recording statistics on casualties in the Mediterranean as early as 2006, more than 1,500 people died or went missing in the

Mediterranean², making it the deadliest year until 2014. In this regard, the crisis was essentially an external shock, resulting—directly or indirectly—from the Arab Uprisings and state failures in Libya and Syria, and outside the control of the EU itself (Kang, 2021, p. 34).

It is possible to trace the emergence of a shared perception of urgency at EU level to the Arab Uprisings. Some stirrings of a ‘narrative of exceptionalism’ were echoed in official documents and statements already in 2011, framing the ‘exceptional migratory flows’ as a phenomenon to be managed³. According to Perkowski (2018, pp. 569–570), Frontex itself played a crucial role in pushing forward such a framing, as it is possible to note from its official documents published in the aftermath of the Arab Uprisings, pointing at 2011 as the beginning of a ‘migratory crisis situation’. Yet, EU reactions were rather limited up until 2015. The only, modest reaction to the increasing figures of migratory movements and deaths at sea, prior to April 2015, was the launch of two Frontex’s operations both conceived to support the Italian government in managing migratory movements along the Central Mediterranean route: *Joint Operation (JO) Hermes*⁴, in February 2011, and *JO Triton*⁵, in November 2014. This latter was based on a rather important financial effort (expected in a monthly budget of EUR 2,9 million) from the Union, since it was expected to partially fill the gap left by *Mare Nostrum Operation*, run by the Italian government between 2013 and 2014 (Frontex, 2014). Yet, Brussels’ policy priority in this first phase was to secure European borders against increasing migration, rather than engaging in costly search and rescue operation—which, in turn, were the main objective of *Mare Nostrum Operation*—, an approach which was far from genuine humanitarian crisis management.

Concerning the overall state of play in terms of EU immigration policy, the mild initiatives put forward by the Commission before 2015 were still in the realm of the ‘everyday policy-making’. In this regard the most relevant effort is the launch of the Global Agenda on Migration and Mobility (GAMM), which was meant as a new political framework to develop the so-called ‘dialogues on migration, mobility and security’ with third countries in the European

² Wilkes, S. (2012) ‘More than 1,500 drown or go missing trying to cross the Mediterranean in 2011’, *UNHCR*, 31 January. Available at: <https://www.unhcr.org/news/latest/2012/1/4f2803949/1500-drown-missing-trying-cross-mediterranean-2011.html> (Accessed 23 May 2021).

³ *Statement by Commissioner Malmström announcing the launch of the Frontex operation “Hermes” in Italy as of 20 February 2011* [Press Release]. 22 February 2011. Available at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_11_98 (Accessed 23 May 2021).

⁴ *Hermes 2011 running* [Press Release]. 22 February 2011. Available at: <https://frontex.europa.eu/media-centre/news/news-release/hermes-2011-running-T7bJgL> (Accessed 23 May 2021).

⁵ *Frontex launches Joint Operation Triton* [Press Release]. 31 October 2014. Available at: <https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-joint-operation-triton-JSYpL7> (Accessed 2 May 2021).

enlarged neighbourhood (European Commission, 2011). Despite its ambitious objective to make the Union ‘speak with one voice’—that is, to coordinate EU Member States’ migration policies vis-à-vis third countries—the GAMM ended up in ‘repackaging’ existing policy instruments. Its actual success was substantially undermined by asymmetries of power and preferences both within the EU as well as between the Union and its targeted partner countries (Hampshire, 2016, p. 572). Even the recasting of fundamental legislation regulating the CEAS led to negligible changes in terms of asylum-seekers’ human rights protection as well as in terms of the unequal distribution of burdens and responsibilities within the EU and among Member States (Velluti, 2014). Thus, even if the immediate causes of the crisis were linked to external political factors outside the control of the EU, the underestimation of the Arab Uprisings spillovers and the short-sightedness of European responses to mass displacements, in their immediate aftermath, are a crucial factor to make sense of the scale of the crisis which impacted the Union in 2015.

While it is unrealistic to identify an exact moment in which the ‘crisis at EU’s external borders’ turned into a ‘crisis within the EU’, most scholarly accounts tend to identify the spring of 2015 as a ‘critical juncture’. Indeed, the very first ‘realisation’ of the extent to which the migration and refugee crisis became a crisis for the EU dates back to the special meeting of the European Council on 23 April 2015, few days after the tragic shipwreck offshore of Libyan coasts. Since then, the EU has actively engaged in crisis management on different fronts. Most notably, the European Agenda on Migration (EAM) outlined six main domains for ‘immediate action’: 1) saving lives at the sea; 2) targeting criminal smuggling networks; 3) responding to high-volumes of arrivals within the EU through a relocation scheme; 4) developing a common approach to granting protection to displaced persons in need of protection through resettlement schemes; 5) cooperating with third countries to tackle migration upstream; and 6) using the EU’s tools to help frontline Member States, in the framework of the so-called ‘hotspot approach’ (European Commission, 2015a). While the actual policy proposals and the extent to which such ‘policy priorities’ were implemented will be the object of *Chapter 2*, the brief list of ‘immediate actions’ mentioned above is meant to underscore the severe impact that the migration and refugee crisis had on EU immigration policy, broadly understood. Most of the reforms proposed by the Commission to reorganise the CEAS got stuck in the legislative process. However, the diverseness and novelty of these responses, questioning the very cores of migration governance architecture, suggest that the crisis was a breaking point for EU migration and asylum policy.

1.2 A Crisis of European Integration?

Scholarship in the domain of European public policy have long debated the role of crises in the EU. Yet, the relation between the crises that have affected the EU, particularly in the last decade, and the process of European integration is far from being self-evident and can be understood differently according to the specific theoretical lenses adopted. Some scholars, drawing on the public policy analysis research tradition (Keeler, 1993; Kingdon, 1984), have underscored the ‘potential for change’ of crises and the fact that these events are likely to lead to further integration. Others, instead, have defended the idea that crisis in the EU may result in some sort of setback, interpreted variously as disintegration (Webber, 2018; Vollaard, 2018), differentiated integration (Schimmelfennig, 2015), de-Europeanisation (Rosamond, 2019). European integration can be understood loosely as a multifaceted process of centralization, policy convergence and territorial extension of the Union (Gänzle, Leruth, and Trondal, 2019, p. 1). Based on such a catch-all definition, it is possible to discuss the impact of the migration and refugee crisis with regard to two main dimensions of integration: on the one hand, it exposed the shortcomings of the integration path, most notably in the case of the CEAS and the Schengen system, thus affecting the process policy convergence; on the other hand, it affected the spatial location of decision-making within the structure of the EU, calling into question the very role of the EU in the domain of migration and asylum. Thus, it is worth to discuss here to what extent existing scholarship can account for EU responses to the migration and refugee crisis and its consequences in terms of European integration. To do so, we draw on the two main theoretical approaches in this research field, namely neofunctionalism and liberal intergovernmentalism.

1.2.1 An Unforeseen and yet Foreseeable Crisis: Structural Weaknesses of EU Migration Policy

When considering the outbreak of the migration and refugee crisis it is necessary to take into account its structural determinants, resulting from the shortcomings of the very process of European integration. Such structural determinants are the core focus of the neofunctionalist approach, whose origins can be traced back to the early days of the European Economic Community (Haas, 1961; Lindberg, 1963). As a matter of fact, the very notion of integration as a heading-forward process is intimately linked to the neofunctionalist assumption of path-dependency and the idea that ‘policy spillover and supranational activism will produce an upward trend’ (Hooghe and Marks, 2019, p. 11). While neofunctionalism is not a theory of EU

crises, it still offers many instruments to account for their occurrence and impact as phases of a longer process. In fact, according to Lefkofridi and Schimtter (2015), indeed, crises can be considered as an integral part of the European integration process and tend to stimulate more often than not ‘an increase in the authority and/or an expansion of the tasks of the institutions of the EU’ (p. 4).

From a neofunctionalist perspective, thus, an account of the migration and refugee crisis of 2015 should begin from the tortuous integration path of EU immigration and asylum policies. In this regard, Niemann and Ioannou (2015, p. 201) contend that integration can be explained as a crisis spillover in response to functional pressures emerging from the incomplete policy architecture of EU in certain domains. The idea of ‘incomplete architecture’ or ‘contracts’ refers to the existence of some sort of gaps in the complex system of treaties and legislation, which are inherently incapable to ‘spell out all contingencies’, leaving room for ambiguity concerning what the EU can do and limiting some of its competencies in policy areas which would have functionally required a European-level governance (Caporaso, 2007, p. 395). Drawing on the notion of incompleteness, Jones, Kelemen, and Meunier (2016) proposed the so-called ‘failing forward’ argument to make sense of crisis-triggered integration. Essentially, they defend the idea that as crises unfold, the incomplete governance architectures prevent the EU from effectively respond to emerging pressures—thus, resulting in some sort of ‘policy failure’. Consequently, they generate a demand for reform in the direction of further integration—hence, the idea ‘failing forward’—to fill in the gap and to ‘complete’ those incomplete agreements.

In his discussion of the ‘failing forward’ argument with regard to the migration and refugee crisis, Scipioni (2018a, p. 1363) maintains that EU policies in the domain of migration and asylum were incomplete since their inception, at least concerning emergency measures. While a systematic revision of EU competences in this field is beyond the scope of the present research and has been extensively and effectively discussed by different scholars (Geddes and Scholten, 2016; Guild, 2006), it is worth to spell out some of the most significant developments in the recent history of European integration relevant for a neofunctionalist account of the crisis. In the first place, the efforts to build a common immigration policy can be understood in terms of ‘functional spill-over’ following Schengen Convention (1990) and the Maastricht Treaty (1993), being a sort of counterweight for the gradual removal and of internal border controls (Niemann and Speyer, 2018, p. 28). Yet, while free movement within the Schengen area was a rather smooth achievement, the harmonisation of Member States’ border policies

encountered quite a few obstacles. Indeed, the backbone of the Schengen system, the Schengen Borders Code⁶ (SBC), proceeds in a sort of regulatory fashion, leaving ‘debts, taxes, border checks and asylum procedures entirely in national hands’, albeit on the ground of common rules (Genschel and Jachtenfuchs, 2018, p. 182). Even attempts to develop EU-level bodies to manage external borders, most notably with the adoption of the Frontex Regulation⁷, left relevant gaps in terms of institutional design, mainly resulting from the resistance opposed to any further delegation of authority in the domain of border management. Such structural constraints made the Agency tightly reliant on Member States, provided with a limited mandate and resources, and affected its ability to effectively cope with massive arrivals at the peak of the migration and refugee crisis (Carrera and den Hertog, 2016, p. 3).

Similarly, since its early appearance in the Conclusions of the Tampere Council in 1999, the project of a common asylum system, aiming to provide common policies and procedures for the reception, assessment, and integration of asylum-seekers, has been constrained by structural weaknesses. The ‘first generation’ of EU legislation in this field dates back to 2001, when the Temporary Protection Directive⁸ was first adopted, establishing a framework for dealing with eventual mass displacement in the light of some sort of burden sharing. Yet it presented a fundamental genetic defect, which has been a long-lasting constraint to the common asylum system: the lack of effective coercive means for the EU to implement solidarity provisions (Scipioni, 2018a, p. 1364). The absence of coercive mechanisms, indeed, can be identified as a structural feature of the legal framework of CEAS⁹ was conceived. For instance, the Dublin system¹⁰ was meant to set up a hierarchy of criteria to determine the Member State responsible for examining asylum application, but its functioning has long been undermined by its substantial incompleteness. The common rules, in the absence of effective burden-sharing mechanisms, clashed with the uneven pressures on frontline Member States, which were

⁶ The SBC was established in 2006, with Regulation (EC) No 562/2006 of the European Parliament and of the Council.

⁷ The first legal framework for the establishment of Frontex is Council Regulation (EC) No 2007/2004. Such a regulation was amended different times and finally repealed by Regulation (EU) 2016/1624 of the European Parliament and the Council, which established the European Border and Coast Guard.

⁸ See Council Directive 2001/55/EC.

⁹ The CEAS legislative framework was originally constituted by one regulation and three directives: the Council Regulation (EC) No 343/2003 (Dublin II); the Council Directive 2003/9/EC (Reception Conditions Directive); Council Directive 2004/83/EC (Qualification Directive); Council Directive 2005/85/EC (Asylum Procedure Directive).

¹⁰ The Dublin system is currently based on Regulation (EU) No 604/2013 of the European Parliament and of the Council (Dublin III) and Regulation is Council Regulation (EC) No 603/2013 (Eurodac Regulation). The Eurodac, first established in 2000 and operational from 2003 as instrument to harmonise and centralise registration and fingerprinting of asylum applicants, is an integral part of the Dublin system, since it facilitates the process of identification of the Member State responsible for examining an asylum application.

somehow ‘incentivised’ to relax border controls and to overlook so-called secondary movements. Moreover, the existence of inconsistent national reception and protection standards, together with cumbersome procedures—often resulting in disputes and legal litigation over the identification Member States’ responsibility to examine asylum applications—further exasperated the weaknesses of the CEAS (Maiani, 2017, pp. 625–627).

Therefore, from this perspective, the migration and refugee crisis can be understood as the by-product of such pressures, deriving from the incomplete governance architectures and the structural weaknesses of EU immigration policy. Therefore, it might have been a trigger for further integration. Yet, according to neofunctionalists, crises should meet some precipitating conditions to result in ‘more integration’, such as the occurrence of shifts in Member States’ policy preferences, the presence of supranational and transnational actors acting as ‘integration brokers’ as well as the existence of sunk costs and exit costs to bear whenever states they opt for some sort of disintegration (Pierson, 1996). For instance, the increasing politicisation of migration and asylum policy in the context of the crisis prevented supranational and bureaucratic elites to foster further integration, due to the highly contentious nature of these issues both at European and domestic level. In fact, politicisation jeopardises the ‘permissive consensus’—that is, the disinterest or, at least, the acquiescence of domestic public opinion vis-à-vis European policies in specific fields—which according to neofunctionalists (Lindberg and Scheingold, 1970) enables the progress of European integration. Similarly, the moderate cost of defection (e.g., in terms of reintroducing internal border controls) allowed Member States to refrain from participation in burden-sharing mechanisms and somehow disincentivised the resort to EU-level solution. Yet, even in the absence of these pre-conditions, some relevant responses emerged, for which neofunctionalism is not able to account entirely.

1.2.2 When the Going Gets Tough, the Member States Get Going: A Liberal Intergovernmentalist Perspective

While neofunctionalism tends to focus on the long-term process of European integration, liberal intergovernmentalism (Moravcsik, 1993; 1998) may offer a rather different interpretation of the crisis and its outcomes. According to Schimmelfennig (2020, p. 62), the explanation of European integration developed within the liberal intergovernmentalist approach can be articulated on three analytical level: (1) the formation of domestic preferences, which are held to be ‘static’; (2) the bargaining process, in which the overall preference constellation and the distributions of bargaining chips play a major role; (3) the institutional choice,

conceived in the light of bounded state rationality. Given its emphasis on the bargaining phase, rather than a theory of integration process *tout court*, it can be better understood as a theoretical framework to explain specific ‘steps’ along the path of European integration. Therefore, even if migration and asylum policy is far from the traditional issues discussed in liberal intergovernmentalist theory (mostly concerned with economic policies), such a theoretical framework provides a valuable toolkit to interpret crisis decision-making.

A liberal intergovernmentalist explanation of the migration and refugee crisis should, in the first place, account for the role of Member State’s governments and their preferences in such a context. Crises affecting European integration tend to enhance contextual interdependence, which may result in negative policy externalities affecting other member states and fostering demand for policy coordination (Moravcsik 1993, p. 485). For instance, the overloading reception facilities and the failure of border control systems in frontline Member States resulted in increasing ‘secondary movements’, which can be interpreted as a ‘negative externality’—at least, in terms of preference for some Member States not to bear the costs of solidarity. Yet, assuming Member States as the main actors in the process of European integration, for the crisis to result in further integration their preferences should be aligned towards collective solutions. Such preferences are, from a liberal intergovernmentalism perspective, the result of distribution of costs and benefits among societal actors. Given the interconnection of the domestic competition and bargaining position in European policy arenas, when supranational action clashes with domestic pressures against further integration, Member States tend to reassert their control vis-à-vis supranational actors (Kleine, 2013, p. 158). Such a case may well explain the unilateral decision of some Member States to temporarily reintroduce border controls when secondary movements of irregular migrants and asylum-seekers became to be perceived as ‘threats’ within their domestic political arenas. According to Biermann *et al.* (2018, pp. 255-256), the migration and refugee crisis created a substantial fault line in Member States’ preference constellation: after the temporary suspension of the Schengen system, those Member States which were the most affected by migratory pressures¹¹, Italy and Greece in the lead, pushed for a reform in the direction ‘a fairer system of burden-sharing’ within the CEAS—that is, further integration. To the contrary, those Member States that were only marginally affected, most notably the so-called Visegrad group (Poland, Hungary, the Czech Republic, and Slovakia), tended to oppose reservations on solutions requiring further

¹¹ In the cited article, the authors operationalise ‘migratory pressure’ as the number of asylum claims in relation to a state’s overall population size.

integration or redistribution of costs. In a similar fashion, Zaun (2018) contends that the bargaining situation resulting from the crisis, at least with regard to the emergency relocation schemes¹² of asylum seekers, can be understood as a ‘suasion game’: the preferences of host states, for which cooperation was the only option, clash with those of non-host states, which enjoyed a far larger margin of discretion in supporting or deserting burden-sharing mechanisms, resulting in asymmetric bargaining positions. Therefore, from a liberal intergovernmentalist perspective, the limited costs of (negative) interdependence along with asymmetric bargaining positions can explain substantial non-reform in the context of the crisis (Börzel and Risse, 2018).

Such a conclusion, however, is at least partial. On the one hand, most of the accounts of the migration and refugee crisis discussed here overlook the relevance and novelty of policy changes emerged in its context. While some of the most important proposals to reform the CEAS got stuck in the legislative process, mainly due to the opposition of the Council, significant improvements, which can reasonably be interpreted as progress in terms of European integration, were achieved on other fronts. Consider, for instance, the creation of the European Border and Coast Guard (EBCG) and the empowerment of the European Asylum Support Office (EASO) as *de novo* bodies (Scipioni, 2018b). The very relocation scheme adopted in 2015 was somehow a breakthrough. Despite its limited implementation and the failed negotiations over more binding burden-sharing mechanisms, it represents nonetheless a remarkable innovation in the context of EU migration policy: the application of the principle of solidarity through the adoption of Article 78(3) of the Treaty on the Functioning of the European Union (TFEU) as a legal base, had never been at stake before the crisis (Radjenovic, 2020). On the other hand, the liberal intergovernmentalist assumption of rational, fixed, and well-identifiable preferences is somehow problematic when it comes to the migration and refugee crisis. Liberal intergovernmentalists claim, indeed, that Member States shared a preference to minimize their costs and to ‘shift the burden’—that is, a preference for ‘mutualisation’ among most-affected states and to avoid a relocation scheme among least-affected states—, based on a rather straightforward calculation of costs and benefits in terms of processing asylum applications (Schimmelfennig, 2018b, p. 1586). Yet, if we consider the overall context, following Börzel and Risse (2018, p. 92), the issue at stake was not merely

¹² The emergency relocation schemes were based on two consecutive decisions, both adopted in September 2015. Council Decision (EU) 2015/1523 provided for the relocation of 40,000 asylum seekers from Italy and Greece, while Council Decision (EU) 2015/1601 extended the scheme to Hungary, targeting 120,000 asylum seekers to be relocated.

burden-sharing, but the very endurance of the Schengen system. In fact, the costs arising from the collapse of Schengen, which was in jeopardy following the reintroduction of border controls by some Member States, would have an almost equal impact on major destination countries and those least affected by migratory movements, outweighing these latter's aversion to burden-sharing solutions. Uncertainty concerning the outcomes of potential disintegration, together with other factors as the fast-burning nature of the crisis and the presence of exogenous and unmanageable pressures deriving from increasing migratory movements in 2015, cast doubts on the ability of Member States to predict the 'concentration, timing, and extent of domestic adjustment costs' and, thus, to identify stable and unequivocal preferences (Kleine, 2013, p. 15). In such a context, the preference-based approach proposed by liberal intergovernmentalism may result in some sort of reductionism, which fails to capture all the implication of crisis decision-making.

1.3 Learning and Policy Change in the Context of the Crisis

The account of the crisis provided by European integration theories seems to be insufficient when it comes to explain how responses of the EU to the migration and refugee crisis came along, which is the primary aim of the present research, while they can somehow account for the reasons for which they turn into a policy failure. To build a more fine-grained understanding of the mechanisms of EU crisis policy-making, here we hypothesise that the crisis triggered some sort of contingent (policy) learning—that is, a surprise-triggered reaction of European leaders and institutions uncoupled for actual changes in overall policy beliefs. Such an idea was first proposed by Kamkhaji and Radaelli (2017) to make sense of the drastic changes in European economic governance brought about by the so-called eurozone crisis, which were not expected to take place according to competing theoretical explanations of crisis mechanisms.

To begin with, a great deal of scholarly attention, notably following John Kingdon's (1984) ground-breaking work on the multiple-stream approach to the policy process, has been devoted to the role of crises as 'focusing events' that open windows of opportunity for policy learning and change. Despite its numerous interpretations and specific declinations, learning can be defined abstractly as the process of 'updating beliefs' and knowledge about public policies (Dunlop and Radaelli, 2013, p. 599). Given this broad notion, interpretations regarding the specific nature of learning, the way in which it occurs, and its diverse outcomes in terms of actual policy changes, are still a matter for discussion among scholars. In the first place, learning requires the interaction of different policy actors within a certain context, which provides both opportunities and constraints. Such constraints, which will be discussed

thereafter, can result in some form of blocked or also ‘no learning’ (Zito and Schout, 2009). Eventually, it is hard to ascertain whether a policy change is the outcome of some sort of learning or depends on one of the many other factors involved in the policy process (Moynson, Scholten, and Weible, 2017). Yet, most of policy learning scholarship agrees on the direction of the causal sequence: learning is a precondition for policy change and different ‘types of learning’ are held to be a crucial *explanans* for both the degree of intensity and the substantive nature of change (Hall, 1993; Sabatier, 1988). Based on a wide-range analysis of literature in the field, Dunlop and Radaelli (2013) offer a convincing explanatory typology of policy learning (see *Figure 1*) based on two key dimensions: uncertainty or ‘problem tractability’ and certification of actors. On such a ground they identify four ‘types’ of learning (Dunlop and Radaelli, 2013, pp. 603–604): *reflexive learning*, which is based on continuous interaction between social and policy actors who are rather open to reconsider their beliefs and ideas as a product of learning feedback; *epistemic learning*, based on the role of certified actors (i.e., epistemic communities), which policy-makers can learn from; *learning through bargaining*, which implies the presence of a bargaining arena where inter-dependent actors can mutually adjust their preferences and goals; *learning through hierarchy*, in which learning is the result of highly certified (often institutional) actors using their knowledge (instead of hierarchical authority) to exert control.

Figure 1. Four Types of Policy Learning

		Problem Tractability	
		Low	High
Certification of Actors	Low	Reflexive Learning	Learning through Bargaining
	High	Epistemic Learning	Learning in the Shadow of Hierarchy

Source: Dunlop and Radaelli (2013, p. 603)

The incorporation of crisis as a variable in the learning-change equation, further complicate the puzzle. Indeed, when it comes to crises, policy learning scholarship is rather discorded. Crises are generally understood as triggers for change, and learning is often interpreted as having a catalytic effect on cognitive and administrative processes, directly putting to the test policy beliefs and values and fostering adaptation as a reaction to their shortcomings (Stern, 1997).

Yet, they can also hinder learning when some specific conditions act as hindrances to the process (Smith and Elliott, 2007). With regard to the context of the EU, exogenous factors, uneven distribution of costs and benefits among the policy actors, political pressures, and constraints to knowledge production by epistemic communities are all factors that can inhibit learning in crisis contexts (Lefkofridi and Schmitter, 2015).

Another issue highly debated concerns the ‘when’ of learning, namely if it is inter-crisis or intra-crisis learning. Most scholars tend to focus on inter-crisis or post-crisis learning, which occurs in a sort of inferential fashion, consisting in some sort of lesson-drawing and knowledge accumulation in the aftermath of a focusing event (Deverell, 2009). On the contrary, intra-crisis learning is a less discussed in literature. According to Moynihan (2009) describes intra-crisis learning as a situation in which policy actors ‘engage in sensemaking under limited time, dynamic conditions, and intense pressure’ (p. 191). All these conditions were present in the context of the migration and refugee crisis. On the one hand, the dramatic rise of migration figures and deaths at sea resulted in public opinion’s demands for quick solutions, further amplified by electoral pressure and extensive politicization of the immigration issue (Di Mauro and Memoli, 2021). On the other hand, European policy-makers were confronted with systemic uncertainty, concerning the dynamics of the crisis and the payoffs of further integration/disintegration, not to mention the blatant lack (or inadequacy) of ‘raw data’ on drivers and numbers of migration and asylum, on the collection of which the Commission and other international actors (most notably the IOM) invested heavily in the early days of the crisis (Baldwin-Edwards, Blitz, and Crawley, 2019). The mechanisms at stake in intra-crisis learning however, are not straightforwardly explained in policy learning literature. Indeed, the conditions described above are usually considered as hindering learning, so that in principle fast-burning crises characterized by radical uncertainty, high time-pressure, and levels of politicisation as that of 2015, would not be expected to produce learning—not to say relevant policy change. In such a context, intra-crisis learning can result at most in slight adjustments or, more precisely, in what Argyris and Schön (1978) labelled as ‘single-loop learning’—that is, adapting existing tactics, policy instruments and knowledges to improve the performance of ordinary tasks in the context of the crisis. Such a type of learning does not imply changes in beliefs of policy-makers: it consists mainly in smooth changes in terms of strategies to address a policy problem within the existing policy framework, not questioning overall paradigms, goals and values. In the context of the migration and refugee crisis, an example of this kind of single-loop learning may be the expansion of the mandate of EASO. While its foundational

regulation¹³ remained unaltered, the expansion of resources and tasks of the Office *de facto* extended its mandate to more ‘hands-on tasks’, ranging from gathering information on third-country nationals to undertaking admissibility interviews and submitting (non-binding) opinions to national authorities (Tsourdi, 2021, p.183). To the contrary, ‘double-loop learning’ results from a more paradigmatic change of the ‘theory-in-use’, by ‘setting new priorities and weightings of norms [or] restructuring the norms themselves together with associated strategies and assumptions’ (Argyris and Schön, 1978, p. 24). Given that such a form of in-depth learning requires questioning basic norms and assumptions of policy actors, which is a quite time-consuming process, Moyinhan (2009) concludes that intra-crisis double-loop learning is ‘likely to be rare’ (p. 197). Yet, some crucial policy changes did occur in response to the migration and refugee crisis, which would not be explicable through the lenses of conventional learning theories. For instance, the radical novelty of the emergency relocation schemes, which thereafter will be the object of a more thorough examination, cannot be explained as a mere strategic shift, but seems to subsume a far more drastic changes in underlying beliefs on asylum policy in the light of solidarity.

Therefore, to account for unexpected policy changes brought about by the crisis, such as the relocation scheme, we consider the hypothesis that an exogenous and unexpected crisis as the migration and refugee crisis of 2015, calling for rapid action by EU decision-makers in condition of high uncertainty, reversed the conventional relation between learning and policy change. As remarked by Kamkhaji and Radaelli (2017, p. 723):

[T]he emergence of new policy paradigms and cause–effect beliefs under contingent learning is not the fruit of reflexive lesson drawing (for which time and knowledge accumulation are critical). Rather, it arises out of associative responses to unprecedented stimuli whose persistence calls for immediate action. The cognitive process behind change is therefore contingent and associative.

Such an approach, other than filling some of the gaps left by competing explanations presents at least two fundamental strengths. In the first place it provides sound microfoundations to crisis sense-making, understood as a ‘war for meaning’ in which actors make sense of the evolving epistemic object at stake (Müller-Seitz and Macpherson, 2014). Indeed, drawing on insights from cognitive psychology and human contingency learning (HCL) theory (Allan, 1993; Shanks, 2007) and behavioural economics (Slembeck, 1999), Kamkhaji and Radaelli

¹³ The EASO was formally established by Regulation (EU) No 439/2010 of the European Parliament and of the Council as an EU agency governed by a Management Board with planning and monitoring tasks and an Executive Director, appointed by the same Board. It became operational in 2011.

interpret intra-crisis learning as a behavioural adaptation to unexpected ‘cue-outcome associations’—that is, associations between a certain stimulus or perceived cause and a specific consequence. Such associations are usually rooted in reiterated experience, creating behavioural patterns which turn into some sort of knowledge about ‘the effects that are likely to follow a certain action under certain situational circumstances’ (Elsner and Hommel, 2004, p. 138). Such a mechanism can be transferred to the domain of policy: the way in which policy-makers interpret causal relations in an emergency situation, when more sophisticated types of inferential learning are not possible, may well be theorised as a process of fast-pace associative learning about contingencies. Therefore, from such a perspective, crises are believed to have a disrupting effect on repertoires of actions, since they may alter the perception of causality: when a certain cue is paired with an unexpected outcome, breaking apart the established causal association, then behavioural (or policy) change may follow (Kamkhaji and Radaelli, 2017, p. 725).

In the second place, adopting a contingent learning approach to the migration and refugee crisis can contribute to make sense, along with other explanations offered by public policy literature and integration theories, of the inconsistencies of the decision-making process. Consider, for instance the paradigmatic case of relocation scheme, whose adoption was suggested for the first time by the Commission on 13 May 2015, as part of the EAM. The decision of the Council, on 14 September 2015, to relocate 40,000 asylum-seekers from Italy and Greece to other Member States, followed soon after by a further temporary relocation scheme for an additional 120,000 asylum-seekers, represent a major change which would not be understandable using conventional approaches to policy learning. Indeed, such a measure, albeit temporary and non-binding, was not in line with most of Member States’ beliefs and preferences concerning EU migration and asylum policy. To the contrary, it seems a reasonable outcome when adopting the analytical lenses of contingent learning: by decoupling associative-like learning from proper policy learning, the approach adopted here allows to account for disruptive changes (as the adoption of the relocation scheme) and, at the same time, for their failed consolidation. Indeed, given the contingent nature of such policy changes, they did not imply a stable change in policy beliefs of main policy actors, which would have been necessary to turn them in durable policies. Given the *prima facie* plausibility of this argument, *Chapter 2* will be devoted to test this hypothesis rigorously and systematically.

Chapter 2

Tracing Crisis Policy-Making: Contingent Learning and EU Responses to the Crisis

Having discussed the major theoretical approaches to the migration and refugee crisis, it is possible to delve into the analysis of EU crisis decision-making. In the first place, it would be necessary to further clarify the methodological framework on the ground of which the present research was carried on—that is, process tracing. Indeed, the use of such methods allows to better capture the different dimension. Based on the reconstruction of a plausible causal sequence two separate analytical dimension of EU crisis decision-making were identified: a first ‘operational’ dimension consisting in those measures concerning crisis management practices (*Section 2.2*); a second one concerning the impact of the crisis in terms of European integration and those responses aiming at reforming EU migration and asylum policy in a broader sense (*Section 2.3*).

2.1 Puzzles, Hypotheses and Research Methods

The existing scholarly accounts of the migration and refugee crisis, as discussed earlier, present some limitations in explaining the unfolding of the crisis decision-making process within the EU and how policy responses came along. To compensate for these shortcomings, the present research draws on the hypothesis that, in the context of the crisis, the immediate responses of the EU were based on some sort of contingent learning mechanism, as defined by Kamkhaji and Radaelli (2017). In other terms, EU policy-makers, responding to situational triggers and contingent pressures, would have changed their behaviour and introduced crisis management measures and policies, albeit their core policy beliefs concerning migration and asylum remained unaltered.

H1: the outbreak of the migration and refugee crisis triggered contingent learning responses within the EU, resulting in surprise-triggered behavioural adaptations and policy changes which took place without substantial alteration of underlying policy paradigm.

Nevertheless, the fast-burning and exogenous nature of the crisis, together with the presence of multiple veto players (Tsebelis and Yatahanas, 2002), high uncertainty and increasing politicisation of the issues at stake, prevented the EU to agree on common responses at the very beginning of the crisis, thus leaving crisis management in the hand of frontline Member States.

Indeed, when migration figures started peaking, already in 2014, the first policy reactions—from search and rescue (SAR) operations and reception practices to increased border policing—were arranged and implemented by single Member States, in the absence of a coherent and coordinated framework for action at European level. When the EU engaged in hand-on crisis management, mainly through its agencies, it came to interact with already existing national networks of crisis actors, which can be understood as genuine ‘communities of practices’, which were somehow involved in a process of ‘learning by doing’ (Panebianco, 2020b). Such a dynamic may have affected the ‘operational dimension’ of EU crisis management (e.g., concerning the ‘hotspot approach’ or SAR operations), making room to actual ‘inferential learning’ from what was going on at national and local levels rather than proper contingent learning as delineated above. Therefore, it seems useful for the purpose of the present research to incorporate the multilevel nature of crisis management in the analysis, which may better account for how those ‘operational’ responses to the migration and refugee crisis came along. In practice, this means to ‘unpack’ *HI* in two distinct hypotheses, concerning respectively what here are defined as the ‘operational’ or ‘pragmatic’ dimension of crisis management (*HIa*) and those responses pertaining the dimension of European integration and migration policy (*HIb*)—that is, those policy changes concerning the EU as a whole and its functioning, rather than specific operational modes or crisis management practices.

In principle, such a hypothesis could be further problematised by considering the emergence of national-level crisis management practices as a case of contingent learning itself. Yet, since the present research focuses pre-eminently on EU crisis policymaking and, subsequently, on its implication for EU integration, such an assumption will not be discussed here, thus considering Member States crisis management practices as an independent variable, being the EU responses the *explanandum* in the context of the hypothesised inferential learning process:

HIa: Given absence of structured practices at the level of the EU and the need to take action when the crisis assumed a European dimension, the operational responses of the Union were based on some sort of inferential learning from already existing practices emerged in frontline Member States at the beginning of the crisis.

Having enucleated the ‘operational’ dimension from our main hypothesis, *HI* can be restated in a more fine-grained fashion, to better model the mechanism of contingent learning. Much has been said in HCL literature concerning the microfoundations of ‘learning about contingencies’ (Shanks, 2007; Allan, 1993), but it would be unfeasible to carry out micro-level analysis of EU leaders and policy-makers’ sensemaking in the context of the crisis,

due to lack of resources and temporal distance from the events, which would open to ‘hindsight biases’ (Hawkins and Hastie, 1990). Therefore, while holding such microfoundations as a supporting evidence for the proposed argument, rather than an analytical device, contingent learning would be operationalised at the level of collective decision-making.

The main argument for the presence of such a mechanism will be based on the interpretation of ‘cues’ and ‘outcomes’ by policy actors. This is in line with HCL experimental results for which the ‘unexpectedness’ of the outcome, interrupting the usual cue/outcome dyad, induces associative learning (De Houwer and Beckers, 2002, p. 302). Since contingent learning is supposed to be triggered by the association of an expected cue with an unexpected outcome, it would be in the first place necessary to identify such an association in the context of the migration and refugee crisis. In the second place, to retrace the existence of some sort of contingent learning, it would be necessary to demonstrate the existence of a ‘gap’ between actual responses to the crisis and the policy beliefs at EU level—that is, the overall preferences and orientations of EU leaders and policy-makers on migration policy. The underlying idea is that the crisis produced policy changes comparable to those expected by Argyris and Schön’s (1978) ‘double-loop learning’, something akin to what Hall (1993) defined as a ‘third-order change’—that is a radical alteration of the hierarchy of goals of policy, redefining the wider paradigm within which policy-making process unfolds. Yet, without the expected redefinition of the wider paradigm. Therefore, *H1* can be reframed as:

H1b: The pairing of an expected cue (i.e., increasing arrivals) to an unexpected outcome (i.e., the collapse of CEAS and the Schengen crisis) resulted in contingent learning of EU policy-makers and consequent behavioural adaptations and policy changes, which took place without substantial alteration of overall policy paradigm.

Such a hypothesis, should be tested against alternative causal explanation of the crisis offered by existing literature, namely those provided by liberal intergovernmentalism (*H2*) and neofunctionalism (*H3*):

H2: In the context of the migration and refugee crisis, the asymmetrical (negative) interdependence, distributional conflicts, and the Member States’ preference for minimizing their crisis burden vis-à-vis policy benefits resulted in non-reform.

H3: The migration and refugee crisis, being the result of incomplete agreements and structural weaknesses of the EU immigration policy regime and the Schengen system, created a pressure for reforms but, in the presence of moderate sunk costs and exit costs and high politicisation, ended up in non-reform.

To test these hypotheses, the present research mainly relied on process tracing (PT) methods. Following Collier (2011), process tracing is intended here as an ‘analytic tool for drawing descriptive and causal inferences from diagnostic pieces of evidence’ (p. 824). The rationale for such a methodological choice derives from context-sensitiveness of this method, which allows to capture real-world crisis decision-making as well as the processual and temporal dimension of the association between cause(s) and outcome(s) in a particular case (Beach, 2021). On the ground of such characteristics, PT appears to be more appropriate for the present research than other context-sensitive methods as ‘cognitive mapping’ (Axelrod, 1976) or large-scale ethnographic research, which seem to be less suitable to capture the dynamic dimension of contingent learning in crisis policymaking.

In practice, hereafter we will detect ‘causal-process observations’ (CPOs), understood as ‘diagnostic pieces of evidence’ which can provide insight on causal mechanisms, allowing stronger or weaker assumptions on alternative hypotheses (Collier, Brady, and Seawright, 2010). To retrace CPOs of crisis policy-making, the present research mainly relied on documentary research, which is generally regarded as the bulk of PT methods (George and Bennet, 2005), focusing on legislative documents, formal and informal statements, minutes of meeting, non-papers and other relevant pieces of evidence. Moreover, we drew also on first-hand qualitative data, in the form of semi-structured interviews with representatives of institutional actors involved, in one way or another, in crisis policy-making (see *Appendix A*). Indeed, in the context of process tracing, the main purpose of drawing on interviews is to contribute to triangulation—that is, cross-checking and corroborating findings from multiple qualitative sources—, and, in the second place, to allow inferences about beliefs and preferences of the relevant policy actors (Tansey, 2007). In the light of this methodological choice, the selection of the interviewees is not meant to be representative of the larger population of policy and political actors, but to include those actors having taken part in the policy process, thus being deliberately non-probabilistic. Such a non-probabilistic approach guided also documentary research, being the selection of relevant documents based on their importance for the reconstruction of the policy process. While such a methodological choice may suffer from researcher’s biases (e.g., overlooking the relevance of certain documents), it offers better guarantees on the significance of the sources, despite the ‘small-N sample’, and allows the researcher to conduct more in-depth analysis of the selected sources. The analysis of interviews and selected documents will be carried out using theory-driven codes, through the support of a computer-assisted qualitative document analysis software (CAQDAS), *MAXQUDA 2020*. This methodological choice appeared to be the most appropriate for a

theory-testing research design. This implied the development of a codebook (see *Appendix C*) on the ground of the theoretical expectations discussed previously and the subsequent revision of theory-driven codes in the light of the data and new themes and ideas that were identified throughout the coding process (DeCuir-Gunby, Marshall and McCulloch, 2011).

The qualitative analysis of documents and interviews provides the ground for actual process tracing, which was articulated in two steps, as underscored by Mahoney (2012). In the first place it was necessary to ‘infer the existence of an unobserved event or process’, specifically the existence of the hypothesised cause and outcome. In the case of *H1a*, this implied to infer the existence of practices, knowledge and operational models emerged at national level (cause) and of policy changes in terms of responses to the crisis, based on similar approaches (outcome). As for *H1b*, it meant to infer the presence of crisis conditions preventing ordinary policy learning and creating ‘urge for change’ in relation to the policy outcomes came along in 2015, which are in principle expected as consequence of double-loop learning. Secondly, it was necessary to infer the causal connection between these cause(s) and outcome. This was possible using a combination of the two basic tests discussed in process tracing literature: the so-called ‘hoop test’, passing which would affirm the relevance of a hypothesis and failing which would eliminate the hypothesis at stake; and the ‘smoking gun test’, which if passed would confirm a certain hypothesis, but if failed would not eliminate it, although somehow weakening its relevance (Collier, 2011, 825). The combination of such tests in process tracing allows robust inference on both the existence of a certain process and the causal mechanism underlying it.

2.2 The Crisis on the Frontline and Emergence of EU Crisis Management Practices

Before being a crisis for the EU, threatening the functioning of the CEAS and the very existence of Schengen, increased Mediterranean migration triggered a humanitarian crisis which was managed, in the first place, by frontline Member States. The ‘national’ and, even more specifically, the ‘local’ can be considered as the venue where contingent responses to the crisis humanitarian crisis in the Mediterranean were developed at first, well before 2015. Indeed, it is possible to observe the emergence of ‘communities of practices’ formed by national and local officials, international organisations and non-state actors (Panebianco, 2020b) to manage increasing arrivals on European shores and to address the dramatic growth of the death tolls along the Mediterranean migratory routes. Hence, to discuss the relation between crisis management practices on the frontline and the Union’s operational responses we focus on the

case of Italy. More specifically, drawing on the Italian case we aim to retrace a plausible causal sequence of the most relevant events between 2011 and 2015, based on which hypothesis *H1a* can be tested.

2.2.1 Which Room for Epistemic Communities?

When the EU actively engaged in crisis management, the main policy initiatives launched concerning the ‘operational dimension’—that is, *JO Triton* and subsequent Frontex SAR operations and the ‘hotspot approach—were somehow based on practices and measures already existing ‘on the frontline’. To test the hypothesised causal relation between the emergence of national practice and EU-level crisis management it is necessary to identify, following Mahoney (2012), a causal mechanism on the basis of established literature for which the existence of practices is necessary, and which is at the same time a sufficient condition for the policy changes at stake. The adoption of such a test is based on the fact that the aim of the present analysis is not to single out the ‘uploading’ of national existing practices as the sole determinant of the emergence of these measures, but rather to infer its necessity as to exclude the hypothesis of contingent learning in these cases. A more extensive analysis would be difficult, particularly in the case of the hotspot approach, given the complex interrelations with other policy initiatives such as the emergency relocation scheme, on the one hand, and the EU-Turkey Joint Action Plan of the 15 October 2015¹⁴.

According to Europeanisation literature (Padgett, 2003; Geddes, 2004), Member States may find in uploading policies and approaches a way to address problems that can no longer be dealt with effectively at the domestic level. In these contexts, the domestic level ‘serves as an experimental field to develop innovations in [certain policy sectors] which, if successful, are uploaded to the European level to be adopted by other Member States’ (Borzel, 2002, p. 203). That may well be the case for Italy, in the context of the migration and refugee crisis, especially when considering the lack of consensus on stronger burden-sharing policies. It can be reasonably supposed that Italy tried to upload existing crisis management practices to the EU. For such uploading to be successful, EU institutions—and, particularly, the Commission which was the institution most involved in operational crisis management—have to learn inferentially, thus changing their policy beliefs on crisis management on the basis of national existing practices. Such an inferential learning is supposed to follow the logic of ‘epistemic

¹⁴ The action plan was published as a European Commission ‘s ‘Fact Sheet’. See *EU-Turkey joint action plan*. 15 October 2015, MEMO/15/5860. Available at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5860 (Accessed 16 June 2021).

learning' (Radaelli and Dunlop, 2013), which is based on the idea that expert knowledge that practitioners and professionals can be valuable to policy-makers. Indeed, when dealing with policy ambiguity and uncertainty, epistemic communities are likely to have more room of manoeuvre to 'inform' policy maker decisions (Radaelli, 1999, p. 602). Now, in the context of the migration and refugee crisis, there was no 'epistemic community' conventionally intended. Indeed, these are generally defined as a 'network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge' (Haas, 1992, p. 3). Yet, the 'community of practices' emerged at the national and local level, benefitting from diverse contribution and insights and involved in learning-by-doing crisis management on the frontline, might be comparable to an epistemic community in the specific domain of SAR operation and of organising reception of migrants and asylum-seekers.

Following Polman (2018), who advanced the hypothesis of epistemic learning from implementing agencies in the context of the EU, an epistemic community can be defined as such when the network of experts and practitioners share:

(1) a normative rationale for social action; (2) causal beliefs stemming from studying the practice of policy actions and outcomes; (3) criteria for validating knowledge [; and] (4) a common policy enterprise, which consists of *shared practices* [emphasis added], associated with a set of problems that the community addresses with the help of their expertise (p. 126).

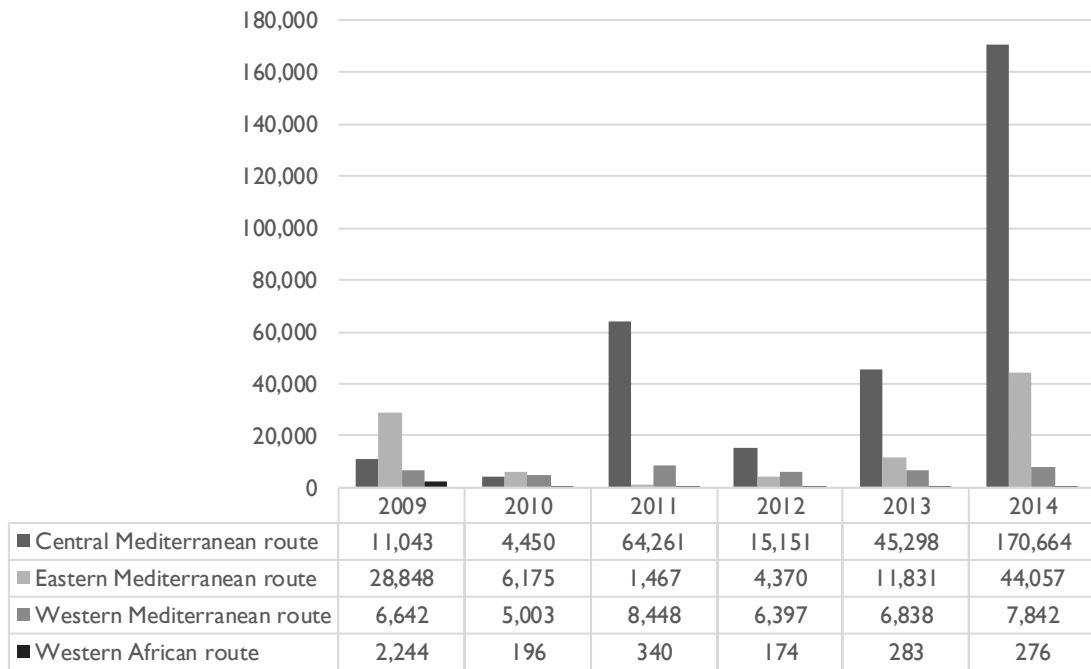
All these features seem to exist both in the case of the 'communities of practices' emerged on the frontline as well as in the case of Italian Navy, in relation to *Mare Nostrum Operation*, from the normative imperative of 'saving lives' and preventing the Mediterranean from being 'sea of death' to the establishment of actual practices in SAR operations and reception. Based on such assumptions it is possible to test the causal relation between the emergence of national practices of crisis management and EU-level policy changes, by introducing epistemic learning: indeed, the presence of epistemic communities is a necessary condition for epistemic learning, while this latter is a sufficient condition for policy change (Dunlop and Radaelli, 2013). The point in testing *H1a* is that if it is possible to consider the emergence of the most relevant 'operational practices' as a case of 'traditional' policy learning, then it is possible to reasonably exclude the contingent learning hypothesis from such a range of EU responses to the crisis, at least at EU level. Some sort of contingent learning may have occurred, in turn, at the local and national level, but such a case would be out of the scope of the present research.

2.2.2 Emerging Practices of Managing Immigration in Italy

The EU responses to the crisis were rather limited until the major outbreak of arrivals in the ‘hot summer’ of 2015, and yet frontline Member States were already trying to cope with the changing migratory movements across the Mediterranean. If we consider the attitude of the EU *vis-à-vis* increased arrivals to its southern shores, it was focused on technical matter, increased funding and a bunch of few more ambitious actions taken up until 2015, which were related to specific events and modest in scope. That is why, until the special meeting of the European Council of 23 April 2015, which brought the issue on the top of the agenda, the responses to the crisis had a largely national dimension, with the significant exception of the launch of *JO Triton*. To grasp such a dimension, it is worth to focus on the case of Italy. Such a choice is motivated in the first place by the fact that Italy was the most affected country by the increase in migratory movements across the Mediterranean, at least before the major outbreak of the crisis in 2015 (see *Figure 2*). Secondly, it was the most active frontline Member State in terms of performing SAR operations as well as in active leveraging for greater European solidarity (Castelli Gattinara, 2017, p. 321). Therefore, it seems to be the more adequate case to evaluate the interactions between the national and EU level. Beginning in 2011, Italy was confronted with a drastic increase of arrivals along the Central Mediterranean route, although not continuous and, in parallel, with a growing pressure on its asylum system (see *Figure 3*). Such changes can be traced back to the Arab Uprisings and the failure of those states which had acted as gatekeepers for Mediterranean migration, most notably Libya (Palm, 2017). Indeed, Italian migration governance was at the time consistently based on the ‘Treaty of Bengasi’, which systematised the bilateral cooperation on migration control with the Ghaddafi government through enhanced border policing (e.g., increasing funding and training of Libyan Coast Guard) and the establishment of detention centres in Libya (Colucci, 2018, p. 28).

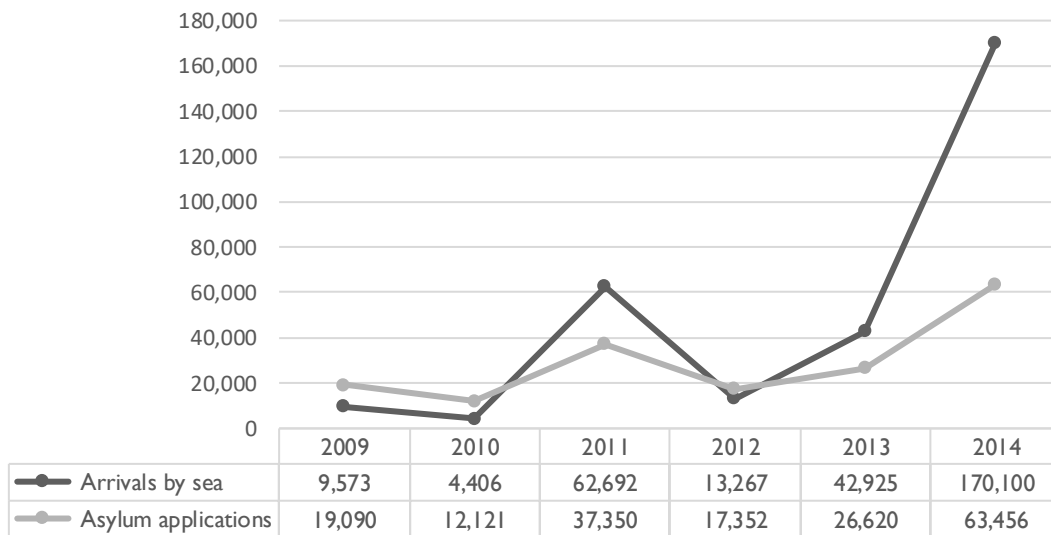
Similar agreements, on a bilateral basis, existed at the time between different EU Member States and North African partners. Therefore, with the failure of several Mediterranean states, in the wake of Arab Uprisings, this system of outsourced migration control collapsed, resulting in the massive inflows of 2011. Confronted with such a situation, the Italian government engaged in fast-paced decision making to respond to the in-the-making humanitarian crisis. In the first place, Italy drastically increased funding for SAR and, secondly, it established the civil-military *Mare Nostrum Operation* already in October 2013, few days after a tragic shipwreck off the coast of Lampedusa.

Figure 2. Detection of illegal sea border crossings (2009-2014)



Source: Frontex (2015)

Figure 3. Migration and asylum in Italy (2009-2014)



Source: own elaboration on data from Italian Ministry of Interior

The launch of *Mare Nostrum Operation* established a systematic state-led sea patrolling for search and rescue, which in just one year allowed 563 interventions and the rescue of about 101,000 migrants (Borsi, 2015, p. 15). While SAR is an obligation for EU Member States under

different international conventions, most notably the so-called SAR Convention¹⁵, the establishment of a large-scale operation, patrolling an area well beyond Italian territorial waters with the main aim to perform SAR activities and save lives of migrants in distress at sea, was radically new with regard to the way in which it was framed. Indeed, existing Frontex operations in the Mediterranean, such as *JO Hermes*, active between February 2011 and December 2013, were conceived with a rather narrow focus on border surveillance, with the deployment of Frontex experts along with aerial and naval support to assist the Italian authorities in debriefing and interviewing migrant¹⁶. In this regard *Mare Nostrum Operation* was somehow a pioneering operation, since it introduced what can be defined as a genuine ‘SAR approach’ to crisis management (Panebianco, 2016).

The second fundamental aspect of operational crisis management in frontline Member States, and particularly in Italy at the beginning of the crisis, is the organisation of the reception of migrants, from disembarkation to provision of accommodation and processing of asylum applications. Indeed, the unprecedented numbers of arrivals put in considerable distress the reception system in frontline Member States, creating an urgent demand for more effective governance practice. In this regard the local dimension played a crucial role: given the ‘burden-shrinking’ attitude which characterised the early days of the crisis—with Member States trying to avoid responsibilities arising from EU solidarity—, Italian officials, local administrators, and non-governmental actors were compelled to engage in sensemaking under tight time constraints, as to elaborate effective responses to increasing arrivals. In such a context, it is possible to recognise the emergence of ‘communities of practices’ as ‘intersubjective social structures’ producing and reproducing knowledge through everyday practices (Adler and Pouliot, 2011). According to Panebianco (2020b), these communities of practices formed by experts, policy-makers as well as CSOs representatives and involved in a collective ‘learning-by-doing’ crisis management were eventually able to come up with an ‘operational model [built] from scratch to provide first aid, essential health services, food and shelters’ (p. 10).

The operational model of structured cooperation between very diverse actors, from bureaucrats to law enforcement officials, from NGOs to representatives of international organisation (e.g., IOM, UNHCR) was a rather new and contingent response to ongoing crisis, which was later rearranged in the form of ‘hotspot’, beginning in 2015, with the crucial

¹⁵ See *International Convention on Maritime Search and Rescue (1979)*, 1405 UNTS 97, adopted 27 April 1979, entered into force 22 June 1985.

¹⁶ *Statement by Commissioner Malmström announcing the launch of the Frontex operation “Hermes” in Italy as of 20 February 2011* [Press release]. 20 February 2011. Available at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_11_98 (Accessed 15 June 2021).

involvement of EU agencies on the ground. The ‘hotspot approach’ is the most relevant intervention of the Union to support Member States on the frontline in terms of operational capacity. Originally proposed by EAM of May 2015, the hotspots were meant as ‘first reception facilities in the frontline Member States, with the active support of Member States’ experts and of EASO, Frontex and Europol to ensure the swift identification, registration and fingerprinting of migrants’ (European Council, 2015a, p. 2). In practice, both Frontex and EASO had been providing technical and operational support to Member States already before 2015, but the creation of hotspots on the frontline provided a new platform for coordination of reception activities, under the direction of an *ad hoc* EU Regional Task Force (EURTF), allowing EU agencies to closely interact with national authorities and international actors (i.e., Interpol, IOM, UNHCR) as well as NGOs. Therefore, as in the case of SAR, the hotspot approach represents not only a change in scale whole new way of organising migration governance on the frontline.

2.2.3 From National to EU Level: ‘Uploading’ Practices?

The very first action taken at EU level in the logic of crisis management was the establishment of the Task Force Mediterranean, few days after the shipwreck off the coast of Lampedusa in October 2013, which with aim of identifying priority actions ‘in the view taking operational decisions’ (European Council, 2013). In its report to the European Council on the work of the Task Force, in early December 2013, the Commission (2013) explicitly identifies the necessity to step up Member States’ operations ‘following the example of the Italian initiative *Mare Nostrum*’ (p. 16). In this regard, the Italian operation was quite an innovation, since it shifted the focus from mere border surveillance to SAR. Such a focus was not recognised until the launch of *JO Triton*, in late 2014. Indeed, while it is true that Frontex *JO Triton* had a rather limited budget compared to that of the Italian initiative as well as a more limited scope and mandate, it marks a fundamental step in the very conception of Frontex’s role. Until then, Frontex provided technical and operational assistance to Member States at the external borders, just ‘taking into account that some situations may involve humanitarian emergencies and rescue at sea’, as provided by Article 2(da) of the amended Frontex Regulation¹⁷. Yet, SAR operation remained a rather collateral aspect compared to border control until the outbreak of the crisis. Some innovations in this regard were brought about in 2014, by a regulation laying

¹⁷ See Regulation (EU) No 1168/2011 of the European Parliament and of the Council.

down common rules for border surveillance¹⁸, which devoted a whole article, Article 9, to ‘search and rescue situations’. Even if SAR is formally just a ‘facet’ of border surveillance, there is no doubt that the Regulation marks a shift in the perception of these operations and provides, for the first time, common rules applicable to SAR and disembarkation, notwithstanding the harsh bargaining process due to the opposition of most reticent Member States (Carrera and den Hertog, 2015, p. 12).

A substantial step forward in the institutionalisation of the SAR approach was marked by the 2016 Regulation establishing the EBCG¹⁹. For the first time search and rescue becomes a full-fledged component of Frontex’s integrated border management (IBM), as in Article 4(b), and a formal task of the Agency, as sanctioned by Article 8(f): ‘[the ECBG provides] technical and operational assistance to Member States and third countries [...] in support of search and rescue operations for persons in distress at sea which may arise during border surveillance operations at sea’. Border surveillance is still the core task of the newly established EBCG, yet the 2016 amendments accorded a whole new importance to SAR. While the extent to which *JO Triton* was guided by the ‘SAR approach’ is debatable, it is evident that the ‘extensive Frontex search and rescue operation that will cover the Mediterranean’ on which Commissioner Malmström called upon already in 2013²⁰, implied a thorough reconsideration of the role of Frontex in SAR operations. Such a focus on ‘saving lives is reiterated in Commissioner Avramopoulos address to the Parliament, two years later, in the occasion of the parliamentary debate on the EAM, when he refers to the extension of EU’s ‘capacity to save lives through the tripling of Frontex–led joint operations Triton and Poseidon’ as a key component of EU responses to the crisis (European Parliament, 2015a, s. 3-014).

When it comes to the ‘hotspot approach’, instead, the situation is rather more complex, because it was conceived as part of a broader framework of interrelated policy initiatives. The hotspot approach, indeed, was meant as a response to different concerns moved from a plurality of actors, from the call for support of frontline Member States to the interest of destination countries in Northern Europe to enhance information and analysis capabilities and perform identification and fingerprinting tasks, with the main aim prevent secondary movements (Interview I.1). Basically, the hotspots were meant to be ‘a platform for the agencies to

¹⁸ See Regulation (EU) No 656/2014 of the European Parliament and of the Council.

¹⁹ The creation of the EBCG dates back to the adoption of *Regulation (EU) 2016/1624 of the European Parliament and of the Council*, which formally repealed the previous regulation concerning the Agency.

²⁰ *Commissioner Malmström's intervention on Lampedusa during the Home Affairs Council press conference* [Press Release]. 22 February 2013, MEMO/13/864. Available at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_13_864 (Accessed 16 June 2021)

intervene, rapidly and in an integrated manner’²¹. Yet, at the beginning there was little consensus on the specific operationalisation of this approach: on the one hand, the Commission tended to interpret hotspots as ‘first reception facilities’ for the examination and control of the people disembarked, which according to some Member States should even be conceived as ‘closed centres’, while Italy defended the idea of hotspots as an ‘operational mode’ rather than as physical sites (Interview I.1). In the end, these two interpretations coexisted, as an evidence of how much the hotspot approach owed to the existing Italian model of ‘handling migrants’. In this regard, it is relevant that in its report on the study on the hotspots approach, the Policy Department for Citizens' Rights and Constitutional Affairs underlines that ‘Italy was really the starting point for the hotspot approach’ (Neville, Sy and Rigon, 2016, p. 37). Such an interpretation of the hotspot being based on existing practices, is also confirmed by different interviewees (Interview I.1; Interview I.4). When looking at the actual implementation of the hotspots, indeed, the very notion of ‘support on the ground’, was somehow an innovation (Interview I.3):

[W]e were more on the ground, and that was a big shift for the Commission to be right on the ground where the migrants arrived and to screen the migrants, to carry out security checks. That was new for the EU institutions [and] was the first big change: that we were helping on the ground not only through policy.

The causal sequence as outlined above, suggests that there is room for interpreting EU-level policy changes—in terms of operational responses to the crisis—in the light of conventional inferential learning. Differently from what happened with those measures concerning European integration and solidarity, when it comes to the operational dimension of crisis management, the experiences emerging on the frontline provide the EU with an established *repertoire* of practices which could be rather easily uploaded and adjusted at EU-level. Hence, *H1a* can be deemed consistent with our process tracing of the crisis at the frontline.

2.3 A Crisis for the EU: Unravelling the Intricate Knot of Learning and Change

In the past years, a great deal of scholarly research has dealt with the refugee crisis and its major impact on the EU. Yet, most of these accounts tend to consider EU responses to the crisis, in terms of policy outputs, as a case of ‘(non-)reform’, focusing on the failed reforms of

²¹ *Explanatory Note on the “Hotspot” approach*. 15 June 2015. Available at: www.statewatch.org/news/2015/jul/eu-com-hotspots.pdf (Accessed 18 June 2021).

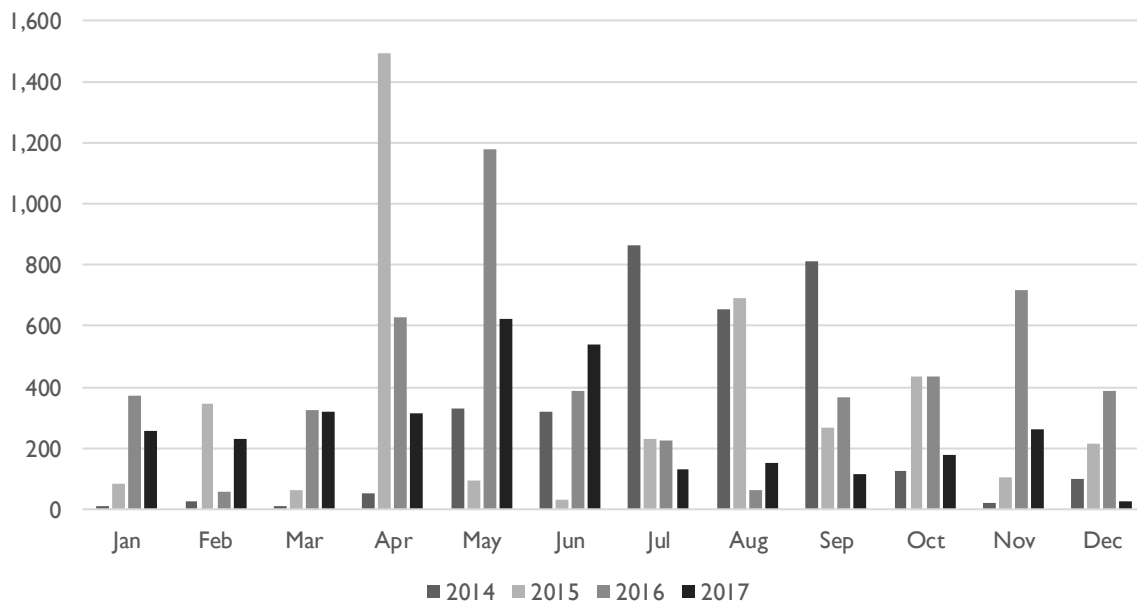
the CEAS and the rather modest achievements in terms of progress along the path of European integration (Biermann *et al.*, 2019). The most common accounts of the crisis, discussed in *Section 1.2*, tend to consider EU policy responses as rather limited achievements, due to the absence of those scope conditions which would have allowed further integration. On the basis of this overall interpretation, these strands of literature appear to underestimate the radical innovation of some crucial policies (e.g., the emergency relocation scheme) and, consequently, the significance of the crisis on the level of European integration. Hence, by looking at the crisis and its repercussions on the EU from the perspective of policy learning—and, more specifically, testing the hypothesis of contingent learning—the present research aims at understanding a further piece of puzzle of crisis policy-making: *H1b* if validated, may account for the emergence of policy changes which would have required some sort of double-loop learning, in a crisis context in which such learning would be impossible, according to the interpretations of most theoretical approaches to the crisis. Recalling the logic of process tracing as described by Mahoney (2012), to test *H1b* the existence of the hypothesised cause and outcome should be inferred in the first place. Thus, we should focus on the characteristics the crisis for the EU—that is, the conditions of uncertainty, urgency, and political pressures on EU policy-makers which resulted in unexpected cue-outcome associations. Secondly, we should interpret the changes brought about by the crisis in the light of Argyris and Schön's (1978) distinction between single- and double-loop learning. Indeed, the presence of 'double-loop changes' without actual learning would provide *prima facie* plausibility for *H1b*. Henceforth, having inferred the cause and outcome, it is acceptable to test the contingent learning hypothesis as the causal mechanism in relation to *H2* and *H3*.

2.3.1 From the Humanitarian Emergency to the Crisis of the EU

The first aspect to be considered to test *H1b* is the absence of those 'institutional, entrepreneurial and epistemic conditions' that are deemed indispensable to generate quantum leaps in the context of the EU (Kamkhaji and Radaelli, 2017, p. 718), since otherwise there would be no puzzle to be solved. Our purpose here is to investigate the characteristics of the migration and refugee crisis in relation to those conditions which would have pushed the EU further along the path of European integration. In other terms, this means to retrace the emergence of the crisis and ponder the development of actual decision-making dynamics against the expectations of both liberal intergovernmental and neofunctionalist theories.

In the first place, it should be underlined that the unfolding of the migration and refugee crisis at the level of EU institution was widely acknowledged as a disruptive event. Although it was already looming in the previous years, and some structures had been put in place to monitor the increasing migratory pressures at EU borders (e.g., the abovementioned Task Force Mediterranean), its actual outbreak in summer 2015 was rather an unexpected outcome. When considering EU reactions, most accounts identify the dramatic shipwreck off the coast of Libya of 18 April 2015, in deadliest month for migrants trying to reach Europe through the Mediterranean (*Figure 4*), as one of the main triggers for a ‘European response’ to the crisis. Indeed, it prioritised the issue at the highest political level, as demonstrated by the convening of a special meeting of the European Council, only a few days after that tragedy. In his Remarks following the special meeting, President Donald Tusk described the ongoing situation in the Mediterranean as a ‘human emergency’, a tragedy to which the EU could not ‘be indifferent’, which compelled the EU to be ready for the ‘difficult summer’ to come²².

Figure 4. Fatalities recorded in the Mediterranean*



Source: IOM Missing Migrants Project

* ‘Data on attempted crossings of the Mediterranean Sea’, Migration Data Project. IOM’S Missing Migrants Project data should be considered minimum estimates.

Yet, while the humanitarian crisis was rather evident, there was still a limited awareness of the implications that it would have had on the very stability of the Union. Indeed, when looking at

²² Remarks by President Donald Tusk following the special European Council meeting on migratory pressures in the Mediterranean [Statements and remarks]. 23 April 2015, 2017/15. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2015/04/23/final-remarks-tusk-european-council-migration/> (Accessed 21 June 2021).

the European Council conclusions, a modest success was achieved (in terms of ‘strengthening EU presence at sea’, ‘fighting traffickers’, and ‘preventing illegal migration flows’) regarding the operational dimension of the ‘humanitarian crisis’ management. To the contrary, EU leaders’ divergent positions concerning internal solidarity eventually resulted in a mild commitment to ‘consider options for organising emergency relocation between all Member States on a voluntary basis’, and to set up a ‘voluntary pilot project on resettlement’²³.

The repeated call by President Donal Tusk for ‘immediate action’²⁴ as well as the Commission Vice-President advocating for ‘measures that are urgently needed to deal with a crisis in the Mediterranean’ (European Parliament, 2015a, s. 3-013) were echoed in public discourses about the crisis. Such pressure reached its height between late summer and autumn 2015 (*Figure 5*) when an unprecedented number of migrants mainly coming from the Eastern routes entered the EU, compelling European leaders to take an immediate action. This dramatic increase of arrivals, with the overall detection of ‘illegal border crossings’ reaching the peak of 1,822,337 by the end of the year (Frontex, 2016), came as a shock for the EU policy-makers, being reinforced by the increasing mediatisation of the crisis through empathetic visual representations, which made death at the border ‘visible’ (Pécoud, 2020).

A significant example of this phenomenon was the shocking picture of Aylan Kurdi’s body on a Turkish beach, which rapidly circulated on the web, resulting in an EU-wide outpouring of ‘pity at a distance’ and triggering a contingent alteration of European public opinion’s views around issues of migration and asylum (Rea *et al.*, 2019): in the immediate aftermath of the event a strong demand for political responses emerged. On 24 August 2015, the German Chancellor Angela Merkel had already announced the suspension of the application of the Dublin III Regulation as concerning the return of Syrian refugees to first countries of arrival, under the motto ‘*Wir schaffen das*’²⁵. But on the wave of that ‘pity at distance’ triggered by the picture, on 4 September, there was a decisive step further: Chancellor Merkel and her Austrian counterpart, Werner Faymann, announced that they would allow migrants straddled in Hungary to cross the border, thus giving rise to what has been defined as

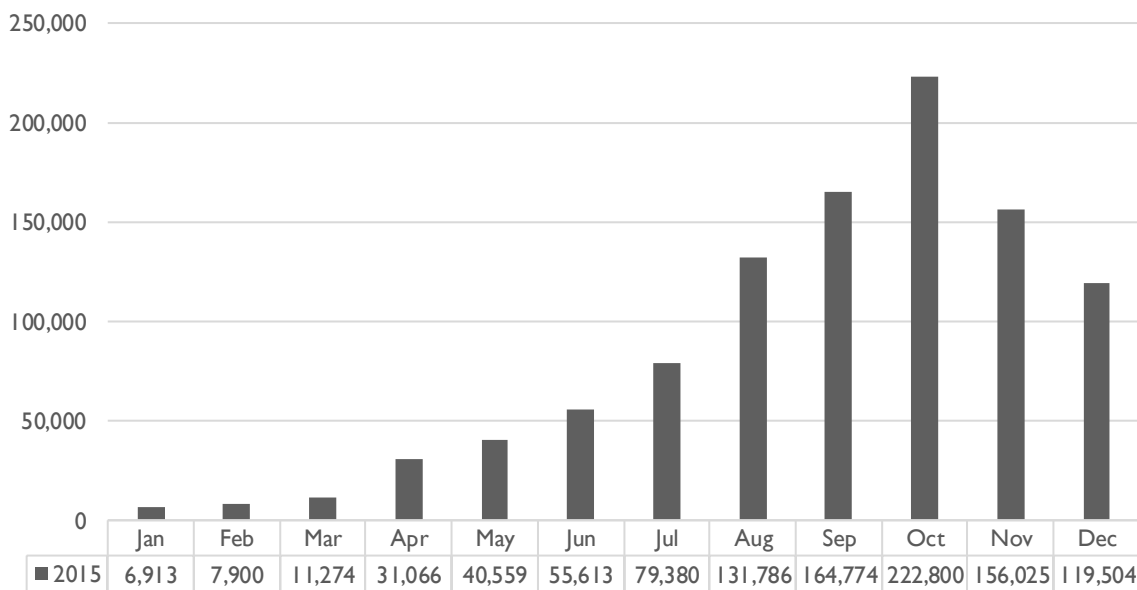
²³ *Special meeting of the European Council, 23 April 2015 - Statement* [Statements and remarks]. 23 April 2015, 204/15. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2015/04/23/special-euco-statement/> (Accessed 21 June 2021).

²⁴ *President Donald Tusk calls an extraordinary European Council on migratory pressures in the Mediterranean* [Statements and remarks]. 20 April 2015, 192/15. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2015/04/20/tusk-extraordinary-european-council-migration-mediterranean/> (Accessed 21 June 2021).

²⁵ Bannas, G. (2015) ‘Merkel: “Wir schaffen das”’, *Frankfurter Allgemeine Zeitung*, 31 August. Available at: <https://www.faz.net/aktuell/politik/angela-merkels-sommerpressekonferenz-13778484.html> (Accessed 22 June 2021).

‘*Willkommenskultur*’ (Trauner and Turton, 2017, p. 36). Yet, according to Sohlberg, Esaiasson and Martinsson (2018), the increase in support for liberal refugee policies triggered by the circulation of that tragic photograph was ‘contingent’, and already a month after the event people seemed to be back to their ideological framing of the issues at stake. That is exactly the dynamic which the contingent learning hypothesis tries to describe: the paring of an expected cue—that is, the increase of migratory movements towards Europe—with the unexpected outcome of a lifeless child ‘making visible’ the tragedy of migrants in the Mediterranean, resulted in policy responses (in the case at stake, at national level) in open contrast with mainstream ‘restrictive’ migration policy attitudes.

Figure 5. Sea and land arrivals to Europe through the Mediterranean*



Source: UNHCR

* ‘Europe - Refugee and Migrant arrivals summary data’, Operational Data Portal. Includes sea arrivals to Italy, Cyprus, and Malta, and both sea and land arrivals to Greece and Spain.

Such a dynamic may well be identified at the level of the Union, even though the timeframe for contingent learning policy changes in the European context might be slightly longer, but still rapid in terms of political time, due to the complex functioning of EU policy-making (Kamkhaji and Radaelli, 2017, p. 725). In the context of the EU, the two main topical moments or unexpected cue-outcome associations which acted as tiggers for contingent learning can be identified: one is the already mentioned shipwreck of April 2015, decisive for the political turn which gave rise to the EAM; the other, beginning from late summer 2015, was the ‘breakdown of the asylum system and the Dublin system’ (Interview I.4), bringing most of EU interior

ministers to temporarily suspend the Schengen agreement and reintroduce border controls²⁶ (Crawford, 2021). That was the beginning of the ‘integration crisis’ as a distinct component of the migration and refugee crisis, since it ‘put the functioning of the entire system at risk’ (European Commission, 2016a).

Based on such a general picture, the attempt to de-politicise migration and asylum through supranational delegation, which is interpreted by neofunctionalists as a driver for European integration, had the counterintuitive effect of further politicising EU affairs, calling into question issues of national identity and sovereignty (Börzel and Risse, 2018, p. 84). In these conditions of time pressure, high level of polarisation and mobilisation over a certain policy issue, neofunctionalists would thus expect the imposition of strong domestic and national constraints to supranational agents, thus obstructing the functional spillovers which are deemed to facilitate European integration (Niemann, 2006). In such a context, the possibility for European policy-makers to reform EU migration and asylum policy ‘safe from prying eyes’ was not even conceivable.

Looking at the actual proposal, from the very beginning a large part of the medium- and long-term proposals issued by the Commission through the EAM faced a tough opposition from Member States. This is in line with expectations raised by liberal intergovernmentalist interpretations of the crisis, which stress the preference of Member States to minimise the costs of the crisis in a logic of burden-shrinking instead of burden sharing. Yet, we argue here that beside non-reform and policy failures concerning several proposals to reform the CEAS, some major changes that can be considered as ‘double-loop’ changes according to Argyris and Schön’s (1978) model did occur.

2.3.2 Reconsidering Policy Changes in the Context of the Crisis

The conspicuous literature on the migration and refugee crisis has offered multiple and conflicting interpretations of its actual policy outcomes in terms of European integration. Most accounts identify some sort of integration for what concerns border management policies the external dimension of EU migration governance, an area in which Member States were willing to provide more resources and autonomy to supranational institutions. For instance, Scipioni (2018b) focuses on the emergence of *de novo bodies* (e.g., the EBCG in 2016), as a crucial

²⁶ The first Schengen country to temporarily reintroduce border controls according to Articles 25 and 28 of the SBC in direct relation to increased migratory movements was Germany on 13 September 2015, soon followed by Austria (16 September), Slovenia and Hungary (27 September 2015), Sweden (11 November), Norway (26 November), Denmark (4 January 2016), and Belgium (23 February 2016) according to the list of Member States’ notifications provided by European Commission.

example of progress in terms of integration, although rather circumscribed in scope. To the contrary, in the field of asylum policy and the CEAS reform, which was the most prominent issue at stake for what concerns integration, the EU seems to have been ‘muddling through a *status quo* of dysfunction’ (Schilde and Goodman, 2021, pp. 451–452). Most of the accounts based on traditional approaches to European integration have stressed the fact a great deal of the reforms emerged in the context of the crisis eventually turned into a ‘policy failure’, negatively impacting the effectiveness of EU migration and asylum policy and even reinforcing disintegration dynamic (Heldt, 2018). However, as underscored by McConnell (2015), ‘failure is rarely unequivocal and absolute [...] Even policies that have become known as classic policy failures also produced small and modest successes’ (p. 231). Therefore, to put some order in the intricate tangle of EU responses to the crisis, we will assume as a starting point for the present analysis the Agenda on Migration, which provided the framework for all the subsequent proposals issued between 2015 and 2017.

Table I. Key actions of the European Agenda on Migration (European Commission, 2015a)

Immediate Action	<ul style="list-style-type: none"> • Funding package to triple the allocation for Triton and Poseidon and to finance an EU-wide resettlement scheme • Immediate support to a possible CSDP mission on smuggling migrants. • Legislative proposal to activate the emergency scheme under Article 78(3) TFEU • Proposal for a permanent common EU system for relocation for emergency situations • Recommendation for an EU resettlement scheme • Funding package of EUR 30 million for Regional Development and Protection Programmes • Pilot multi-purpose centre established in Niger by the end of 2015.
Four pillars to Manage Migration Better	<ul style="list-style-type: none"> • Reducing incentives for irregular migration • Saving lives and securing the EU external borders • Strengthening the CEAS • Defining a new policy on legal migration

Beginning from its very structure, the Agenda identifies two separate areas of intervention (*Table I*): a first one, concerning those ‘immediate actions’ to face the ongoing humanitarian emergency, including fighting smuggling networks and temporary mechanisms to relieve pressures on frontline Member States (Chapter II); a second one, advocating a whole new approach to ‘manage migration better’ in the medium and long term (Chapter III).

While most of the immediate actions proposed in the EAM were implemented, the success of medium- and long-term policy initiatives were far more modest. Since a comprehensive analysis of all the proposals outlined in the Agenda would be out of the scope of the present research, the selection was narrowed down to those policy responses which might be relevant

to test *H1b*, selected among the ‘most innovative’ actions effectively implemented and validated on the basis of the literature in the field and interviewees as plausible cases of double-loop learning. Two of the main policy changes seem to fit in such a definition: (1) the temporary relocation scheme (Interviews I.1; I.4; I.6; I.7); (2) the EU Emergency Trust Fund (EUTF) for Africa (Interviews I.1; I.3; I.4).

Recalling the logic of process tracing outlined by Mahoney (2012), to infer the existence of double-loop changes it would be necessary to perform what in literature is defined as a ‘smoking-gun test’, which implies inquiring ‘about auxiliary traces for which the cause or outcome is a necessary condition’ (p. 576). In the case at stake, this means to focus on the shifts in the policy paradigms and the underlying theory-in-use of EU policies in the field of migration and asylum. Based on the coding of interviews and relevant documentary sources, the EU policy-makers’ approaches have been streamlined as two competing policy paradigms in the area of migration and asylum: a ‘restrictive migration governance’ paradigm, based on elements such as framing migration as a ‘security threat’, privileging national solution over European ones, prioritizing border control over SAR; a ‘liberal migration governance’ paradigm, based on policy beliefs implying the prioritisation of protection of human rights, the need for strengthening SAR operations, and the support for burden-sharing and EU-level solution. While this dichotomy runs the risk of oversimplifying the policy paradigms, failing to capture specific nuances and overlapping beliefs, it is consistent with recent studies inquiring the impact of the crisis on EU public opinion and political elites (Messing and Ságvári, 2019; Di Mauro and Memoli, 2021) and has the significant advantage of easily locate policy measures within one of the two paradigms. What emerges from the analysis of interviews and minutes of meetings is that most paradigm shifts in 2015 tend towards what has been defined as restrictive migration policy attitudes within EU institutions. This is in line, with the results of Di Mauro and Memoli’s (2021) analysis of longitudinal surveys, which clearly identify a marked a general shift towards rejectionist positions after the peak of arrivals, both for the general public and political parties. At the level of EU institutions, even the within the Parliament, which is traditionally held to have the most ‘pro-migrant agenda’ (Interview I. 3), a significant shift towards ‘restrictive’ positions for both centre-right and centre-left parties can be observed (Interview I.2). In such a context the presence of relevant policy changes as the one mentioned above, which clearly belong to a ‘liberal migration governance’ paradigm, seem to be counterintuitive.

The first proposal for a temporary relocation scheme was issued by the Commission on 27 May 2015, establishing a mechanism to trigger the emergency response system envisaged under Article 78(3) TFUE:

In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament

A first relocation pilot project had already been established back in 2011 for voluntary intra-EU-relocation of few hundreds of asylum seekers from Malta, which however encountered a significant opposition from Member States and essentially relied on bilateral agreements between the states concerned and Malta (EASO, 2012). Instead, as recalled by some interviewees, the 2015 relocation scheme was an absolute novelty for its scope, its intimately European dimension and its largely solidaristic rationale, as testified by the fact that it was founded on a legal basis it had never been used before. This first proposal called for the relocation of 40,000 (24,000 from Italy and 16,000 from Greece) ‘applicants for international protection who appear *prima facie* to be in clear need of international protection from Italy and Greece to the other Member States’ (European Commission, 2015b, p. 4). The proposal, according to the consultation procedure, was first discussed in the Council, which agreed on a ‘general approach’ on a two-year voluntary relocation scheme on 20 July 2015. When the proposal was discussed in the European Parliament, in early September 2015, a series of amendments in support of binding quotas for relocation was introduced, beginning with Amendment 24 to Article 1 of the Commission’s proposal:

This Decision establishes *binding* provisional *emergency* measures in the area of international protection for the benefit of Italy and Greece in view of enabling them to cope with an emergency situation characterised by a sudden inflow of nationals of third countries or *stateless persons* in those Member States (emphasis on the parts amended) (European Parliament, 2015b).

Although such a reference to the binding nature of the relocation scheme was absent in the final Council Decision of 14 September 2015²⁷, the very idea of a binding relocation mechanism was a radical innovation for EU migration and asylum policy. In the meantime, throughout the summer, the migratory pattern shifted, with a substantial increase of movements along the so-

²⁷ See Council Decision (EU) 2015/1523.

called Western Balkan route, turning the Eastern Mediterranean in the major point of entry to the EU (Ceccorulli, 2019). Therefore, already before the approval of the first relocation proposal, Commission President Juncker had announced in his State of Union speech of 9 September 2015, a proposal for a second emergency mechanism, including further 120,000 (European Commission, 2015c). On that very same day, the Commission issued a second proposal (European Commission, 2015d), which was approved in a record time on 22 September 2015²⁸, with a qualified majority. The adoption of the two relocation schemes is described by interviewees as a radical novelty, since the ‘Dublin Regulation, Dublin III, approved in 2013, did not include any solidaristic measure, any system for burden-sharing’ (Interview I.1). In this sense, it was a full-fledged double-loop policy change, since its underlying rationale, although short-lived, was radically new. For instance, MEP Ska Keller, who was rapporteur for the proposal of amendment of the second relocation decision in 2016, contended that ‘the relocation decision that was taken a little over a year ago was from my understanding a real paradigm shift. For the first time we saw that solidarity was implemented for real in the area of migration and asylum’ (European Parliament, 2016, s. 3-580-0000). Such a contingently paradigm shift is even more noteworthy if considered in the light of the ongoing moves towards more ‘restrictive attitudes’ which were affecting EU migration governance²⁹, not only due to the emergence of right-wing and populist parties, but mainly due to a ‘significant shift in rejection’ in those centrist and moderate parties (Di Mauro and Memoli, 2021, p. 16).

Similar considerations can be made with regard to the second policy change mentioned above, the EUTF. It was a new financial instrument to ‘support all aspects of stability and contribute to better migration management as well as addressing the root causes of destabilisation, forced displacement and irregular migration’ with a budget of EUR 1.8 billion initially redirected from the EU budget and the European Development Fund (European Commission, 2015e). The agreement on the EUTF was concluded on 12 November 2015, at the Valletta Summit on Migration, where European and African leaders gathered to discuss the developments of EU-African relations, with particular regard to migration issues.

The EUTF was presented back then as the main tool for enabling ‘the EU, its Member States and the international community to respond collectively to the migration challenges’ in the

²⁸ See Council Decision (EU) 2015/1601.

²⁹ It is worth to recall, that by the time of the approval of the first relocation scheme Germany had already suspended Schengen agreement, soon after followed by Austria.

strategic framework defined by the Joint Valletta Action Plan³⁰. Notwithstanding its initial limited budget, it represents a fundamental change, being ‘the most ambitious and comprehensive EU initiative that links migration and development’ (Lauwers, Orbie, and Delputte, 2021, p. 73). Indeed, EU trust funds at the time had been established only in two occasions before, prominently addressing humanitarian concerns: the Bekou Trust Fund for the Central African Republic and the Madad Trust Fund in response to the Syrian crisis, both established in 2014. To the contrary, the EUTF had a rather broad scope, including a wide array of goals, from the addressing the root causes of instability in the regions concerned—the Sahel and Lake Chad, the Horn of Africa and the North of Africa—to actual contribution to the better management of migration. In terms of policy paradigms, the creation of the EUTF marks a crucial step in the recognition of the migration-development nexus at European level, leading Visegrad countries to start contributing financially, ‘which was an absolute novelty’ (Interview I.1). In this sense, the establishment of the Trust Fund can be righteously considered as a ‘double-loop’ change, since it subsumes a shift away from the persistent security-migration nexus—that is, adopting the lexicon proposed hereabove, from a restrictive migration governance paradigm—towards a crucial recognition of the migration-development nexus, in the light of what Zaun and Nantermoz (2021) defined as a ‘root-cause pseudo-causal narrative’.

2.3.3 Learning Contingently in the Middle of the Crisis

The presence of double-loop changes as the temporary relocation scheme and the establishment of the EUTF do not meet the expectations of traditional policy learning interpretation of crises, which tend to consider policy change as a result of learning (Moyson, Scholten, and Weible, 2017). Instead, what happened in the two cases at stake—but similar considerations might well be extended to other crisis responses—was that these changes were merely contingent, independently from expected paradigm shifts which, indeed, did not occur. The case of Chancellor Merkel’s short-lived *Willkommenskultur*, shortly after followed by the suspension of the Schengen agreement, is a paradigmatic example of the contingency of EU leaders and policy-makers’ crisis-driven actions. Indeed, the orthodox ‘learning triggers’ in the context of the migration and refugee crisis were almost all absent. In the first place, the crisis was almost unanimously recognised by the interviewees as well as in EU policy documents as an ‘exogenous shock’, being its control beyond the possibilities of the EU policy-makers. In fact,

³⁰ The Joint Valletta Action Plan was agreed on in the Summit of November 2015 and identified a set of political and operational measures to for migration management cooperation between the two sides of the Mediterranean.

notwithstanding the emergence of rescue-through-interdiction discourses (Moreno Lax, 2018), the problem faced by EU policy-makers was ‘how to manage increasing arrivals’ (rather than ‘how to halt migration flows’), an effective control over border crossing being out of reach for the Union back in 2015. In the second place, differently from what can be observed in the case of the operational dimension, there were no epistemic communities defining a clear ‘way out’ of the crisis. This resulted in a situation of high uncertainty (or low problem tractability) and low certification of actors, which according to Dunlop and Radaelli’s (2013) typology should have triggered reflexive learning. However, for reflexive learning to occur there should be appropriate scope conditions enabling and facilitating mutual learning through reflexivity (Dunlop, James, and Radaelli, 2020, p. 708). This was not clearly the case for the migration and refugee crisis, in which the presence of increasing polarisation, distributional conflicts and time pressure did not leave room for reflection, calling instead for immediate action. One of the interviewees describes EU responses in this context as ‘small-step actions that that were taken trying to do our best without having a big plan nor having any experience on how to deal with something on this scale’ (Interview I.6). Moreover, as detailed earlier, the crisis affected the EU unevenly, resulting in asymmetric distribution of burden and costs to the detriment of frontline Member States, further discouraging reflexivity.

Having rejected the most well-established causal explanations to make sense of double-loop changes among EU policy responses to the crisis, the remaining hypothesis, *H1b*, might fit the bill. Most triggers for contingent learning were present, from time pressure to high level of uncertainty. Yet to validate our hypothesis we need to further examine the causal sequence in order to identify those unexpected cue-outcome associations that may have triggered contingent learning, and to establish a causal relation. In the first place, it is worth to note that until the major increase of arrivals, in mid-2015, there was limited perception in Brussels of the scale and of potential repercussions of the crisis on the very stability of Schengen and the CEAS. According to one of the interviewees:

[M]igration was already on the on the agenda of the European Council in June 2015 but I think that was still very much due to the situation in the Central Mediterranean, and there was no anticipation in that moment that something would have gone out of control, later on, in the Eastern Mediterranean [...] nobody had a sense of what was really coming (Interview I.6).

This ‘lack of anticipation’ emerges clearly from official declaration of European officials and other documentary sources. More specifically, for what concerns the relocation scheme, causal

association by EU policy-makers of the mass influx and increasing pressure on the frontline member states (expected cue) and the *de facto* collapse of the CEAS (unexpected outcome) seems to be at the heart of the decision for such an innovative measure. The idea of a collapse of the CEAS refers to what the Commission identified as a conjuncture of ‘external factors of increased migratory pressure’ and ‘existing structural shortcomings in their asylum systems, putting further into question their ability to deal in an adequate manner with this situation of high pressure’ (European Commission, 2015d). In practice, the inability to effectively manage such an unprecedented number of migrants and asylum-seekers, the widespread phenomenon of secondary movements (from Italy, Greece and Hungary in particular), and the lack of appropriate mechanism of burden-sharing jeopardised the functioning of the Dublin system. In these conditions, EU leaders were engaged in contingent sensemaking which allowed the emergence of radically innovative responses as the relocation mechanism and the EUFT, which did not exist in EU repertoire of policy instruments. As for relocation, this understanding was evident also in the discussion within the European Parliament, where Commissioner Avramopoulos, introducing the first relocation scheme to the MEPs, underscored that ‘such results would not have been thinkable only a few months ago [since] it is the first time that Member States have collectively—and not just bilaterally—agreed to relocate persons in clear need of international protection’ (European Parliament, 2015c, s. 2-595-0000).

When it comes to the EUTF, the establishment of a new cue-outcome association for EU policy-makers is even more evident. Indeed, the EUTF was conceived in a slightly different stage of the crisis, in the months in which arrivals to European shores were at their height, thus in a context in which no border management or solidarity measure alone was deemed sufficient to solve the crisis. As outlined by Zaun and Nantermoz (2021, p. 15), the decision-making over the EUTF ‘occurred at a time of high salience and urgency, which pushed the Commission to propose a policy swiftly [and] in the absence of any clear ideas of what other measures could work’ (p.15). Such a decisional situation seems to fit well with Kamkhaji and Radelli’s (2017) scope conditions for contingent learning and, indeed, the migration-development nexus which has been widely recognised by policy-makers as the underlying rationale for EUTF emerged as a result of contingent pressures, in stark contrast with the persistent security-based restrictive approach which has long characterised EU migration and asylum policy (Lavenex and Kuntz, 2008). As underlined by Commissioner Neven Mimica, in an interview released in April 2016, despite the EUTF not being a ‘game-changer’ it foresees a ‘change [in] the mindset and

approach' to root causes of migration³¹. Besides this policy framing, the establishment of the EUTF was also conceived as an instrument to leverage cooperation from African states on migration issues, thus reflecting a wider shift based on the decoupling of internal and external dimensions of EU migration governance, the re-launch of which represents a remarkable innovation in terms of policy paradigms (Castillejo, 2016).

Hitherto, the process tracing analysis of both the emergency relocation schemes and the establishment of the EUTF seems to provide strong evidence for inferring the presence of contingent learning in the context of the migration and refugee crisis. Of course, further considerations might be developed to make sense of other EU responses to the crisis.

³¹ Tempest, M. (2016) 'Mimica: Emergency Trust Fund for Africa "might not be a game-changer"', *Euractiv*, 29 April. Available at: <https://www.euractiv.com/section/development-policy/interview/mimica-emergency-trust-fund-for-africa-might-not-be-a-game-changer/> (Accessed 25 June 2021).

Chapter 3

Making Sense of EU Migration Policy in Times of Crisis

The results of the present research provide some solid arguments for the existence of different forms of learning in the context of the migration and refugee crisis. Nevertheless, a more comprehensive analysis of the wider spectrum of EU responses, which was out of the scope of the present research, might provide further insights. More ‘traditional’ forms of learning described in literature, such as those based on epistemic communities, coexisted with less traditional (and studied) ones, such as contingent learning, at the different levels of EU governance. The aim of this chapter, thus, is to discuss these findings in the context of well-established theoretical frameworks to underscore their relevance for EU literature.

3.1 EU Migration Policy in Times of Crisis: A Variable Geometry

The reconstruction of the policy-making process in the context of the migration and refugee crisis, characterised by burden-shifting and uploading dynamics, suggests some relevant considerations in relation to the dynamics of crisis management, which seems to have followed what we define here as a ‘variable geometry’. Indeed, rather than being characterised by a linear process of delegation of authority, competences and decision-making powers towards the EU or, vice-versa, a ‘re-nationalisation’ of migration policy, the crisis triggered a heterogeneous spectrum of policy responses that appear to have followed both the logics. The interactions emerged in the context of the crisis, both vertically (between the EU, Member States and sub-national entities) and horizontally (including non-governmental actors as well as international organisations) between different ‘levels’ action may well be considered in the light of ‘multilevel governance’, which has proved to be an effective descriptive approach to ‘read’ policy-making within the EU. Similar considerations can be reasonably extended to what has been labelled as the ‘external dimension’ of EU migration policy to better contextualise some of the policy responses previously discussed.

3.1.1 The Impact of the Crisis on EU Migration Governance

The concept of multilevel governance (MLG) can be traced back to the seminal work of Hooghe (1995) and Marks (1993) in the 1990s and describes the EU’s peculiar governance structure, in which decision-making is shared across multiple layers of government (regional,

national, transnational, and European). Indeed, the very notion of governance alludes to a loose framework of interactions between different actors contributing to policy-making and policy implementation. The multilevel dynamic is particularly relevant in the case of migration and asylum policy, where policy-making is characterised by a constant bargaining between the EU and Member States, reluctant to transfer their competences in an area which is traditionally interpreted as critical to state's sovereignty. Beside this vertical dimension, multilevel governance of migration can be also considered according to a horizontal dimension—that is, the involvement of non-governmental actors and international organisation in the governance structure. In this regard, Scholten and Pennix (2016) have highlighted the growing complexity of migration policy within the EU, 'being formulated at various levels of government, including the EU and national levels as well as the local and in some cases also the regional level' (p. 105).

The migration and refugee crisis impacted on the MLG structure in different ways. According to the analysis carried out in the previous chapter, EU crisis management did not follow a homogeneous path, but developed along different lines of intervention which implied the involvement of national, subnational and even non-governmental actors. In the immediate aftermath of Arab Uprisings and up to 2013, at least, the increase in migration flows was almost entirely managed at national and sub-national level. The emergence of hands-on epistemic communities on the frontline created a bottom-up dynamic which allowed to 'upload' crisis management practices. Given the vertical and horizontal extension of these emerging communities of practices, involving governmental as well as non-governmental actors, national authorities as well as EU agencies, the case of hotspot is a paradigmatic example of MLG dynamics. At the same time, it should be taken into account that both Italy and Greece had rather 'young' and, thus, more permeable, asylum systems, so that when EU agencies were involved on the ground in hotspots, they exerted some sort of 'informal influence', reshaping those very practices through training as well as in day-to-day interactions (Interview I.7). Thus, beside the presence of epistemic learning, which has been inferred specifically in the case of the hotspot approach, the crisis might also have fostered 'downloading' of practices, in a hierarchical-fashion more akin to what Dunlop and Radaelli (2013) have defined as 'learning in the shadow of hierarchy'. Indeed, the condition of epistemic uncertainty, which is a rather stable feature in the field of migration and asylum (particularly in the case of the crisis), offers 'considerable scope to deploy knowledge to substantiate policy preferences' (Boswell, 2009, p. 472). If the emergence of communities of practices on the frontline provided the EU with an operational model which was the basis for the hotspot approach, EU agencies (Frontex, EASO

and Europol), providing technical support and training to national actors based on their specific expertise and technical support, informed by more sophisticated analysis and information capabilities the other way round.

In such a context there was not a monolith dimension of crisis management, since both the EU, Member States and sub-national entities performed specific tasks on the basis of the level of action most suitable. This idea of flexible crisis management, in which the EU intervenes when Member States' initiatives are insufficient and, vice-versa, is willing to step back when governments can effectively address certain issues at the national level, was evident in the context of the migration and refugee crisis. Yet, it is worth to note that such a flexibility does not apply to all areas of migration and asylum policy. Moving beyond the operational dimension of the hotspot approach, those cautious steps toward a 'Europeanised' and coordinated multilevel governance of migration and asylum, such as the creation of the EBCG in 2016 as a *de facto* independent border protection agency, are focused on the 'restrictive' side of border control dimension. However, when it comes to burden-sharing policy measures, such as the emergency relocation scheme, we can observe the predominance of what Scholten and Pennix (2016, p. 97) defined as a 'decoupling pattern'—that is, the absence of coordination and the misalignment of interests between the different levels of governance. Such a lack of coordination is apparent when considering the reintroduction of internal border controls in late 2015, which represented a significant step back in terms of MLG.

Hence, while MLG offers a useful framework to make sense of dispersion of migration governance, it would be inaccurate to identify a tendency towards 'transnationalisation' of migration and asylum policy *tout court*. The crisis, indeed, gave rise to a whole spectrum of decision-making dynamics which resulted in coordination as well as fragmentation, depending on the specific area of intervention, and thus entailing the risk of 'layering', as defined by Scholten and Pennix (2016, p. 105), namely the emergence of different government layers without structural connections. In this regard, it seems more reasonable to adopt Alcantara, Broschek, and Nelles's (2016) concept of 'instances of multilevel politics', intended as 'variants of regularly recurring or more sporadic processes of interaction between and among territorially defined governmental and, sometimes, non-governmental actors' (p. 38). In other terms, rather than a proper system of MLG, EU migration governance seems to follow different logics: these 'instances' occur within a broader context of interactions which can either follow a multilevel logic or develop according to an intergovernmental configuration, on a case-to-case basis. Such a theoretical framework seems to be consistent with the findings of the present research, where multilevel dynamics juxtaposed with more 'traditional' intergovernmental ones.

3.1.2 Projecting Migration Management Beyond EU Borders

The MLG approach is traditionally focused on the internal dimension, accounting for changes in the territorial basis for the governance as well as in the variable structure and networks of actors involved in EU action. However, the variable geometry of EU migration policy stretches well beyond European borders, applying the ‘transgovernmental logic’ of MLG in the realm of external governance of migration (Geddes and Scholten, p. 171). Originally, the notion of ‘external dimension’ entered the lexicon of EU migration policy in 1999, when it was endorsed by the Special European Council in Tampere. At the most general level, it refers to a wide spectrum of intergovernmental cooperation and agreements with third countries aiming at managing migratory movements (Lavenex, 2006). More specifically, Boswell (2003) identifies two distinct concepts of external dimension: on the one hand, the externalisation of border management, pursued by both delegation of actual migration control tasks to sending or transit countries outside the EU as well as the signature readmission agreements to facilitate the return of asylum seekers and illegal migrants to countries of origin or neighbouring states; on the other hand, the so-called preventive approach, including all those measures, policies and agreements addressing the ‘root causes’ of migration, ranging from development aid to specific capacity building initiatives. In the last two decades, such an external dimension has gained momentum in Brussels, to the point that the GAMM, launched in November 2011, was defined ‘as the overarching framework of EU external migration policy’ (European Commission, 2011, p. 4). Yet, it was rather conceived as a collateral aspect of EU foreign policy rather than a proper dimension of EU migration policy. Therefore, the outbreak of the migration and refugee crisis had a pivotal role in reframing such a dimension, triggering what has been defined by one of the interviewees as a ‘collective realisation of how essential the external dimension is’ (Interview I.6). The scale of such a collective realisation is evident when considering the dramatic growth of ‘external dimension’ units and budgets: EASO’s budget for ‘resettlement and external dimension’, which in 2014 amounted to EUR 450,000 (over a total expenditure of EUR 3.4 million at the voice ‘support for MS practical cooperation’) more than tripled by 2017, reaching EUR 1.6 billion (over a total of EUR 4.7 million). An even more dramatic change of scale can be observed with regard to the EBCG, whose 2016 draft budget of about EUR 254 million more than doubled the pre-crisis budget (European Court of Auditors, 2017). Moreover, the EBCG Regulation further deepens the Agency’s competences regarding the external dimension of migration, introducing on the deployment of liaison officers in third countries origin and the instrument of ‘status agreements’ between the Union and third

countries concerning the Agency's executive powers in border management cooperation (Scipioni, 2018b, p. 774).

Hence, the crisis had the effect of releasing the potential of such an external dimension (Interview I.7). It impacted both the 'preventive approach' dimension and pushed forward the process of externalisation of migration controls. Concerning the first dimension, the EUTF represents probably one of the most relevant policy changes emerged as a direct consequence of the crisis. The launch of the EUTF, indeed, represents a major breakthrough, since such an EU-wide support to short-term action linking migration and development (as those promoted within the framework of the EUFT) was something new at the level of the Union (Interview I.3). Consider for instance, the case of Visegrad group, whose contribution to the EUTF was the third largest contribution (EUR 35 million) after Germany (EUR 157.5 million) and Italy (EUR 110 million), with individual shares well over the average contribution (European Court of Auditors, 2018): the participation of such Member States in funding external dimension initiatives is a radical novelty, given that their contribution to the European Development Fund (EDF)—the main EU instrument to support development programmes—is rather recent and hardly significant³². The contingent learning hypothesis, besides other factors, can effectively account for such a disruptive change in the conception of the 'preventive' element of the external dimension.

When it comes to externalisation of migration control, as defined by Boswell, the crisis produced a rather heterogeneous set of responses. The most relevant one, as underscored by several interviewees, was the EU-Turkey statement, signed in March 2016. Negotiations over a potential agreement to curb migration along the Eastern routes had begun already in late 2015, ending up in the signature of the first EU-Turkey Joint Action Plan of 15 October 2015³³. Despite being deep-rooted in what we defined earlier as the 'restrictive migration policy' paradigm, the statement represents a pivotal innovation in terms of externalisation. Indeed, the statement identified three main areas for cooperation: financial cooperation, based on the Facility for Refugees in Turkey, whose initial funding amounted to EUR 3 billion, to address humanitarian situation for Syrian refugees in Turkey; political cooperation to revive accession talks and negotiation on visa facilitation for Turkish nationals; both the financial and political commitments were conceived as a counterweight to operational cooperation for halting

³² The Visegrad countries started contributing to the Fund only from the 10th EDF (2008-2013) and their total contribution was less than 3% of the whole budget (Chimel, 2018).

³³ See *EU-Turkey Joint Action Plan*. 15 October 2015, MEMO/15/5860. Available at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5860 (Accessed 16 June 2021).

migration across the Turkish-Greek border. More specifically the deal established, beside Turkey's pledge to increase its control over irregular migration along sea and land, a resettlement scheme: each irregular migrant³⁴ not applying for asylum or whose application has been found unfounded or inadmissible in an EU Member State would have been returned to Turkey, and for each migrant returned another will be resettled from Turkey to the EU³⁵. According to Lavenex (2018), the new *elan* of external migration policy, of which the EU-Turkey deal is a manifest indication, can be interpreted as an attempt of the Union to 'bypass' the distributive conflicts inherent to the Dublin system and internal opposition to reforms of the CEAS, while 'decoupl[ing] external policy from internal normative standards' concerning human rights and rule of law (p. 1206). The agreement was quite an innovation in its formulation, marking a pivotal step forward in the area of EU externalisation of migration policy, even though with some not negligible consequences in terms of refugees' human rights protection, which raised concerns both within the European Parliament and among NGOs.

Another area of intervention of the EU in the context of border control was linked to gradual shift from the sort-lived SAR approach towards the militarisation of European presence in the Mediterranean, which materialised in the EUNAVFOR MED *Operation Sophia*, in June 2015. Indeed, up until then, the Union had only intervened with civilian missions in the Central Mediterranean, launching the EU Integrated Border Assistance Mission in Libya (EUBAM Libya) which deployed with the stated intent of supporting Libyan authorities in improving and developing a concept for integrated border management (i.e., a coherent and coordinated border management system). Differently from EUBAM Libya and even Frontex *JO Triton*, which was a civilian border policing mission, *Operation Sophia* was a full-fledged military operation with the aim of 'disrupt[ing] the business model of human smuggling and trafficking networks in the Southern Central Mediterranean', with a particular focus on Libya³⁶. The external dimension of such an operation emerges clearly when looking at its mandate, which was extended in June 2016 by the Council³⁷, included capacity building and training of Libyan

³⁴ While Turkey ratified the 1951 Geneva Convention relating to the status of refugees as well as its 1967 Protocol, it maintained a geographical limiting the recognition of the refugee status only to people coming from a European country. Only Syrians, among the other foreign nationals, benefitted from temporary protection in Turkey. Therefore, returns and readmissions under the deal were *de facto* limited to Syrians since the repatriation of other third-country nationals would have clashed with the provisions of the Return Directive.

³⁵ EU-Turkey statement [Press releases]. 18 March 2016, 144/16. Available from: <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/> (Accessed 01 June 2021).

³⁶ See Council Decision (CFSP) 2015/778.

³⁷ The mandate of the operation was amended by Council Decision (CFSP) 2016/993.

Coast Guard and Navy, which is probably the most paradigmatic example of externalisation of border management. This was a pivotal change in terms of approach, when compared to previous EU initiatives. Indeed, despite its limited number of interventions in practice, *JO Triton* was discursively prioritising the SAR dimension, while *Operation Sophia* marks a stubborn turn towards a restrictive approach to external dimension. What is most relevant for the present discussion, EUBAM Libya and—even more—*Operation Sophia* mark the integration of migration as a specific area of intervention of the common security and defence policy (CSDP). Hence, we can observe a twofold change here: not only the crisis triggered a collective realisation of the importance of external dimension for EU migration and asylum policy, but it also acknowledged, vice-versa, the relevance of migration for EU foreign policy *latu sensu*. This latter turn is evident in the 2016 EU Global Strategy (EUGS), which can be rightfully considered the most prominent programmatic document for EU foreign policy and security strategy, where migration appears to be the most frequently mentioned issue area (Ceccorulli and Lucarelli, 2017).

It is worth to underscore, however, that all these policy initiatives did not replace existing policies and international cooperation agreements concerning the external dimension of migration policy. In fact, while the dramatic situation in the Eastern and Central Mediterranean was unbearable for frontline Member States, calling for a European solution to the ongoing crisis, the situation on the Western route, where migratory movements were rather modest, was managed mostly at national level by Spain. Even considering the Central Mediterranean, the EU-funded *Operation Sophia* was complemented by the Italian government's (widely contested) initiatives under the Memorandum of Understanding stipulated with the provisional government in Tripoli in late 2017. That is to say, the crisis did not entail a shift towards Europeanisation of migration policy *tout court*, but rather favoured the emergence of what can be defined a 'variable geometry' of migration governance, somehow consistent with MLG analysis of intra-EU governance. As described effectively by one of the interviewees:

If you look at how we responded to [the crisis] I think it is a very consciously approach, which is that: when is best to rely on the Member States when we rely on the Member States, that is fine. When it is better to have the European Union taking more prominent, active role, then that is what we need to do and then that is fine, you know (Interview I.6).

3.2 Contingent Learning and European Integration

The contingent learning argument was originally proposed to fill the gap left by European integration theories when it comes to make sense of crisis decision making. Our findings, based

on process tracing of EU crisis decision-making, provide reasonable evidence that such a mechanism can effectively explain at least some of the policy changes emerged at EU level in the context of the migration and refugee crisis. Yet, reading the crisis through the lenses of contingent learning is not in conflict with other theoretical approaches. To the contrary, it provides a more fine-grained understanding of how the process of crisis decision-making unfolded, hence complementing integration theories' interpretation on the crisis. Consider, for instance, the emergency relocation scheme: according to neofunctionalist theory, structural pressures might have led to further integration—that is, the institutionalisation of relocation mechanisms—or non-reform, but does not provide an appropriate framework to make sense of the decision-making situation in which such a proposal emerged. Similarly, intergovernmental accounts of the crisis have focused on the reasons which halted further integration, such as the distributional conflict created by burden-sharing measures as the emergency relocation schemes and provide substantial arguments for its loose conception as a voluntary and limited mechanism, based on the characteristic of the bargaining situation within the Council. However, such accounts have little to say about the actual emergence of the very idea of relocation, which despite its evident constraints, can still be considered a breakthrough for EU migration and asylum policy. The combination of integration theories' accounts of the crisis and contingent learning approach, thus, can provide a more accurate understanding of the causal mechanisms at work in the context of the migration and refugee crisis.

According to Schilde and Goodman (2021), rather than thinking of integration as a linear process it would be more adequate to consider 'integration turbulence' as a 'normal state of affairs' in EU migration and asylum policy, which is thus structurally exposed to conjunctural crises. The concept of turbulence plastically represents the fact that the EU has incessantly to cope with 'events, demands and support interact change in highly variable, inconsistent, unexpected or unpredictable ways' (Ansell and Trondal, 2018, pp. 44–45), which often come as surprise for EU policy-makers. In such a context, contingent learning—which is a surprise-triggered mechanism by definition—can offer further elements to capture the different patterns of integration, shaped interactions between crises and turbulences. As detailed in *Chapter 2*, contingent learning may lead to the emergence of policy changes which are not understandable according to the categories of neofunctionalist spillover: the emergency relocation schemes based on Article 78 did not belong to EU *repertoire* before the crisis, if not for the pilot relocation project involving a few hundreds of asylum seekers in Malta, which was extremely limited in scope and was not conceived as a European policy, but rather as a series of bilateral agreements. The emergence of policy changes based on surprised-triggered associations, in the

case at stake between the increasing arrivals of migrants and asylum seekers and the collapse of CEAS and (the risk of collapse) of the Schengen system, may account for the emergency relocation scheme novelty. As underscored by Kamkhaji and Radaelli (2017), ‘change-or-die choice architectures nudge accidental federalists’ (p. 728) creating opportunities for further integration. In this regard, Angela Merkel’s ‘*Wir schaffen das*’ approach in response to the events of summer 2015 is probably the most paradigmatic example of such a contingent learning logic, giving momentum for pushing further integration (the decision of the Council on the first relocation scheme was adopted some days after her declaration). Of course, the conjunctural nature of contingent learning policy change makes room for integration, yet this latter is far from being an automatic consequence of such changes. Indeed, contingent learning should not be misinterpreted as policy learning *strictu sensu*, since it does not involve a stable change in terms of policy beliefs, since it does not imply a stable change in policy beliefs systems or paradigms. As underscored by Slembeck (1998), a further step is necessary, in the form of some sort of feedback mechanisms between situational conditions and appropriate responses, to ‘close the learning loop’ and lock-in the effects of contingent learning. In this regard, the contingent learning approach could fruitfully be combined with other more ‘traditional’ approaches to policy learning as well as integration theories. Indeed, while the contingent learning hypothesis provides some crucial insight on how policy responses to the crisis emerged and the underlying logic of decision-making under conditions of uncertainty and urgency, it has little to say on the medium- and long-term implication of such changes. Proper learning might occur *ex post*, in the form of ‘lesson-drawing’ (see the following section) from contingent behavioural changes and is subjected to the political and contextual constraints. For instance, the present research casts some doubts on the likelihood of a straightforward cost-benefit weighing concerning the risk of disintegration, on the ground of radical uncertainty which characterised the initial phase of the crisis and made it complicated for Member States to determine their payoffs (and consequently clear national preferences). Yet, it is perfectly plausible and consistent with our findings that, according to liberal intergovernmentalists’ expectations, representatives of Member States’ governments in the Council agreed on a ‘soften’ version of the relocation scheme, responding to increasing domestic pressures against burden-sharing measures in countries least affected by the crisis (Zaun, 2018). Similarly, contingent learning offers a legitimate argument for neofunctionalists’ claim that conditions for functional spillovers in terms of further integration were inadequate—where not absent, in some cases—while making sense for the actual emergence of contingent ‘steps forwards’ in specific sectors.

3.3 Constraints and Challenges of EU Lesson-Drawing

A last point to be discussed is whether EU responses to the crisis were ‘durable’ in the medium- and long-term—that is, whether they were institutionalised and consolidated as part of EU migration policy. Scholarly accounts of the crisis, for instance, have widely acknowledged the proposed reform of the CEAS as a ‘policy failure’, since most of the legislation proposed by the Commission in the framework of the EAM got stuck in the legislative *iter*, more often than not due to the staunch opposition of the Council. Similarly, the emergency relocation mechanism schemes, which made their appearance as a contingent learning policy change, were never turned into a permanent emergency mechanism as proposed by the Commission and advocated by the Parliament. As for the actual numbers of relocation, according to the progress report on the implementation of the EAM, only 21,847 people had been relocated from Greece and 11,999 from Italy as of March 2018 (European Commission, 2018), against original commitment for relocation of respectively 63,302 and 34,953 asylum seekers. Such an outcome may well be explained in the perspective of policy learning, since learning in the case at stake would be expected to occur inferentially, in the form of feedbacks based on behavioural changes. Hence, for contingent non-incremental changes to translate into actual changes in beliefs some scope conditions concerning domestic constraints, institutional structures, political interests should be met (Vagionaki, 2019). Such factors may ‘block’ the learning process, preventing contingent cognition from being embedded into the system belief of organization which they belong to. Lesson-drawing within a complex organisation as the EU, then, is further complicated by the multi-layered decision-making structure described earlier, where constraints to learning act at both the level of Member States (domestic pressures, electoral considerations) and the level of the Union (polyarchic institutions and consensual decisional rules). A first constrain to inferential learning is the divergence of national preferences underscored by liberal intergovernmentalists between least-affected and most-affected Member States (Schimmelfennig, 2018b). In such a polarised context of unyielding national preferences the room for reflexivity is rather limited, since different ‘learning actors’ are unwilling to change their beliefs. Moreover, while the collapse of the CEAS might have triggered contingent learning mechanisms, the risk of an actual disintegration of Schengen was no more an issue in late 2016, when the reforms emerged at the beginning of the crisis were to be discussed and, eventually, adopted. Hence, the non-incremental changes brought about by the crisis ended up in non-reform due to political and contextual constraint to inferential learning.

Notwithstanding, despite its limited success in relation to original commitments, the relocation of more than 32,000 asylum seekers can be considered a landmark in the path towards a genuinely European migration and asylum policy. It appears to have had a certain impact on the medium and long term. To substantiate such a argument, it is sufficient to briefly consider the policy changes proposed in the New Pact on Migration and Asylum. Launched by the Commission in September 2020, the New Pact offers an overarching framework, on the model of the EAM, to comprehensively reform EU migration and asylum policy, including crisis responsiveness tools. More specifically, the proposed text leaves unaltered the logic of solidarity pioneered by the emergency relocation schemes, although with some not insignificant adjustments—that is, the opportunity to opt for return sponsorship instead of relocation (European Commission, 2020). Hence, while the relocation schemes did not meet the expected results, it is worth to note that the introduction of such burden-sharing solutions to migratory challenges still have a long-lasting impact on the EU migration and asylum policy architecture.

On a different level, some pivotal changes emerged in the context crisis can be considered as well-established in the overarching framework of EU migration policy. Consider for instance the second policy change discussed in relation to contingent learning, the EUTF. Even after the flattening of migration figures, the Fund continues to play a critical role in the EU's architecture of migration governance. In December 2020, indeed, the EUTF was extended until the end of 2021, and resources allocated to the Fund currently amount to EUR 5 billion, more than doubled from its establishment. The consolidation of EUTF as a key policy tool to deal with migration challenges in a broader framework which addresses short-term concerns as well as 'root causes' provides evidence of some relevant changes in the overall belief systems of EU policy makers (i.e., learning). Of course, the 'root-cause approach' should not be interpreted as a radical shift away from restrictive migration policy: for some Member States supporting the EUTF, it is more a matter of strategic calculation rather than all-encompassing embracement of the migration-development nexus paradigm (Zaun and Nantermoz, 2021). Yet, the Fund offers a relevant example of how contingent learning policy changes may shift from the realm of 'exceptionalism' to 'institutionalisation'. Lesson-drawing in the area of external migration policy, indeed, did not suffer from the same political constraints highlighted in relation to relocation mechanisms. Despite being based on some form of solidarity, consensus over the EUTF was far less problematic: we can observe rather limited polarisation of opinions in Member States' domestic arenas over the migration-development nexus.

If contingent learning responses to the crisis have had heterogeneous outcomes in terms of *ex post* lesson drawing, the consolidation of those policy changes which instead have been identified as ‘operational changes’ is hardly contestable. The hotspot approach, as well as the EBCG are there to stay, since the mechanism underlying these changes was, as highlighted earlier in this work, already a form of policy learning. Echoing what one of the interviewees said concerning the functioning of hotspots, ‘how can we avoid learning from these experiences?’ (Interview I.1). Of course, epistemic learning is not a mere uploading, since policy actors and policy-makers have an active role in shaping such a process, negotiating meanings and knowledge, so that even in this case, it is obviously not immune from national preferences and political considerations. That is the case of the SAR approach, which although being institutionalised as one of the central tasks of the newly established EBCG, has been *de facto* downgraded to a collateral aspect of border policing, in stark contrast with the rationale of *Mare Nostrum Operation*. This is consistent with the fact that learning during crisis is a sort of ‘war for meaning’ in which policy actors are engaged in sensemaking through the lenses of their own beliefs and frames, thus altering the contents of learning, the very ‘lessons learned’ (Müller-Seitz and Macpherson, 2014). Hence, learning from crisis is far from being a straightforward process: even if the crisis created the conditions for single- and even double-loop policy changes, the extent to which these contingent learning responses turned into durable modifications of EU policy-makers’ belief systems varies consistently from one case to another, giving rise to heterogeneous patterns of learning and changes.

Conclusions

The main aim of the present research was to identify the causal mechanisms underlying the emergence EU policy responses to the migration and refugee crisis and to discuss the extent to which they affected the European integration process. The analysis of interviews and documents has provided reliable evidence that multiple mechanisms were at stake in the context of the crisis and that the contingent learning approach adopted here may provide a useful framework for interpreting the crisis dynamics and policy-making. The migration and refugee crisis impacted the EU on different dimension, engendering a wide spectrum of responses which followed different causal patterns. In the first place, our findings seem to support the existence of some sort of epistemic learning, at least concerning the operational dimension. Indeed, although the crisis caught EU policy-makers unprepared in a context of structural uncertainty, the emergence of communities of practices on the frontline based on an experimentalist and learning-by-doing approach to crisis management offered the EU an operational model to cope with increasing arrivals, as a benchmark for the hotspot approach. Likewise, in the area of SAR operation, the initiatives launched by frontline Member States, Italy in particular, lead the way for Frontex's operations in the Mediterranean, incorporating the so-called 'SAR approach' not only as an operational principle but even as an integral part of the newly-created EBCG. Going back to the research question, a first pattern identified is thus based on multilevel interactions between local, national and European authorities as well as, horizontally, between governmental, international and non-governmental actors. In the last Chapter, such multilevel dynamic has been also discussed in the broader framework of the external dimension of EU migration policy, highlighting the pivotal role of the crisis in the supporting European leaders' acknowledgement of its importance. Such dynamics have been discussed also in the light of the recent developments in the field of migration and asylum, most notably the launch of New Pact in September 2020. What emerges from the brief considerations exposed above, is that policy changes concerning the operational dimension were rather easily institutionalised, denoting relevant progresses of European integration in terms of border management.

A different dynamic has been identified with regard to some of the most ground-breaking policy innovations which emerged in the context of the crisis. Based on process tracing of crisis decision-making concerning the adoption of the Council Decisions on emergency relocation schemes, the contingent learning hypothesis has been proven consistent with the causal

sequence identified. A similar analysis has been conducted with regard to the EUTF, which is to date the most important trust fund established by the EU. Such a theoretical approach, which to the knowledge of the author, had not been tested in the context of the migration and refugee crisis, adds a new layer to the understanding of EU crisis management. Indeed, it allows to model the emergence of non-incremental ‘double-loop’ policy changes that are not understandable according to the conventional accounts of mainstream theories of European integration. In this regard, the present research can be considered as a useful complement to these same theories, which can be combined, as proposed by Schimmelfennig (2018a) to make sense of the different aspects of the crisis. If neofunctionalist attention to ‘incompleteness’ of EU migration and asylum policy and path dependencies offer a long-term perspective of the structural determinants of the crisis and its eventual spillovers, liberal intergovernmentalism offers a plastic representation of the bargaining situation and on the polarisation which affected the prospect of an overarching reform of the CEAS and the lack of support for more audacious progress in terms of integration. To complete such a comprehensive account of the crisis, the present research has offered sound arguments in support of the contingent learning approach, as to explain the mechanisms underlying the emergence of surprise-triggered policy changes. Of course, the limited scope and resources of the present research implied the selection of some relevant cases, but further and more wide-range research on the EU responses to the migration and refugee crisis may expand the domain of such considerations. Moreover, the present research suggests that when considering the outcomes of the crisis it may be useful to adopt, beside synchronic analyses, a medium- and long-term perspective. Such a standpoint may allow to frame not only the immediate ‘non-reform’, identified by several accounts as the main outcome of the crisis, but also longer process of learning. Indeed, if more contested contingent learning changes such as the relocation mechanism turned into policy failures in the short-term, their impact in the long run may suggest the existence of more gradual learning process which result, for example, in the inclusion of a permanent relocation mechanism in the New Pact recently proposed by the European Commission.

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Appendices

Appendix A

List of the interviews (carried out between April and May 2021)

	Position	Institution/Organisation	Date
<i>1.1</i>	Member of the Management Board for Italy	EASO	26 April 2021
<i>1.2</i>	President of the LIBE Committee	European Parliament	27 April 2021
<i>1.3</i>	Director at the DG HOME	European Commission	28 April 2021
<i>1.4</i>	Director at the DG HOME	European Commission	5 May 2021
<i>1.5</i>	Frontex Press Officer	Frontex	20 May 2021
<i>1.6</i>	Director at the General Secretariat of the Council	Council of the EU	28 May 2021
<i>1.7</i>	Head of Unit	EASO	28 May 2021

Appendix B

List of questions to interviewees

1. When does the so-called migration and refugee crisis came to be perceived as such? Which was its trigger and what are the specific events, if there is any, which pushed for action?
2. How did the first EU responses to the crisis came along? Can you walk me through what your organisation did at the early stage of the crisis, not only with regard to the specific measures implemented in response to it, but also to how the decision-making process of crisis management was developed?
3. Which were the attitudes and preferences of the different actors involved in crisis policymaking, more or less directly, towards EU immigration policy before the crisis? Did such attitudes undergo a relevant change throughout the crisis?
4. Which were the relations among the different institutional actors, that is the EU, Member States (and the frontline member states in particular) and how did they change throughout the crisis?
5. Do you think that practice and policies developed in response to the crisis were “new”, in the sense that they were absent before the crisis
6. To what extent do you think that the policy changes and crisis management practices emerged in response to the migration and refugee crisis can be durable?
7. To what extent the crisis impacted on the external dimension of EU immigration policy (e.g., returns and readmissions, cooperation with third countries) and where the impulse for policy changes in this field came from?

Appendix C

Codebook for qualitative document analysis (conducted using *MAXQDA 2020*)

Code	Description	Example
structural weaknesses	Interviewee/document states or alludes to the <i>structural weaknesses</i> of EU governance architecture regarding migration and asylum a causal factor of the crisis or, at least, as one of the reasons hindering an EU effective response	'The overall objective is to move from a system which by design or poor implementation places a disproportionate responsibility on certain Member States and encourages uncontrolled and irregular migratory flows to a fairer system which provides orderly and safe pathways to the EU' (European Commission, 2016b)
politicisation	Interviewee/document refers to the increasing salience of asylum and migration issues and polarization of opinions in the media, public or political (e.g., within EU institutions) debate	'So, for example, the rule of law, free movement, asylum, immigration, but also all the kind of cultural issues affecting the EU. We were always in the media, in the spotlight' (Interview I.2)
policy failure	Interviewee/document describes policies or responses to the crisis as not achieving the goals set out by its proponents (even if it some moderate success is achieved in some regards) and encountering major opposition	'This attitude shows that there is no commitment to addressing the situation. We have governments that are comfortable letting others carry the burden on their own' (European Parliament, 2015a, s. 3-094)
distributional conflicts	Interviewee/document refers to a situation in which Member States shoulder unequal or asymmetric burdens and costs, resulting in tensions over their distribution	'In the end, they made several tens of thousands of relocations and where they failed, it was not for technical reasons, they failed because the Member States did not want to take them (Interview I.7)
risk of disintegration	Interviewee/document refers to the perception of a possible disintegration (i.e., in the case of the collapse of CEAS and Schengen regime)	'European citizens started questioning the <i>raison d'être</i> of the European Union and many called for abolition of Schengen which has made our borders merely symbolic' (Interview I.5)
negative interdependence	Interviewee/document refers to the negative 'externalities' resulting the unfolding of the crisis, spreading from those Member States most affected by migratory pressures towards least-affected ones	'Secondary movements have resulted in many asylum applications being made in Member States which are not those of the first point of entry, a situation which has in turn led several Member States to reintroduce internal border controls to manage the influx' (European Commission, 2016b)
single-loop policy change*	Interviewee/document refers to adaptation of existing tactics, policy instruments and knowledges to perform better routinary tasks in the context of the crisis, privileging continuity over disruptive changes.	'[B]efore the crisis, Frontex was five hundred people and then, in 2020 they were 1,000, more than doubled the size, and now they will be added another 10,000, which is a big change of scale of the agency, you know' (Interview I.3)
double-loop policy change*	Interviewee/document refer to the introduction of <i>new policies or policy instruments</i> implying a redefinition of	'The relocation idea, which is still on the table of the Council, came about for the first time, so this was really a new

	the wider paradigm within which the policy-making process unfold and the core assumption of the <i>theory-in-use</i> ,	policy idea. I even remember that we used a legal basis which had never been used before, so that was really a new territory to explore' (Interview I.4)
restrictive migration policy*	Interviewee/document refers or alludes to policy beliefs, preferences or attitudes of a certain crisis actor articulating the need for a 'restrictive' approach to migration and asylum issues (e.g., advocating for tight border controls, reduction of SAR operations, threats posed by immigration to national security)	'Member States were not willing to move on to address the humanitarian side and were more willing to agree on the repressive side, let us say, the law enforcement side (Interview I.3)
liberal migration policy*	Interviewee/document refers or alludes to policy beliefs, preferences or attitudes of a certain crisis actor stressing a more solidaristic approach to migration and asylum, both in terms of EU-level solidarity and solidarity towards migrants (e.g., incrementing SAR operation, addressing human insecurity)	'The main groups within the LIBE Committee were always going "we need to welcome, we need to open borders, we need to develop legal pathways". So, they had a very pro-migrant agenda and pro-refugee agenda in the Parliament' (Interview I.3)
paradigm shift	Interviewee/document identifies or refers to a major shift, alteration, or reconsideration in terms of the overall perception, the global understanding, the guiding principles of asylum and migration policies	'[W]hat is clear is that 2015 is a landmark and many Member States were politically affected, you know. There was a shift of political perception of migration' (Interview I.3)
uncertainty	Interviewee/document refers to limited knowledge on the entity (e.g., data about arrivals) and the dynamics of the crisis, as well as the payoffs related to different policy outcomes	'So, there has been a lot happening since [the crisis outbreak], but at the time we were really blind, we are working trying to find out what is happening you know you know there was no systematic reporting, there was no clear picture what was happening on the ground' (Interview I.6)
unexpected outcome	Interviewee/document stresses the 'unexpectedness' of a certain event, phenomenon, or condition, identifying it as a cause, trigger, or precipitating factor of the crisis.	'[M]igration was already on the on the agenda of the European Council in June 2015 but I think that was still very much due to the situation in the Central Mediterranean, and there was no anticipation in that moment that something would have gone out of control, later on, in the Eastern Mediterranean' (Interview I.6)
urgency	Interviewee/document refers or alludes to a situation of decision-making characterised by strong demand to act under tight time constraints or to the fast pace of the unfolding of the crisis, resulting in pressure on policy-makers to act.	'[I]t is true, however, that you could feel that sense of... that to some extent it was necessary to slow down this chaos. And the effect of the crisis was precisely that of creating pressure from the Member States' (Interview I.7)

* These codes result from the aggregation of sub-codes concerning the different dimensions of the issues at stake (e.g., the code 'single-loop change' is the aggregation of sub-codes 'change of scale', 'change in funding', 'adaptation of existing tasks', 'expansion of functions', 'de novo structures/instruments').