



THE MIGRATION CRISIS: END OF EUROPEAN SOLIDARITY?

A LIBERAL INTERGOVERNMENTALIST
PERSPECTIVE ON THE INSTITUTIONAL
CRISIS RESPONSE OF THE EU

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Abstract

This thesis aims to answer the question *why the EU has not agreed upon a multilateral crisis response regarding the distribution of incoming migrants across its Member States since the start of the Migration Crisis in 2015*. Using the theoretical framework of Liberal Intergovernmentalism according to Andrew Moravcsik (1992, 1997, 1998) and the theoretical extension to crisis settings by Schimmelfennig (2018), Biermann et al. (2019) and Zaun (2018), this work employs a case study design to explain the unsuccessful attempts of the EU for joint crisis management in form of political reforms and burden-sharing. A qualitative content analysis was conducted using German newspaper articles from 2015 to 2018. In line with LI's core assumptions, the institutional choice of the EU can be explained with national preference formation processes and intergovernmental bargaining dynamics although temporary disintegration and prevailing unilateralism greatly oppose the theory's initial propositions. The applicability of LI to explain the EU's institutional response to the Migration Crisis is reaffirmed while the influence of contextual factors is highlighted.

Table of Contents

I. Introduction.....	4
II. Background –Years of Crisis in Europe.....	5
III. State of the Art	7
a. Liberal Intergovernmentalism	7
b. Liberal Intergovernmentalism in Crisis Settings	8
IV. Research Methods and Design	11
a. Data Collection.....	11
b. Data Analysis	13
V. Background – The Common European Asylum System.....	13
VI. Analysis	15
a. Why did EU Member States adopt different positions on the distribution of migrants?.....	17
i. Affected Countries	18
ii. Non-Affected Countries	20
iii. Closing Remarks	21
b. Why has intergovernmental bargaining not resulted in a substantive bargain?	21
i. Affected Countries	22
ii. Non-Affected Countries	23
iii. Closing Remarks	24
c. Why has the institutional choice of all EU Member States not been multilateral action leading to further integration?	25
VII. Conclusion.....	27
VII. References	30
VIII. Appendix.....	35

List of Abbreviations

AFSJ	Area of Freedom, Security and Justice
AfD	Alternative für Deutschland
CDU	Christlich Demokratische Union
CEAS	Common European Asylum System
CSU	Christlich-Soziale Union
EASO	European Asylum Support Office
EC	European Council
ECJ	European Court of Justice
ECRE	European Council on Refugees and Exiles
EU	European Union
EURODAC	European Dactyloscopy
EUROPOL	European Union Agency for Law Enforcement Cooperation
EU NAVFOR	European Union Naval Force
EP	European Parliament
FN	Front National
FPÖ	Freiheitliche Partei Österreichs
FRONTEX	European Border and Coast Guard Agency
GDP	Gross Domestic Product
IR	International Relations
MSs	Member States of the European Union
NGO	Non-Governmental Organisation
ÖVP	Österreichische Volkspartei
LI	Liberal Intergovernmentalism
UK	United Kingdom of Great Britain and Northern Ireland
UNHCR	United Nations High Commissioner for Refugees

I. Introduction

In a crisis-torn decade, the future of the European integration project is uncertain as never before. With a global population of more than 43.3 million forcibly displaced people, numbers of migrants¹ reached an all-time high in 2018 (UNHCR, 2018). Unsurprisingly, this did not leave the European Union (EU) unaffected. Rooted in the outbreak of the Syrian Civil War in 2011 and other prolonged conflicts in Libya, Iraq and Central Africa, the most significant increase of people arriving at the shores of Europe took place between 2015 and 2018 (see table 1 in Appendix) (Eurostat, 2020b). Attractive as a destination for people seeking international protection and asylum, the steep influx of non-EU migrants highly overburdened the EU and its Member States' (MSs) capacities and ultimately ended in what is now referred to as the 'Migration Crisis'. Most people arrived on EU territory via two main routes: through Turkey into Greece or through North Africa into Sicily (Nedergaard, 2019). During this time, it became clear that "the lack of harmonization of asylum legislation" (Zaun, 2018, p. 12) put an unmanageable burden on Italy, Greece, Malta and Cyprus as the first-arrival countries. Under the EU's asylum system (including the Dublin III Regulation that allocated responsibility to the state in which a person first entered EU territory), frontline countries were responsible to register and process all asylum-claims and thus secure the EU's external borders.

Not designed to withstand these high numbers of incoming asylum seekers, migratory pressures were distributed highly unequal across MSs and left some of them overburdened while others remained largely unaffected. Eventually, this caused a breakdown in the Dublin system and the temporary suspension of the Schengen zone at the end of 2015. This questions not only the Union's legitimacy but could also seriously damage the project of European integration, as one of the EU's key pillars of asylum policy – the one of responsibility sharing and solidarity – has been debunked. Between 2015 and 2018, several attempts by the EU and its MSs were taken to find a joint crisis response. However, some countries largely resisted calls for institutional and regulatory reform and even tendencies to shun compliance with the existing legal framework were observed (Biermann, Guérin, Jagdhuber, Rittberger, & Weiss, 2019). As such, the EU's crisis management to handle and negotiate effective long-term policy measures largely failed and resulted in reactive rather than proactive actions, creating a political stalemate with no end in sight (Trauner, 2016).

Literature falls short on linking national and EU-level dynamics of the crisis together while considering a variety of contextual variables (such as the rise of populist parties across the EU electorate). Today, still thousands of refugees are seeking asylum in the EU and many are dying on their dangerous journey to Europe (Popescu, 2016). Since there is no multilateral action by the EU, it is crucial to understand

¹ The term 'migrant' is defined by the United Nations as an individual who is outside of the country of his nationality "for more than a year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular" (IOM, 2019). As this "definition formally encompasses refugees, asylum-seekers and economic migrants" (Popescu, 2016, p. 109), it is used throughout this work.

past political dynamics both on the national and EU-level to generate knowledge of deficiencies and failures of the crisis management between 2015 and 2018. To study the Union's institutional response to the Migration Crisis is thus essential to understand bargaining dynamics, find alternative practical solutions for the future and ultimately end this crisis.

Therefore, the following overall research question for this paper is formulated:

Why has the EU not agreed upon a multilateral crisis response regarding the distribution of incoming migrants across its Member States since the start of the Migration Crisis in 2015?

To shed light on the issue at hand systematically, *Andrew Moravcsik's (1993, 1997, 1998)* International Relations (IR) Theory of Liberal Intergovernmentalism (LI) is used to investigate the EU's and the MSs' institutional response. As an influential theory explaining the phenomenon of European integration, core assumptions of LI are challenged by the crisis outcome and dynamics. Drawing onto the theoretical extensions of LI to crisis settings by *Frank Schimmelfennig (2018a, 2018b)*, *Felix Biermann et al. (2019)* and *Natascha Zaun (2018)*, the theory can account for both national political dynamics while linking them to EU-level negotiations. To generate valuable in-depth knowledge about the deficiencies and failures of crisis management both of the EU and MSs, the overall research question will be answered by investigating following sub questions:

- 1. Why did EU Member States adopt different positions on the distribution of migrants?*
- 2. Why has intergovernmental bargaining not resulted in a substantive bargain?*
- 3. Why has the institutional choice of all EU Member States not been multilateral action leading to further integration?*

II. Background: Years of Crisis in Europe

Before the start of the Migration Crisis, the European Union was reputed to be a safe haven for asylum seekers. This changed in the main years of crisis between 2015 and 2018, when several attempts to respond multilaterally to the high influx of migrants into the EU remained unsuccessful. Instead, unilateralism prevailed.

Two phenomena critically shaped the discourse of the Migration Crisis in 2015. First, Germany unilaterally decided to suspend the EU's asylum system for Syrians. Second, some EU Member States temporarily suspended the Schengen zone and fortified their borders or introduced border controls. 'Wir schaffen das' announced Angela Merkel in August, making this sentence to the symbol of Germany's open border policies welcoming refugees in the country while hoping that other countries would follow the country's example. However, without having negotiated or informed other MSs about her national policies to maintain the Schengen zone, Merkel's decision effectively suspended the Dublin III

Regulation and was widely criticised by other countries fearing a high influx of migrants into their territory. Only two weeks later, pressured by the huge inflow of asylum seekers, Merkel reversed her statement to some extent “by deciding to temporarily reinstate border controls at the internal Schengen border to Austria” (Niemann & Zaun, 2018, p. 4). Prompting a chain reaction, several other countries followed suit and reinstated border controls. Hungary and Slovenia, both countries lying at the highly frequented Western Balkan route even erected fences at their borders after 764,033 illegal border crossings into their territory were detected by that time and resulted in the complete closure of this route (FRONTEX, 2020b). By the end of 2015, several MSs had introduced either border checks (e.g. Austria, Germany, Slovenia, Sweden) or closed their internal frontiers (e.g. Hungary to Serbia and Croatia, Croatia to Serbia) effectively suspending the Schengen acquis (Šabić, 2017).

Between 2015 and 2018, several attempts to reform the current EU’s asylum system were taken. The first, the ‘European Agenda on Migration’ was proposed by the European Commission (EC) in May 2015 after several shipwrecks off the coast of Sicily. This agenda included a quota scheme for the relocation and distribution of migrants and did not reach consensus. Instead, a voluntary application of the relocation mechanism was agreed on, leading to the relocation of 40,000 migrants from Greece and Italy to other EU countries and unilateralism remained dominant (Šabić, 2017). When the EC finally agreed additional 120,000 refugees in September 2015, the decision to do so was adopted under majority rule with Slovakia, Czech Republic, Romania and Hungary voting against it and an abstention from Finland (Zaun, 2018). This decision was challenged by Slovakia and Hungary before the European Court of Justice (ECJ) (Biermann et al., 2019). The court ruled to uphold the Dublin system and “Brussels’ right to force Member States to take in asylum seekers” (Šabić, 2017, p. 3) in 2017. After the opt-outs of Denmark and the UK, the “implementation deficit” (Niemann & Zaun, 2018, p. 7) of this multilateral scheme became visible. Furthermore, the proposal on a permanent quota system for crisis situations was unsuccessful.

Instead, MSs tried to secure the Union’s external border as another alternative solution to make multilateralism the norm rather than exception. In 2015, the Commission agreed on an ad hoc ‘Ten Point Action Plan’ to address sea crossings and the protection of the EU’s sea borders including a reform of the European Border and Coast Guard Agency (Frontex). Since this reform was opposed by Austria, Slovenia, Hungary and Estonia, it was implemented on a voluntary basis, showing patterns of unilateralism (Šabić, 2017). In addition to the launch of several EU Naval Force’s operations in the Mediterranean Sea, the first hotspot centres in Lesbos (Greece) and Lampedusa (Italy) opened that year. These centres eventually were transformed into detention camps after the EU and Turkey agreed to end irregular border crossings in the EU and set up “legal channels of resettlement of refugees to the European Union” (Bertaud, Ernst, McPhie, & Lammert, 2016) in 2016. Consequently, European borders were externalised (Long, 2018). Aiming to further decrease numbers of arriving migrants through tailored cooperation with third countries, the ‘New Migration Partnership Framework’ was announced by the

EC in the end of 2016. Again, the EU's attempts to find multilateral crisis responses rather ended in a mix of unilateral short-term measures that did not solve the EU's asylum system's deficiencies.

In the course of the four years, the crisis became highly politicised and was extensively discussed in domestic politics while the Union's multilateral approaches to manage the crisis were rejected by its MSs who preferred to engage in unilateral actions. Until today, no reform of the EU asylum system did take place.

III. State of the Art

a. Liberal Intergovernmentalism

Andrew Moravcsik (1993, 1997, 1998) developed Liberal Intergovernmentalism (LI) as an IR theory to explain the phenomenon and joint project of integration in Europe. In an anarchical self-help system, LI assumes that states are no 'like-units' and their domestic as well as transnational social context plays an important role for their behaviour in world politics (Moravcsik, 1997). Consequently, the "configuration of state preferences matters most" (Moravcsik, 1997, p. 513). According to *Moravcsik (1993, 1997, 1998)*. The convergence of national preferences to the supranational level in form of the EU project is explained by the (economic) interests of a state, its relative power and potential credible commitments that can be expected under a treaty framework (Zaun, 2018). In line with these determinants, LI "understands European integration as a series of rational choices made by national leaders in response to international interdependence" (Moravcsik, 1998, p. 18; Schimmelfennig, 2015, p. 178; Zaun, 2018, p. 46). EU-level cooperation hence provides benefits for national governments to follow their societal interests (demands), whereas the bargaining dynamics as well as strategic interactions of actors on EU-level "define the potential responses of the EU architecture to pressures from individual governments (supply)" (Moravcsik, 1993, p. 481; Zaun, 2018, p. 47).

Even though LI does not have a specific theory of integration crises for the EU, the theory is often employed in research to explain the political discourse within the EU during the Migration Crisis. As such, the authors *Frank Schimmelfennig (2015, 2018a, 2018b)*, *Natascha Zaun (2018)* and *Felix Biermann et al. (2019)* have expanded LI theory to apply it to integration crises. They detect three important levels for a systematic analysis naming the formation of national preferences, intergovernmental negotiations, and institutional choice or framework (Biermann et al., 2019; Schimmelfennig, 2018b; Zaun, 2018). *Zaun (2018)* especially focuses on the role of "right-wing populist parties" (Zaun, 2018, p. 44) and underlines their role in pressuring national governments to more restrictive asylum policies. Examining the national preference formation of both host states and non-host states, she finds in line with the LI assumption of bounded state rationality that "solidarity is called upon in a rather instrumental way in the EU" (Zaun, 2018, p. 58). These findings are confirmed by those of *Schimmelfennig (2018a, 2018b)* and *Biermann et al. (2019)* who found that "highly politized (...) domestic debates" (Biermann et al.,

2019, p. 261) and “distributional conflict” (Schimmelfennig, 2018a, p. 986) regarding incoming migrants among states account for the lack of further European integration. However, the latter two do not attach the same importance to these contextual variables as *Zaun (2018)* does.

b. Liberal Intergovernmentalism in Crises Settings

Although LI does not provide explanations regarding the causes of integration crises, it assumes that states respond rationally to crisis situations wherein the impact of crisis is not uniformly distributed across MSs (Schimmelfennig, 2018a). In a highly politicised situation, MSs are less willing to transfer additional powers to supranational institutions (Zaun, 2018). Instead, national governments engage in burden-minimising behaviour and pursue their interest by maximising their benefits from policy and institutional changes or avoiding solidarity mechanisms. This means that even though it might be possible to agree on a joint crisis response that is to every party’s advantage, the burdens of adjustment are likely to be unequally distributed. Stand to gain most from (more) integration and being hardest hit by the crisis (or loosing most from disintegration), some states “find themselves in a weak bargaining position and most willing to compromise” (Schimmelfennig, 2018a, p. 973).

Zaun (2018) and *Biermann et al. (2019)* explain this lack of further harmonisation with “asymmetrical interdependence” (Zaun, 2018, p. 44) and unequal “exposure to negative externalities” (Biermann et al., 2019, p. 246) between MSs as well as with differences in the countries’ bargaining power. International interdependence is defined as the migratory pressures a country is facing. In that sense, asymmetrical interdependence means the heavily unequal influx of migrants into an MS. In addition, governments are more willing to cooperate and pool sovereignty to the EU and to jointly find a political solution, as the crisis increasingly exhibits failure of former decentralised actions to safeguard the gains from integration (Moravcsik, 1993, 1997, 1998; Schimmelfennig, 2018a). However, this (un)willingness is dependent upon their exposure to negative externalities. In the case of the Migration Crisis, this result has so far not become visible since a few countries remain largely unaffected.

Drawing on these core features of LI, it is possible to identify the following three propositions about the lack of harmonisation around the asylum seeker relocation which became a key issue due to the Migration Crisis:

Proposition 1: Whereas largely non-affected countries (bystander countries²) engaged in burden-minimising behaviour and wanted to sustain the de jure status quo to avoid high migratory pressures,

² A ‘bystander country’ is defined as a Member State of the European Union that remains largely unaffected by the large influx of migrants into the EU. This is both explained by their geographical location (sometimes as transit countries) and asylum-unfriendly domestic policies. Bystander countries belong to the category of ‘Unaffected States’.

*frontline countries*³ as well as *destination countries*⁴ aimed for a political burden-sharing reform. To shield their national interests and increase political pressure onto other EU countries, frontline countries effectively suspended the Dublin system which prompted destination and bystander countries such as Austria and Hungary to suspend Schengen.

National preferences reflect the (mostly economic) interests of the most powerful domestic actors and groups on which basis governments and national leaders make their strategic calculations (Moravcsik, 1997). This reflects a core assumption of LI, according to which governments act efficiently and in a bounded rationalist way to achieve and pursue their domestic goals (Biermann et al., 2019; Schieder, 2010; Schimmelfennig, 2018b). A state's interests and objectives result from a domestic preference formation process, in which societal interests and demands are aggregated through political institutions (Zaun, 2018). In response to pressures by domestic groups and actors, national interests result from conflict and power relations within a country (Schimmelfennig, 2018b). Only the majority or most powerful national groups are represented vis-à-vis other countries (Zaun, 2018). In line with that, a change in domestic societal preferences leads to change in state's preferences and consequently to different political constellations in the international political system. At the same time, a government's general responsiveness to minorities is linked to their interest in maintaining power as well as pleasing voters which are represented by political parties as mobilisers (Zaun, 2018).

At the aggregate level, the implication is that, preferences of MSs to reform the status quo are shaped by patterns of asymmetric interdependence (Biermann et al., 2019). One country may have other capacities to absorb externalities produced by an external shock or policy response than another and its ability to respond to crisis greatly depends on its positional characteristics such as geographical location, etc. (Biermann et al., 2019).

Between 2015 and 2018, every MS engaged in burden-minimising behaviour and tried to avoid costs of crisis management in terms of the short-term policy issue of reducing migratory pressures and the general distribution of refugees across states (Schimmelfennig, 2018a). Whereas for non-affected states (bystander countries) the ultimate objective was to avoid any potential negative externalities (maintain status quo), for affected states (frontline and destination countries) a joint solution was the most desirable outcome (political reforms, further integration), using the EU solidarity mechanism. As it became clear that this would not work any time soon, the reform-oriented affected countries stood against the status quo-oriented non-affected countries in a conflictual preference constellation. In the course of the Migration Crisis, frontline countries could simply allow migrants to move on without conducting a

³A 'frontline country' is defined as a Member State of the European Union that has an EU external border and is thus the country in which migrants first enter EU territory. According to Dublin III, these countries are therefore in charge of the registration procedures to secure the EU's external borders. Frontline countries belong to the category of 'Affected States'.

⁴A 'destination country' is defined as a Member State of the European Union in which migrants ultimately want to claim asylum in. These countries do not have an EU external border and often asylum-friendly domestic policies. Destination countries belong to the category of 'Affected States'.

registration process, bystander countries had no interest in cooperation since migrants passed through their jurisdictions and destination countries were left with three options: They could either close and fortify their borders, reduce their attractiveness to migrants or offer countries of origin side-payments for cooperation (Schimmelfennig, 2018a).

Proposition 2: The least affected states find themselves in the most powerful bargaining position with small potential losses, sufficient national capacities and low international interdependence whereas frontline and destination countries face high potential costs, do only have limited national capacities to absorb negative externalities and are highly interdependent on other states to support them. As such, their bargaining position is the weaker, the more they are subject to a high influx of migrants.

Even though the “configuration of interdependent state preferences determines state behaviour” (Moravcsik, 1997, p. 520) of MSs, power differentials between them decide which preferences ultimately shape EU policy (Zaun, 2018). Since preferences of one state might not harmonise with those of another, each MS’s political room for manoeuvre is determined and constrained by its preference interdependencies with the others (Krell, 2004; Schieder, 2010). International interdependence is a necessary condition and driver for political reform that varies across states and issues. As a result, asymmetric interdependence accounts for the governments’ respective power in negotiations, and the unequal distribution of the costs and benefits of integration give rise to intergovernmental bargaining (Schimmelfennig, 2018a). *Biermann et al. (2019)* and *Zaun (2018)* argue further that the relative bargaining power of states is determined by other factors such as unilateral policy alternatives that could be used as threats of non-agreement. Among rational actors, an agreement can only be expected if its “benefits of cooperation are preferable to the best alternative to the negotiated agreement to all Member States (under unanimity) or a substantial majority (under qualified majority voting)” (Moravcsik, 1997, p. 523; Zaun, 2018, p. 48). However, if there exists a more desirable option for a government, it will threaten with non-agreement.

In general, MSs with little or no interest in further integration or cooperation on EU-level are therefore less dependent on EU responsibility-sharing and have a stronger bargaining position than those with an interest in cooperation. In a situation in which a strong common interest is absent, the most likely result of negotiations is the status quo without additional commitments and integration (Zaun, 2018). Moreover, due to the EU’s institutional structure, these countries can block reforms and have (in unanimity voting) a de facto veto.

Proposition 3: In a situation of asymmetrical preference constellations of MSs, bystander countries succeed with maintaining the de jure status quo leaving affected destination and frontline countries overburdened and without political reform through the EU’s solidarity principle. Sufficient national

capacity as well as moderate exit costs allowed bystander countries to pursue unilateral policies and avoid a joint crisis response including authority transfer to the supranational level.

As an expression of the MSs' (un)willingness to guarantee enforceability and ensure credible commitments, the design and choice of the institutional framework of EU policy reflects not only the countries' preferences but also their bargaining power within the negotiations (Schimmelfennig, 2018a). In a state of asymmetrical interdependences between actors, substantive integration agreements reflect the governments' general interest in maximising their benefits of integration through delegating competences to the supranational level (Schimmelfennig, 2018a). However, the lower the costs and burdens of non-agreement or further integration for a country are, the more likely it can decide on the terms of cooperation with other less powerful states. At the same time, regulatory or political reforms are more difficult to achieve in a political environment of asymmetric preference constellations.

This far, EU-level bargaining has not resulted in substantial further integration but rather in a "mix of unilateral measures producing temporary disintegration and additional support to EU agencies without authority transfer" (Schimmelfennig, 2018b, p. 1587). The causes for these developments can once again be found in the differences in integration preferences and bargaining dynamics (Biermann et al., 2019). Additionally, "the institutional design is always an expression of the Member States' preferences and bargaining powers" (Zaun, 2018, p. 49).

IV. Research Design and Methods

This research employs a case study design (Gerring, 2004). The Migration Crisis represents a crucial case for LI and demonstrates the applicability of the theory to the study of institutional response to crisis while serving to confirm general theory. The case of the Migration Crisis aims to generate in-depth knowledge that must not necessarily be generalisable. To that end, the German media is analysed regarding the formation processes of national preferences in MSs, intergovernmental bargaining on EU-level and institutional choice. Throughout the past years of crisis negotiations, the most dominant and visible actors both on the domestic and EU-level as well as their strategic behaviour and political results are analysed conducting a qualitative content analysis using the software 'Atlas.ti'.

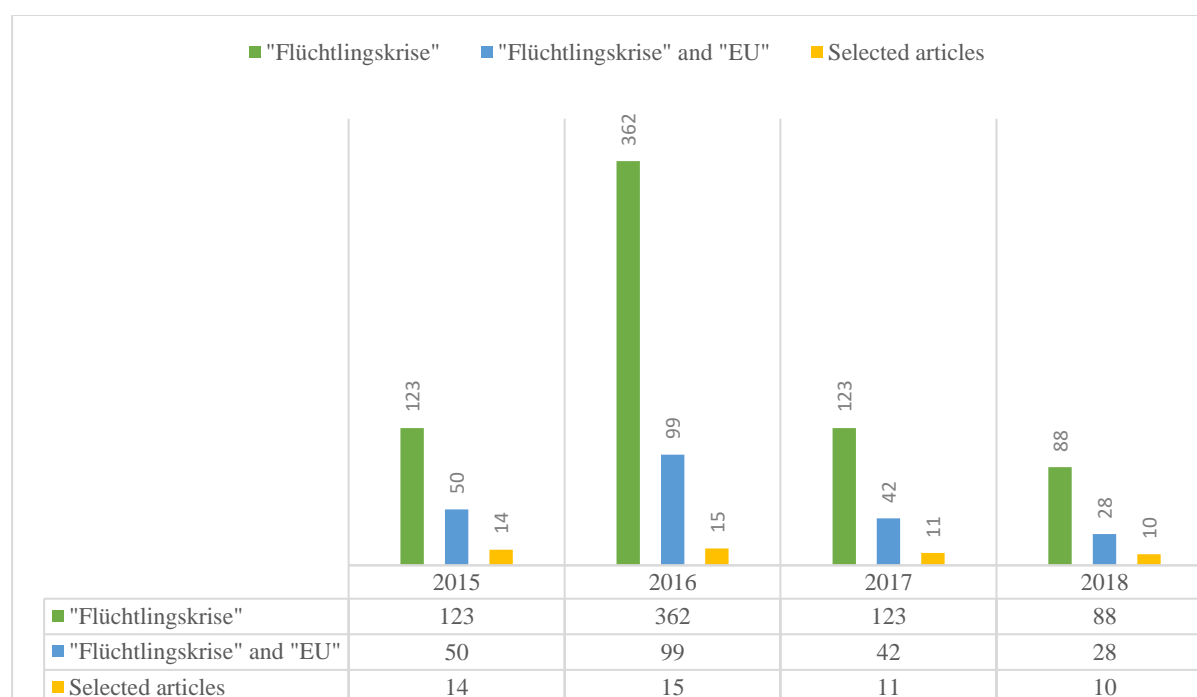
a. Data Collection

Data was collected from the German newspaper 'Die Zeit' including publications of the 'Zeit Magazin'. This German newspaper is considered politically neutral and has a convenient web-based article archive. The news archiving database Lexis-Nexis was consulted to find and choose publications of aforementioned newspaper. Due to the high societal relevance, a wide news coverage and a variety of aspects is present and consequently enables a thorough and comprehensive analysis over several years. Moreover,

although the choice for a German newspaper magazine might to a certain degree imply a geopolitically limited perspective and scope, this risk is eliminated and outweighed with the advantage to greatly avoid recall biases.

Since the start of the crisis in 2015 until 2018, when the migratory pressures were at a five year-low for the first time, a total of 696 articles matching the keyword “Flüchtlingskrise” were published. Starting with 123 publications in 2015, the number of articles went up and peaked with 362 publications in 2016 before decreasing to 123 in 2017 and only 88 publications in 2018. Whereas in initial search only one keyword was used, further specification was necessary to find articles more relevant to the research question. To narrow the range of articles further down, the keywords “Flüchtlingskrise” and “EU” made the sample significantly smaller with 50 articles for 2015, 99 articles for 2016 and 42 articles matching the search criteria for 2017. Only 28 articles remained for 2018, narrowing the population significantly to a smaller amount. From this population, a sample of 50 articles in total was taken for the analysis, 14 for 2015, 15 for 2016, eleven for 2017 and finally ten articles of 2018. Ranked in Lexis-Nexis according to their relevance⁵, the specific number of articles were chosen randomly from the remaining ones per year.

Figure 1. Article selection.



Given time and resource constraints, 50 articles were the biggest sample manageable while ensuring high validity and reliability. By taking a stratified sample of one German newspaper which is considered

⁵ The relevance of articles is calculated according to several indicators such as the number of appearances of the key word in the headline of the article, the number of appearances throughout the article, etc.

politically relatively neutral, the qualitative analysis is coherent and consistent. This also means that the risk of biases is considered as low as possible.

b. Data Analysis

For the analysis, the content analysis software ‘Atlas.ti’ was employed. After designing a Codebook including both theoretical (e.g. exposure to negative externalities) and contextual variables (e.g. Euro-scepticism), articles were analysed in separate software projects according to their year of publication to make the analysis more efficient and clearer. For the analysis, 33 different codes were used for 2015, 35 codes for 2016 and 37 codes for 2017 and 2018 (see table 1). The reason for the different amount of codes can be found in the differing involvement of MSs over the course of the four years.

The analysis itself is structured around three sub questions which are structured according to *Moravcsik’s*, *Zaun’s*, *Schimmelfennig’s* and *Biermann et al.’s* understanding of the European integration process. The first sub question analyses the formation of national preferences, whereas the second and third one elaborate on intergovernmental bargaining dynamics at EU-level and the resulting institutional choice. The proposition of each sub question is discussed by analysing content from collected data material using different codes (see table 2 in Appendix) (Babbie, 2013). After that, the results from each analytic step are brought to general conclusions.

V. Background – The Common European Asylum System

The Migration Crisis developed in the EU’s Area for Freedom, Security and Justice (AFSJ). As a collection of policies concerning all Member States’ legal bases for justice and home affairs, the AFSJ is a central part of the EU’s institutional structure. Based on Article 3 (2) TEU⁶, the main fields covered by the AFSJ include police cooperation, the management of the external borders, immigration and asylum policies (Bux, 2020). Apart from the Schengen acquis, the Common European Asylum System (CEAS) including the Dublin system is a key element of it.

The CEAS aims to create an efficient and just asylum system and encompasses all aspects of the asylum process (Craig & Zwaan, 2018). In different regulations and a set of legislative measures, common minimum standards for asylum were adopted in a legal framework between 1999 and 2005 (Biermann et al., 2019; Craig & Zwaan, 2018). However, a single asylum procedure and uniform status for those granted asylum in the EU “has not yet been achieved” (Craig & Zwaan, 2018, p. 29). As a policy area “sensitive to state sovereignty and national identity” (Schimmelfennig, 2018b, p. 1585), deficiencies in processes of earlier integration (regarding the allocation of administrative and financial responsibilities,

⁶ Article 3 (2) TEU: The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention of combating of crime.

etc.) have triggered uneven distribution of costs and migratory pressures and ultimately led to the current asylum system's breakdown in the crisis 2015. In response to this, the EC proposed a reform of the CEAS including the 'Dublin IV Regulation Proposal' in 2016 that did, however, not yet enter into force (EC, 2020a).

The most important part of proposed reform concerned the improvement of legal provisions of the Dublin system. Originally established in 1990, this system is one of the key pillars of the CEAS (Biermann et al., 2019) and establishes the legal criteria under which a Member State is responsible for the examination of an asylum application in the EU. With the aim to ensure quick access to asylum claims for migrants, it "shifts the responsibility to register refugees and to examine their asylum application to the state of first entry into the EU to prevent an uncontrolled influx of refugees" (Biermann et al., 2019, p. 254) or secondary movements. Guaranteeing the free internal movement of persons without EU internal borders and the functioning of the Schengen acquis, the Dublin system is hence key to secure EU external borders. However, it was rather designed to allocate responsibility than sharing it and is thus not prepared to withstand crises (EP, 2020).

Three reforms of the Dublin Regulation itself have taken place so far, driven by the need for further harmonisation on the distribution of responsibility among EU countries for asylum-seeker applicants and prospective costs. Before the enforcement of the Dublin III Regulation (No. 604/2013) in 2014, the European Parliament (EP) had criticised the Dublin system since it distributes pressures on the countries with an external border unequally (UNHCR & ECRE, 2020). More specifically, frontline countries were made responsible for processing all arriving migrants in the EU while all other nations were either unaffected or affected only by secondary movements. The reformed Dublin III Regulation now still asks MSs to conduct asylum claims where either fingerprints are stored or an asylum claim is lodged. Only having achieved a small compromise after lengthy negotiations, a "mechanism for early warning, preparedness and crisis management" (Hruschka, 2014, p. 471), of which the shape and function were and still are ill-defined, was achieved regarding the harmonisation of asylum standards and refugee distribution. Further, critique remains to point out the impediment of the asylum seekers' legal rights and their personal welfare on several occasions especially when it comes to the uneven distribution as well as the right to be heard (UNHCR & ECRE, 2020). Resulting from the latter, Dublin III can severely delay the processing of claims. UNHCR, ECRE and other NGOs additionally found that human rights' violations have been occasionally so severe that governments have been appealed to "stop asylum applicants from being returned to certain countries" (UNHCR & ECRE, 2020, p. 1). The denial of effective, practicable possibilities to appeal against transfers and the separation of families are two additional shortcomings of the current Dublin III Regulation. In July 2017, the ECJ even ruled to uphold Dublin III despite the large influx of migrants into the EU, thus effectively increasing the pressures on frontline countries.

The Dublin IV Regulation Proposal together with the ‘European Agenda for Migration’ was presented as part of the CEAS reform proposal in 2016 (EC, 2020a). Several changes were suggested to improve effectiveness and enhance transparency, i.e. shortening time limits for take-charge requests, transfers and ensure fair sharing of responsibility between countries “with a corrective allocation mechanism in cases of disproportionate pressure” (EC, 2020a, p. 1). In case a disproportionate number of asylum seekers would arrive in one EU country, this mechanism would automatically establish based on the solidarity principle (EC, 2020a). This proposal requires consensus and therefore has not been implemented. Six Member States, namely Czech Republic, Slovakia, Hungary, Poland, Romania and Italy objected the Commission’s proposal doubting its compliance with the EU legal principle of subsidiarity. Their unwillingness to reform the CEAS resulted also from their asymmetric exposure to crisis. Different domestic political stances were taken regarding a high influx of migrants into their society. Without consensus, the Dublin III Regulation remains in force today (EP, 2020).

VI. Analysis

The analysis is structured into three sub questions that aim to elaborate on the propositions stated in chapter III. The frequency of occurrences of codes might not in all cases be representative of the general importance of an actor or aspect throughout the political discourse of the Migration Crisis. Instead, they are used as general indicators and given content is (without claiming its completeness) used to generate in-depth knowledge about the crisis dynamics.

In total, 19 out of 28 MSs can be found in the data material which indicated that nine countries naming Belgium, Cyprus, Estonia, Finland, Ireland, Latvia, Lithuania, Luxembourg and Malta were not that dominant and vocal actors in the political discourse. Whereas these Member States do not appear at all within the source material, others like Bulgaria, the Netherlands, Denmark and Slovenia only became vocal in 2016 and 2017 (see table 1). Generally, Germany is a dominant presence in the material, which is due to its vital role in the crisis negotiations and the exclusive used German data material. In addition, Hungary, Austria, Italy, Greece and Spain are the MSs found most often within the data. Within the course of the analysed four years, other codes found most often were ‘European integration’, ‘refugee (re-)distribution’ and ‘asymmetric interdependence’ (see table 1). Moreover, several codes were used equally often in 2015. In 2016 ‘European integration’ was the dominant code, whereas in 2017 and 2018 the code ‘refugee (re-)distribution’ was used most frequently (not considering the code ‘Germany’). This indicates a general trend from the focus of overburdened MSs and the national level at the crisis onset (problem-focussed approach) to a shift of MSs’ interest in 2016 and later on to jointly find an EU-level solution (solution-focussed approach).

Table 1. Coding results.

Name of Code	Number of Appearances in All Articles				
	In 2015	In 2016	In 2017	In 2018	In total
Greece	4	7	3	3	17
Italy	3	7	6	5	21
Spain	2	1	2	13	18
Croatia	2	0	0	2	4
Czech Republic	1	1	3	1	6
Hungary	14	6	8	4	32
Poland	1	4	2	0	7
Portugal	1	0	0	0	1
Romania	1	0	1	0	2
Slovakia	1	3	2	1	7
Slovenia	----	2	0	1	3
UK	1	4	0	0	5
Austria	4	10	10	4	28
Bulgaria	----	----	1	0	1
Denmark	----	----	1	0	1
France	3	4	9	0	16
Germany	30	33	30	15	108
Netherlands	----	4	2	0	6
Sweden	2	5	2	0	9
Asymmetric intern. interdependence	27	26	17	16	86
Bounded state rationality	27	23	21	11	82
European integration	22	38	15	15	90
Euroscepticism	8	22	8	3	41
Intergovernmental bargaining	16	18	10	7	51
Joint action	11	16	3	3	33
Mass politicisation	12	4	2	0	18
Multilateralism	13	14	12	4	43
National preference formation	6	18	18	5	47
Nationalism	14	11	12	6	43
No joint action	10	16	9	10	45
Populism	13	17	13	5	48
Refugee (re-distribution)	18	20	29	22	89

Solidarity principle	27	23	15	6	71
Unilateralism	13	15	10	9	47
(more) restrictive asylum policies	21	17	25	18	81
(temporary) suspension of Schengen	20	15	12	19	66
In Total	33	35	37	37	

a. Why did EU Member States adopt different positions on the distribution of migrants?

MSs that are exposed to a high influx of non-EU migrants are either located at an EU external border and thus countries of first arrival (frontline countries) or destination countries of those migrants. As such, destination countries are defined as states in which migrants ultimately intend to claim asylum and stay, whereas unaffected states (bystander countries) have low migratory pressure due to either their geographical location and/or asylum-unfriendly domestic policies (Biermann et al., 2019).

These classifications reveal patterns of asymmetric interdependence (based on the country-level exposure to negative externalities from high migratory pressures). *Table 2* summarises how MSs are classified.

Table 2. Positional preferences during EU Migration Crisis 2015-2018

	Affected States		Non-Affected States
	High migratory pressures⁷		Low migratory pressures
	Frontline countries	Destination countries	Bystander countries
Countries	Cyprus	Austria	Croatia
	Greece	Belgium	Czech Republic
	Italy	Bulgaria	Estonia
	Malta	Denmark	Hungary
		Finland	Ireland
		France	Latvia
		Germany	Lithuania
		Luxembourg	Poland
		Netherlands	Portugal
		Sweden	Romania
			Slovakia
			Slovenia

⁷ Migratory pressure is defined by the number of accepted asylum-claims per 100,000 citizens as done by Biermann et al. (2019) (see Appendix).

			Spain
			UK
Preference	Political reform, burden-sharing		De jure status quo ⁸ , no burden-sharing

Source: Biermann et al. (2019)⁹

i. Affected Countries

Frontline countries

Two out of four frontline countries can be found in the data material, naming Italy and Greece. Cyprus and Malta, however, do not appear, indicating that they are less central in the political discourse. Italy and Greece, both at the Southern EU external border, became key for the EU crisis response as they faced the highest influx of first-entry migrants of all EU Members. They were “most immediately affected by the migrant flows but do not offer attractive asylum conditions” (Schimmelfennig, 2018b, p. 1586). Essentially, Italy and Greece were left to their own devices when it came to implementing the asylum rules under the Dublin regime. Without a show of solidarity from other MSs, Italy and Greece “ceased to comply with their legal obligation to register incoming asylum seekers, let alone conduct orderly asylum processes” (Biermann et al., 2019, p. 253; Hildebrandt & Wefing, 2017a; Journal, 2015; Telegraph, 2015) and instead “applied a ‘wave-through’ approach” (Biermann et al., 2019, p. 254) to make the costs of disintegration more manageable in the end of 2015 (Schimmelfennig, 2015, 2018a, 2018b). Especially because the deportation of rejected asylum-seekers back to their country of origin was not implemented sufficiently, immigration policies had de facto failed. Not surprisingly, a high degree of Euroscepticism was observed foremost in Italy, voiced through the populist ‘Five Star Movement’ and the right-wing populist ‘La Lega Nord’ of Salvini (Hecking & Tönnemann, 2016). To increase pressure on other MSs in order to find a joint European solution on the distribution of refugees, Italy closed its sea borders to rescue ships operating in the Mediterranean Sea in 2018. Both Italy and Greece took a strong stance on political reforms and burden-sharing mechanisms while Eurosceptic views and distrust among their citizens grew.

Destination countries

Within the data material, five out of ten destination countries (Austria, France, Germany, the Netherlands and Sweden) appeared, indicating their high relevance in the Migration Crisis.

⁸ The ‘de jure status quo’ is defined as the persistence of the current legal framework of asylum policies such as the Dublin III Regulation under the CEAS.

⁹ Even though these positional preferences were presented as of 2016 by Biermann et al. (2019), they have not changed throughout the following years of the Migration Crisis until 2018 and migratory pressures did not vary to a great extent as it can be seen in Table 1 in the Appendix.

The level of solidarity shown by these destination countries varied significantly.

Austria, both transit and destination country, experienced the rise of strong right-wing parties during the time of the Migration Crisis and closed its border to migrants coming from Italy in 2016. One year later, a conservative/strong right-wing coalition of ÖVP (‘Österreichische Volkspartei’/*Austrian People’s Party*) and FPÖ (‘Freiheitliche Partei Österreichs’/*Freedom Party of Austria*) came the lead in parliamentary elections (Krupa, 2017). Giving in to strong nationalist and Eurosceptic tendencies, “Austria (...) orchestrated an agreement of the countries along the Balkan migration route to close their borders for migrants” (Schimmelfennig, 2018b, p. 1587). In Sweden and the Netherlands, similar pressures for more restrictive domestic asylum policies aggregated through latent anti-immigration movements of right-wing populist parties.

Although all Swedish moderate parties agreed on a deal to exclude populist parties from the government in the near future, the country with the most liberal asylum politics re-introduced border checks at the height of the crisis thus “pressuring first arrival countries to comply with their obligations under Dublin” (Biermann et al., 2019, p. 254). In the Netherlands, Prime Minister Mark Rutte’s government co-opted right-wing conservative positions by increasing burdens for asylum-seekers (Krupa, 2017).

In contrast, France agreed to accept 24,000 migrants within a time period of two years under Prime Minister Francois Hollande in 2015 (Bittner, Topc, Ulrich, & Wefing, 2015). This move aimed to show symbolic solidarity while reducing France’s costs and burdens. However, as the numbers of arriving migrants increased (see table 1 in Appendix), latent anti-immigration tendencies (also fired by the Paris terrorist attacks in 2015) were used by Marine Le Pen’s right-wing populist party FN (‘Front National’/*National Front*) to campaign both against the EU itself and a relocation and quota system for the distribution of migrants in the national preference formation process (Blume, Raether, & Randow, 2017). Even though a Europe-friendly politician – Emmanuel Macron – won the presidential elections in 2017, Eurosceptic and nationalist tendencies persisted and continue to influence the French political discourse (Niemann & Zaun, 2018).

The success of an EU-friendly President in France was a good sign for Germany that had isolated itself with its open borders-policies and Merkel’s statement in the EU (Brost, Krupa, Pinzler, & Ulrich, 2018). Formerly a strong defender of the Dublin system, “Germany is the most prominent case for how change in affectedness leads to change in policy preferences” (Schimmelfennig, 2018b, p. 1586). After the chancellor’s statement effectively had suspended the Schengen and Dublin regime in 2015, it faced a high influx of migrants that brought the country’s comparably high economic and administrative capacities to its limits (Brost et al., 2018). “While the German chancellor had hoped that other Member States would follow her example, this expectation remained unfulfilled” (Niemann & Zaun, 2018, p. 4). As such, the country was “dependent on the support of its European partners” (Schieritz, 2015, p. 2). The conservative sister party of Merkel’s CDU (‘Christlich Demokratische Union’/*Christian Democrat*

Union), the CSU ('Christlich-Soziale Union' / *Christian Social Union*) demanded border closures and more restrictions. The domestic political discourse was also driven by arising right-wing populist movements. Even though large parts of the electorate supported Merkel's asylum politics, the government was pressured to reduce the intake of migrants, especially by the right-wing populist party AfD ('Alternative für Deutschland' / *Alternative for Germany*). Merkel saw Erdogan as a strong partner to close EU external borders rather than the internal frontiers and therefore became "the main driver behind the March 2016 agreement" (Schimmelfennig, 2018b, p. 1587). Together with Austria's initiative to close the Balkan route, this "led to a significant reduction in migrant arrivals and asylum requests after March 2016" (Schimmelfennig, 2018b, p. 1587).

As such, in all analysed affected countries, even in traditionally politically moderate MSs, right-wing populist parties were trending. This can be seen as an expression of protest against domestic immigration policies and mass politicisation. Personal feelings such as fear or uncertainty and a lack of stability both on the domestic and EU-level shaped national political discourses especially in countries not traditionally receiving immigrants. However, no right-wing populist party was able to obtain more than 20 per cent in an EU country until 2016 (Krupa, 2016). Throughout the articles, it can be observed that both left- and right-wing populism was often linked to EU citizens' doubts about the stability of MSs and the EU itself going along with a latent impression of Euroscepticism across the EU electorate (Pletter, 2016).

ii. Non-Affected Countries

Bystander countries

Out of 14 unaffected MSs, only Ireland, Latvia, Lithuania and Estonia were not mentioned in media reports. None of these countries appeared as vocal and dominant actors during the Migration Crisis.

Bystander countries were "capable of reducing their affectedness by national means" (Schimmelfennig, 2018b, p. 1586) and partly re-established border controls, built fences and waved through migrants as transit regions. To stay unaffected, they shun potential costs of the influx of migrants. However, Eastern European countries traditionally had more reservations about the distribution and influx of migrants to their countries and strongly isolated themselves from any multilateral European actions and attempts to further harmonise regulations under the AFSJ. Because of a wide-spread anti-immigrant resentment among their citizenry, they "expressed an unwillingness to accept the slightest increase of refugee numbers on their territory" (Biermann et al., 2019, p. 259).

In this vein, the Visegrad countries Hungary, Poland, Czech Republic and Slovakia were most vocal opposers of a permanent quota system in 2016. Foremost Slovakia and Hungary supported also additional restrictions regarding the religious confessions of migrants entering their countries. Viktor Orbán, the Hungarian Prime Minister, even warned MSs "of an 'invasion' and spoke of the 'defense of the Christian West'" (Ladumer, 2015, p. 1). In Hungary, Viktor Orbán's national-conservative, populist right-wing 'Fidesz' Party (*Hungarian Civic Alliance*) dominated the domestic politics since 2010. In

2018, Orbán's party confirmed its majority in parliament with a lead of more than 60 per cent of seats. Moreover, in Slovakia and Romania strong right or left-wing governing parties expressed strong anti-immigration attitudes. With those dominant Eurosceptic and nationalist forces in place, national interests were followed by reducing the costs in form of incoming migrants to a minimum and aiming to maintain the status quo.

Both the UK and Portugal were in a comparably comfortable position. The UK under David Cameron profited from a widely isolated geographical location and showed only symbolic solidarity when it agreed to take only 4,000 migrants per year. This clearly proves the country's effort to remain unaffected. Portugal, however, was mainly used by migrants as a transit route. Migrants had no intention to stay in the country as the country had rather asylum-unfriendly domestic policies in place.

Rejecting burden-sharing political commitments, most bystander countries saw no advantages in enhanced European solidarity.

iii. Closing Remarks

Proposition 1 can be confirmed. Bystander countries such as Hungary and Poland aimed to remain as unaffected as possible by demonstrating their unwillingness to engage in political reform and reduce the obligations under the solidarity principle to a minimum. The main reasons for that can be found both in their geographical location and strong domestic political anti-immigration tendencies. As the negative impacts through a suspension or end of the Schengen zone were limited for these countries, the "costs of disintegration were manageable" (Schimmelfennig, 2018b).

In contrast to that, frontline countries such as Italy and Greece aimed for support by other MSs as they were mostly affected by the influx of migrants due to their geographical position with an EU external border. Destination countries, as a result of the suspension of the Dublin regime faced a significant increase of migrants coming into their country. Engaging in burden-minimising behaviour, they were pressured to decrease their own burden while aiming to sustain the Schengen zone and temporarily answered with closed borders. In line with *Biermann et al. (2019)* and *Zaun's (2018)* findings, parts of the domestic societal interests were vocally articulated by populist, nationalist and Eurosceptic parties even though most governments were still supported by the larger parts of their citizenry and aimed for EU-level political reform of the status quo underlining the importance of contextual variables. As a result, asymmetric interdependence among Member States created a conflictual preference constellation between bystander countries on the one and frontline and destination countries on the other side.

b. Why has intergovernmental bargaining not resulted in a substantive bargain?

Affected countries ultimately wanted to achieve a political reform and the distribution of migrants across all MSs so that their own costs would decrease, and migratory pressures would be shifted according to

the solidarity principle. “Consequently, their worst outcome would be to maintain the de facto status quo in which migratory pressure is high, Dublin is not reformed and Schengen suspended” (Biermann et al., 2019, p. 259). Opposed to this, non-affected countries wanted to maintain the de jure status quo and did “not accept any form of burden-sharing” (Biermann et al., 2019, p. 258) since unilateral actions sustained a state of low exposure to negative externalities and were thus more desirable. In line with the findings of *Biermann et al. (2019)* and *Zaun (2018)*, the data material shows that these expected dynamics for EU-level negotiations apply.

Based on the EU’s fundamental principle of mutual solidarity, MSs are supposed to support each other in the case of crisis (Böhm et al., 2017). However, “more and more national governments are resigning from the international solidarity community for refugees” (Ther, 2018, p. 1) showing the countries’ strong self-interest and their unwillingness to make binding commitments (Piegsa, 2015). “In fact, most EU-governments are in no hurry to do their part of the burden” (Balibar, 2015, p. 4), which was seen in the cases of both the UK completely abandoning the European harmonisation process (Brexit) and Hungary and Poland “who decided to only remain in the EU as net beneficiaries” (Soboczynski, 2016, p. 1).

Since consensus on a crisis management strategy was hardly achievable with given conflictual preference constellation, countries were unilaterally responding to the crisis “making a common European solution less likely” (Brost, Krupa, Ladurner, Niejahr, & Thumann, 2016, p. 1).

i. Affected Countries

Affected EU Member States were in a relatively weak bargaining position although it must be said that frontline and destination countries took a slightly different stance in the political discourse.

Frontline countries obtained a key strategical position for intergovernmental bargaining on EU-level (Schieritz, 2015). Their geographical position was essential to secure the EU’s external borders and maintain the functioning of the Dublin system and consequently also the Schengen zone. However, their limited and insufficient national capacities to process asylum-applications and deal with the high number of people arriving in their countries made Greece, Italy, Malta and Cyprus highly dependent on the solidarity of other MSs which were less affected. As commitments in form of political reform or monetary, financial or administrative support were rejected to a great extent by the European community, frontline countries were “still largely abandoned by their partners” (Hildebrandt & Wefing, 2017a, p. 4). Highly vulnerable to the external shock and with small room for political manoeuvre, their only option to pressure for joint multilateral action was the breakdown of the Dublin regime in response to Germany’s open-border politics (Brost et al., 2016). However, this resulted in a domino effect with several countries fortifying their borders to avoid a similar influx of irregular migration into and through their countries such as Hungary, Austria and Slovenia (Wefing, 2016).

At the start of the Migration Crisis, most destination countries (foremost the Baltic States) ignored the high influx of migrants to frontline countries like Greece and Italy as they were not directly affected by

the effects of the crisis (Bittner et al., 2015). However, destination countries such as Germany, Sweden and Austria “were not only wealthier and more capable of receiving refugees, but were also accused of having further motivated asylum-seekers to come to Europe through their temporary open border approach” (Zaun, 2018, pp. 55-56). Their bargaining position was relatively weak as a high influx of migrants threatened to overburden their national capacities leaving the governments in need for European solidarity (Hildebrandt & Wefing, 2015). Aiming for a “European solution” (Krupa, 2017, p. 2), foremost “Germany, Austria and Sweden, needed EU co-operation to alleviate electoral pressures resulting from populist mobilization of voters who were unhappy with high numbers of asylum applications” (Zaun, 2018, p. 54). Moreover, sustaining the internal market of the Schengen zone was vital for Germany’s economy¹⁰, leaving the country with no attractive unilateral policy alternatives and in need for a joint European solution¹¹ (Krupa et al., 2015).

Strikingly, Germany and the other affected states slightly gained power throughout the crisis when a great (but solely short-term and functional) coalition of frontline and destination countries emerged who achieved a small success with the relocation of 160,000 migrants from Italy and Greece across all MSs with a substantive majority. Although the Visegrad countries strongly opposed it, they were outvoted under majority rule.

Consensus was, nonetheless, not reached on permanent reforms. Instead, chancellor Angela Merkel tested alternative “routes to alleviate electoral pressures” (Zaun, 2018, p. 56). Although Merkel was later subjected to wide criticism by Donald Tusk and other MSs, Germany succeeded almost unilaterally to “move the refugee crisis back to the edges of Europe, or even further to Turkey” (Hildebrandt & Wefing, 2017b, p. 4). Dependent on Turkey to secure EU external borders, Germany and other affected states were faced with their Turkish partner in a powerful bargaining position.

ii. Non-Affected Countries

Non-affected MSs found themselves in a powerful bargaining position. The Visegrad countries and other transit countries such as Spain had no incentives to support the affected countries, “as this would have led to receiving more asylum-seekers” (Zaun, 2018, p. 55). While they had mostly sufficient national capacities and small potential losses, they had “no experience with the immigration of people from other cultural backgrounds” (Winkler, 2017, p. 5) and feared the costs and burdens of immigration within an asylum-opposing citizenry. As such, these countries also aimed to avoid being “faced with the same electoral pressures as the host countries” (Zaun, 2018, p. 55).

¹⁰ “The annual GDP within the EU is 2.1 per cent higher than without the free movement of goods, people, capital and services” (Krupa, Hecking, & Schieritz, 2015).

¹¹ Theoretically, affected countries could have used Schengen as a strategy to pressure non-affected countries to engage in burden-sharing. However, this would not have been within both parties’ interest of open borders which makes this possibility not credible (Biermann et al., 2019).

The countries' low vulnerability to a high influx of migrants was mainly due to asylum-unfriendly domestic policies making them unattractive as destination countries. In addition, attractive unilateral policy alternatives such as the closed internal frontiers and barrier-secured borders in the case of Hungary and others prove this. Moreover, this can also be observed in a low rate of successful asylum-seeker applications (see table 1 in Appendix) (Ulrich, 2015). While not having an alternative for the redistribution of migrants and general management of crisis, many Eastern European countries opposed any political commitments and had no or only small incentives for supporting burden-sharing mechanisms (Böhm et al., 2017).

After these non-affected countries unsuccessfully aimed to block the redistribution of 160,000 migrants, "Slovakia and Hungary even appealed against the decision before the ECJ" (Böhm et al., 2017, p. 6). Increasing their low international interdependence, non-affected countries were forced to make minimum commitments to the EU while still blocking any permanent political reforms. As most decisions by the EU are taken by unanimity especially when a country's national interest is vital to the outcome of the decision, the burden for political reform is thus set high with 28 MSs required to reach consensus on a highly politicised matter as the Migration Crisis.

Until 2018, only minor changes in the countries' preference constellations left non-affected countries in the most powerful bargaining position with a de facto veto in EU decision-making processes. Only reaching minimum commitments among MSs without authority transfers to the supranational level, EU policy outcomes clearly were shaped by these countries.

iii. Closing Remarks

Proposition 2 can be confirmed. In contrast to other crises, the geographical location of a state within the EU and the possession of an EU external border were key determinants of the country's bargaining power. Together with its asylum policies (asylum-friendly vs. asylum-unfriendly political systems) and national capacities to absorb the external shock, it decided about a state's strategical behaviour and its willingness for political commitments. Strikingly, both affected and non-affected countries engaged in burden-minimising behaviour and widely rejected any agreements that would give migrants access to their territory, including the Netherlands, Denmark, Hungary, Slovakia, the UK and France (Balibar, 2015). Until 2017, "Denmark and Sweden closed their borders as well as Austria, Spain and Bulgaria built fences or had done so long ago. And Merkel herself negotiated a refugee deal with Turkey which essentially sealed off the EU's external border to the Aegean" (Hildebrandt & Wefing, 2017b, p. 3). While for non-affected countries this resulted in advocating the status quo, affected countries were under great pressure to improve their situation via reforms.

As a result, bystander countries were in a powerful position dominating intergovernmental negotiation processes whereas frontline and destination countries could not reach a substantive bargain apart from alternative compromises mostly excluding non-affected countries.

c. Why has the institutional choice of all EU Member States not been multilateral action leading to further integration?

From 2015 to 2018, non-affected states stood against affected states effectively blocking political reform and maintaining the de jure status quo. In line with the findings of *Biermann et al. (2019)*, the distribution of relative bargaining power made significant political commitments of bystander countries unlikely and ultimately hindered joint EU action as institutional choice with no further harmonisation of asylum politics. As such, burdens and costs of the influx of migrants and their relocation were not shared at all or only to a small extent, mostly by frontline and destination countries. The absence of a strong common interest and the powerful position of non-affected countries made bystander countries able to “free-ride on the benefits” (Biermann et al., 2019, p. 260) of the EU’s current institutional structure while frontline and destination countries were left aggrieved (Brost et al., 2016).

Generally, the most dominant question of the Migration Crisis for the project of European integration was and remains whether MSs would opt for unilateral or multilateral action determining the future path of harmonisation patterns. “So far, the EU had been the unwieldy instance of multilateralism and at the same time a brake on national or regional excesses” (Geis & Ulrich, 2018, p. 2). However, distrust among MSs led to the convergence of actions “from the top to lower levels, (...) from Brussels back to the nation states” (Wefing, 2015, p. 4) and resulted in countries closing their borders and building fences or barriers to keep negative externalities at a minimum (Krupa & Ladurner, 2016).

“The inequality perceived as unfair within Europe thus undermined the legitimacy of the EU” (Pletter, 2016, p. 2) especially because the main pillar of the EU’s asylum system, the Dublin III Regulation, was suspended by several MSs not complying with the EU’s legal framework (Hildebrandt & Wefing, 2015). The well-functioning of the Dublin system, moreover, is a key precondition to the preservation of the Schengen zone. Hence, the existence of secured external EU borders was and is necessary to sustain the social and economic cohesion between countries, mainly in form of the functioning of the internal market (Winkler, 2016). The lack of enforceability of important parts of the EU’s institutional framework puts the system of Schengen and the EU into a legitimacy crisis that could even threaten the ‘European’ project (Münkler, 2016). In a setting of crisis, deficiencies of earlier integration processes became visible. Strikingly, “the increase of applications only uncovered persistent dysfunctionalities and shortcomings” (Niemann & Zaun, 2018, p. 3) of the current system. This lack of harmonisation in EU asylum politics regarding the equal distribution of migrants across MSs was the result of asymmetric and colliding state interests. Disharmony is visible and expressed in the AFSJ, especially in both the Dublin and Schengen acquis.

Consisting of the Schengen Agreement (1985) and Convention (1990), the Schengen acquis establishes free movement for people within the border-free Schengen area. Without one being subjected to border controls, it functions as one jurisdiction with a common visa policy (EC, 2020b). While it remains

legally possible for members to the Schengen acquis to temporarily suspend its national application and reintroduce internal border controls if there is “a serious threat to public policy or internal security” (EC, 2020b, p. 1), such border controls cannot stay in force for longer than 30 days. However, fearing high migratory pressure and overburdened administrative national systems without sufficient national capacities to deal with all incoming migrants, some countries such as “Austria, Denmark, France, Norway¹², and Sweden” (Schimmelfennig, 2018a, p. 980) “returned to strictly secured internal borders” (Brost & Wefing, 2015, p. 3) which led to the de facto breakdown of the Schengen Area in 2015. Providing further evidence for a lack of harmonisation, “the Schengen Agreement was based on the shaky assumption that the monitoring of entry and exit in the EU area could be ‘communitized’, but the states would continue to take responsibility for the safety of people within ‘their’ state territory” (Balibar, 2015, p. 2).

Frontex’ (since 2016 the European Border and Coast Guard Agency) persistence proves the lack of EU-level coordination and suggests asymmetric exposure to crisis. Because the Schengen Convention prevented people without a visa from being allowed on any mode of transportation entering the Schengen area, this caused migrants to enter the EU illegally via boats of smugglers or by foot. Frontex was an EU agency established to control the borders of the Schengen area jointly coordinated with the coast and border guards of the Union’s MSs in order to prevent those illegal border crossings (FRONTEX, 2020a). In 2015, the EC proposed to extend Frontex’ mandate to decrease pressure on Italy, Greece, Malta and Cyprus while aiming to sustain the functioning of the Schengen zone. The fact that the budget of this EU agency increased significantly at the start of crisis “from 15 million € in 2006 to 150 million € in 2015” (Piegsa, 2015, p. 2) proves that non-affected states or MSs only affected by secondary movements (destination countries) are willing to offer financial support to frontline countries instead of making political commitments (Piegsa, 2015). Moreover, the number of missions such as ‘Operation Sophia’ in Greece, ‘Operation Mare Nostrum’ in Italy and ‘Operation Triton’ conducted under Frontex with the voluntary support of MSs in the crisis reveal the reinforcement and prolonged existence of asymmetric interdependence among states.

The expansion of those Frontex missions once again illustrates the inability of Member States to find a joint and multilateral response in form of political reforms of the Dublin system.

However, two main events decreased pressures for both frontline and destination countries between 2015 and 2018. The EU-Turkey-Deal was agreed and “a voluntary relocation mechanism” (Biermann et al., 2019, p. 260) was introduced. After some countries, including Austria, became vocal in advocating that “Member States should decide for themselves whether and how many people they want(ed) to take in” (Ther, 2018), these were the only viable compromises possible. In addition, “the EU sent money” (Thelen, 2018, p. 1) to third states such as Morocco and Turkey to supply migrants with necessary food, shelter and accommodation. A permanent relocation mechanism on EU-level as well as the

¹² Although a member of the Schengen zone, Norway is not a Member to the European Union.

harmonisation of asylum standards were repeatedly rejected, the de jure status quo was sustained and only a mix of unilateral policies made no joint action to the institutional choice of countries (Brost et al., 2016).

Proposition 3 can be confirmed. The asymmetric preference constellation of states did not lead to multilateral action on EU-level and the de jure status quo persisted. The Dublin system thus was not reformed, and the Schengen zone temporarily broke down not only showing the AFSJ's deficiencies but also the lacking compliance of countries ultimately resulting in a lack of the EU's legitimacy. "In the wake of the crisis, it became clear that the lack of harmonization of asylum legislation had (significantly) contributed to the crisis" (Niemann & Zaun, 2018, p. 12), merely by facilitating the unequal exposure to negative externalities and resulting from this asymmetric international interdependence. While bystander countries therefore avoided heightened migratory pressures and satisfied national interests, frontline and destination countries needed to engage in alternative compromises without the European community as a whole.

VII. Conclusion

Since all three propositions of this study are confirmed, the answer to the initial research question is threefold. National preference formation processes resulted in conflictual preference constellations of EU Member States and asymmetric interdependencies from differing exposure to the Migration Crisis accounted for unequal bargaining power throughout the EU negotiations. Ultimately, this allowed bystander countries to maintain the de jure status quo while frontline and destination countries had to find alternative (and mostly unilateral) solutions. As such, no deepening of European integration and harmonisation was the result of the Migration Crisis and no multilateral EU response to it could be found.

All of this thesis' propositions are supported by the qualitative content analysis.

Proposition 1 is supported and explained by domestic politics. Whereas destination and frontline countries with an interest in sharing refugees preferred an automatic system and political reform to avoid uncertainty in the future, other bystander countries with no or little interest in sharing refugees preferred to retain as much sovereignty as possible (Zaun, 2018). Not surprisingly, a rise in populist movements, nationalism and Euroscepticism therefore made the Migration Crisis a highly politicised topic on the domestic and EU agenda. While this finding reaffirms the applicability of LI to crisis settings, it stresses the role of contextual variables in the domestic political discourse as suggested by *Biermann et al. (2019)*, *Schimmelfennig (2018a, 2018b)* and *Zaun (2018)*. *Moravcsik's* initial LI framework is thus slightly expanded by paying greater attention to context-driven factors (such as populist movements) on the national level.

Proposition 2 is confirmed and explained by EU-level negotiations. Highly asymmetric international interdependencies put bystander countries in a powerful bargaining position with a de facto veto in EU negotiations and left frontline and destination countries with no other option than to engage in alternative compromises to reduce their domestic pressures (such as the EU-Turkey-Deal and voluntary relocation quotas). Burdens of the crisis were thus distributed highly unequal. This finding clearly shows the absence of a common interest of EU countries. In contrast to LI's assumptions, temporary disintegration and unilateral actions were more attractive for some countries, making the gains of cooperation for bystander countries particularly small. While this finding opposes assumptions of LI theory that intergovernmental bargaining is dominated by a common interest, observed dynamics are in line with the findings for crisis settings of *Biermann et al. (2019)*, *Schimmelfennig (2018a, 2018b)* and *Zaun (2018)*. Apart from that, LI still offers a plausible account for the dynamics of negotiations on EU-level in the Migration Crisis.

Proposition 3 proves to be correct and finds its reasons in the majority of states' unwillingness to transfer national sovereignty to the supranational level. A "quantitative expansion rather than qualitative deepening of the activities of EU agencies" (Schimmelfennig, 2018a, p. 981) proved "how power differentials between Member States impact on EU legislative output" (Niemann & Zaun, 2018, p. 16). The states' (un)willingness to political reforms, however, had also broader implications: It did not only decide about the distribution of migrants across EU Member States but also about the functioning of the internal market and the enforceability of EU law in the future. Moreover, it is unclear whether without political reforms and further harmonisation of the AFSJ, the EU can withstand future crises that threaten the European integration project as a whole. In this vein, LI's core assumption (that intergovernmental bargaining would lead to further integration as EU cooperation provides benefits to MSs to follow their national interests) is not supported. Instead, in line with the findings of aforementioned authors, the opposite was the case and can be explained by low costs of temporary disintegration and unilateral action. Even though LI can thus explain the dynamics on both the domestic and EU-level, the political outcome greatly differs from the theory.

This study does have some important limitations. It would have been desirable to further triangulate data and enrich the data sets with expert interviews. Nonetheless, time constraints as well as the extraordinary circumstances resulting from the Corona pandemic did not allow for that. Further, a higher number of articles could have been used to enhance this work's validity and reliability. However, due to time constraints, this was not within the scope of this work and can only be recommended for future research. To increase the theoretical leverage, *Biermann et al. (2019)*, *Schimmelfennig (2018a, 2018b)* and *Zaun (2018)* portrayed the countries' choice for unilateral action as a suasion game. Nevertheless, this theoretical expansion and portrayal is not within the scope of this work and therefore suggested as an expansion for future research. Apart from this, this qualitative work aimed to gain in-depth knowledge of the

specific case of the Migration Crisis which might limit the generalisability of findings. Still, this was justified by the primary objective of answering the relatively narrow-scoped research question.

Beyond this thesis, further research should address whether the non-compliance of MSs to the EU's legal framework is "merely a characteristic of crisis situations or perhaps part of a wider development in areas of core state powers or even beyond" (Niemann & Zaun, 2018, p. 17). Besides, the role of less vocal states should be further addressed in future research to understand dynamics evolving from less visible actors. Moreover, the EU's impotence to agree on political reforms regarding a permanent relocation mechanism suggests that alternative solution approaches should be brought back into the discussion. Since this crisis is still ongoing and thousands of migrants are suffering from the EU's inability to reform its asylum system, practicable alternative solutions are urgently needed. Foremost the possibility to apply for asylum in any EU country embassy abroad should therefore be named as a promising option that could lead to more stability in the Dublin regime in the long run while decreasing numbers of people dying on their journeys to Europe.

VIII. References

- Babbie, E. (2013). *The basics of social research*: Cengage Learning.
- Balibar, É. (2015). Stunde der Wahrheit; Angela Merkels Handeln in der Flüchtlingskrise verdient größten Respekt. Sie hat sich für das Asylrecht und gegen die "Festung Europa" entschieden. Auch wenn sich die konservative Abwehrfront bereits formiert: Nun muss sich der Kontinent demographisch erweitern und politisch neu definieren. *Die Zeit*, pp. 1-5.
- Bertaud, N., Ernst, T., McPhie, T., & Lammert, M. (2016). Implementing the EU-Turkey Agreement – Questions and Answers. Retrieved from https://ec.europa.eu/commission/presscorner/detail/it/MEMO_16_1494
- Biermann, F., Guérin, N., Jagdhuber, S., Rittberger, B., & Weiss, M. (2019). Political (non-)reform in the euro crisis and the refugee crisis: a liberal intergovernmentalist explanation. *Journal of European Public Policy*, 26, 245-266. doi:<https://doi.org/10.1080/13501763.2017.1408670>
- Bittner, J., Topc, Ö., Ulrich, B., & Wefing, H. (2015). Willkommen! Und jetzt?; Wie viele Flüchtlinge auf dem Weg sind, was sie mit Europa machen - und wir mit ihnen. *Die Zeit*, pp. 1-8.
- Blume, G., Raether, E., & Randow, G. v. (2017). Die Marine-Maschine; Im Mai wählt Frankreich einen neuen Staatspräsidenten. Mit Marine Le Pen und ihrem Front National hat erstmals eine Partei vom rechten Rand eine reale Machtperspektive im Herzen Europas. Wie konnte das gelingen? *Die Zeit*, pp. 1-5.
- Böhm, A., Klingst, M., Köckritz, A., Ladurner, U., Latz, L., Raethe, E., & Thumann, M. (2017). Helfen oder abschotten?; Italien schlägt Alarm: Übers Mittelmeer kommen wieder Zehntausende von Migranten. Und alle Politiker sagen: Die Situation von 2015 darf sich nicht wiederholen. Was aber ist seither geschehen, um wirklich Lösungen zu finden? *Die Zeit*, pp. 1-8.
- Brost, M., Krupa, M., Ladurner, U., Niejahr, E., & Thumann, M. (2016). Fluchtreflexe; Angela Merkel hofft auf eine europäische Lösung der Flüchtlingskrise. Aber was, wenn das eine Illusion ist? *Die Zeit*, pp. 1-4.
- Brost, M., Krupa, M., Pinzler, P., & Ulrich, B. (2018). Guckt euch doch mal an; Deutschland beugt sich gern über die Fehler anderer. Das macht viele Nachbarländer wütend. Zu Recht? *Die Zeit*, pp. 1-4.
- Brost, M., & Wefing, H. (2015, 20 August 2015). Zumutung; Lange hat die Politik die Flüchtlingskrise verdrängt. Jetzt will sie Deutschland zum Einwanderungsland umbauen. Die Republik steht vor ihrer größten Veränderung. *Die Zeit*, pp. 1-5.
- Bux, U. (2020). An area of freedom, security and justice: general aspects. Retrieved from <https://www.europarl.europa.eu/factsheets/en/sheet/150/an-area-of-freedom-security-and-justice-general-aspects>
- Craig, S., & Zwaan, K. (2018). *Legal Overview. Asylum Determination in Europe*: Palgrave Macmillan, Cham.

- EAVI. (2018). What is Euroscepticism? Retrieved from <https://eavi.eu/what-is-euroscepticism/>
- EC. (2020a). Migration and Home Affairs. Country responsible for asylum application (Dublin)
Retrieved from https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en
- EC. (2020b). Migration and Home Affairs. Schengen Area. Retrieved from https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen_en
- EP. (2020). Briefing. EU Legislation in Progress. Reform of the Dublin system. Retrieved from https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/586639/EPRS_BRI%282016%29586639_EN.pdf
- Eurostat. (2020a). Asylum and first time asylum applicants - annual aggregated data (rounded).
Retrieved from <https://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tps00191&language=en>
- Eurostat. (2020b). Asylum quarterly report. Retrieved from https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report#Where_do_asylum_applicants_go_to.3F
- Eurostat. (2020c). Data Browser. First instance decisions on asylum applications by type of decision - annual aggregated data. Retrieved from <https://ec.europa.eu/eurostat/databrowser/view/tps00192/default/table?lang=en>
- FRONTEX. (2020a). FRONTEX. European Border and Coast Guard Agency. Retrieved from <https://frontex.europa.eu/>
- FRONTEX. (2020b). FRONTEX. Migratory Routes. Retrieved from <https://frontex.europa.eu/along-eu-borders/migratory-routes/western-balkan-route/>
- Geis, M., & Ulrich, B. (2018). Hart an der Grenze; Fast hätte eine Regionalpartei die Regierung zerlegt. Die CSU drohte der Kanzlerin und erzwang einen faulen Kompromiss. Über eine Partei, die vor allem eines ist: Frustriert. *Die Zeit*, pp. 1-6.
- Gerring, J. (2004). What Is a Case Study and What Is It Good for? *American Political Science Review*, 98, 341-354. Retrieved from <https://www.cambridge.org/core>
- Hecking, C., & Tönnemann, J. (2016). Risse im Kontinent; Egal ob der Brexit kommt oder nicht: Ein Austritt aus der Europäischen Union ist auch in anderen Ländern ein Thema. *Die Zeit*, pp. 1-3.
- Hildebrandt, T., & Wefing, H. (2015). Die Grenzen des Guten; Vor einer Woche schrieb Bernd Ulrich von der "Naivität des Bösen" in der Flüchtlingskrise: Kein Zaun und kein hartes Wort der Kanzlerin werde den Zustrom aufhalten. TINA HILDEBRANDT UND HEINRICH WEFING halten dagegen: Wir können nicht alle aufnehmen, die zu uns wollen. Darüber müssen wir streiten. *Die Zeit*.

- Hildebrandt, T., & Wefing, H. (2017a). Macht Merkel noch Merkels Flüchtlingspolitik?; 2015 hieß sie Bürgerkriegsopfer willkommen, heute hilft sie Europa bei der Abschottung. Die Kanzlerin zwischen Humanität und Härte. *Die Zeit*.
- Hildebrandt, T., & Wefing, H. (2017b). Macht Merkel noch Merkels Flüchtlingspolitik?; 2015 hieß sie Bürgerkriegsopfer willkommen, heute hilft sie Europa bei der Abschottung. Die Kanzlerin zwischen Humanität und Härte. *Die Zeit*.
- Hruschka, C. (2014). The (reformed) Dublin III Regulation - a tool for enhanced effectiveness and higher standards of protection? *Academy of European Law, ERA Forum*, 15, 469-483. doi: 10.1007/s12027-014-0364-x
- IOM. (2019). Who is a migrant? Glossary on Migration. Retrieved from <https://www.iom.int/who-is-a-migrant>
- Journal, W. (2015). Macedonia allows migrants to cross border from Greece: Police use force against mostly Syrians on their way to northern Europe. *The Wall Street Journal*. Retrieved from <http://www.wsj.com/articles/macedonia-greece-border-tension-ratchetsup-as-migrants-flow-in-1440266542>
- Krell, G. (2004). Liberalismus. In *Weltbilder und Weltordnung: Einführung in die Theorie der Internationalen Beziehungen* (pp. 181-237). Baden-Baden: Nomos.
- Krupa, M. (2016). Lasst uns nicht allein!; Die Regierungschefs der EU fürchten die Radikalen. Doch wer Angela Merkel nun hängen lässt, schadet Europa. *Die Zeit*, pp. 1-3.
- Krupa, M. (2017). Nach rechts!; Sebastian Kurz will am Sonntag in Österreich Kanzler werden. Die Rechtspopulisten sind sein größter Gegner - und sein Vorbild. *Die Zeit*, pp. 1-5.
- Krupa, M., Hecking, C., & Schieritz, M. (2015). Es geht doch, Europa!; Euro-Krise, Flüchtlinge, Reformstau: Die EU wird kritisiert, funktioniert aber oft ziemlich gut. Zehn Beispiele. *Die Zeit*.
- Krupa, M., & Ladurner, U. (2016). "Wir sind zu unbescheiden"; EU-Kommissar Frans Timmermans über die Angst der Menschen vor der EU, die Abhängigkeit von der Türkei und sein Faible für trinkende Schriftsteller. *Die Zeit*, pp. 1-5.
- Krzyżanowski, M., Triandafyllidou, A., & Wodak, R. (2018). The Mediatization and the Politicization of the "Refugee Crisis" in Europe. *Journal of Immigrant & Refugee Studies*, 16, 1-14. Retrieved from <https://doi.org/10.1080/15562948.2017.1353189>
- Ladumer, U. (2015). Der letzte Schubs; Serbien will in die EU - auch deshalb hilft die Regierung des Balkanlandes den Flüchtlingen besser als der Nachbar Ungarn. Eine Reisebegleitung Richtung Europa. *Die Zeit*, pp. 1-4.
- Long, O. (2018). EU-Turkey-Deal: Explained. Retrieved from <https://helprefugees.org/news/eu-turkey-deal-explained/>
- Merriam-Webster. (2020). Dictionary. Nationalism. Retrieved from <https://www.merriam-webster.com/dictionary/nationalism>

- Moravcsik, A. (1993). Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach. *JCMS*, 31(4), 374-524.
- Moravcsik, A. (1997). Taking Preferences Seriously: A Liberal Theory of International Politics. *International Organization*, 51, 513-553. doi:<https://doi.org/10.1162/002081897550447>
- Moravcsik, A. (1998). *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*. Ithaca: Cornell University Press.
- Mudde, C., & Kaltwasser, C. R. (2020). *Populism. A Very Short Introduction*. Retrieved from Oxford University Press:
https://www2.daad.de/medien/mudde_rovira_kaltwasser_2017_populism.pdf
- Münkler, H. (2016). Wie ahnungslos kluge Leute doch sein können; Rüdiger Safranski und Peter Sloterdijk kritisieren die Regierung und verlangen eine rigide Grenzsicherung - das zeigt, wie unbedarft die beiden sind. *Die Zeit*, pp. 1-3.
- Nedergaard, P. (2019). Borders and the EU legitimacy problem: the 2015-2016 European Refugee Crisis. *Policy Studies*, 40(1), 80-91. doi:<http://doi.org/10.1080/01442872.2018.1533112>
- Niemann, A., & Zaun, N. (2018). EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives. *Journal of Common Market Studies*, 56, 3-22. Retrieved from
<https://doi.org/10.1111/jcms.12650>
- Piegasa, O. (2015). Sie lernen für Lampedusa; Frontex-Mitarbeiter sollen die Außengrenzen der EU sichern - und haben keinen guten Ruf. Jetzt schickt man sie in Vorlesungen über Immanuel Kant. Bringt das was? *Die Zeit*, pp. 1-4.
- Pletter, R. (2016). So eng, dass es wehtut; Europas liberale Kräfte werden gegen die Autoritären nicht bestehen, wenn sie ihre Zukunft an die gemeinsame Währung ketten. *Die Zeit*, pp. 1-5.
- Popescu, A. (2016). THE EU "COSTS" OF THE REFUGEE CRISIS. *EUROPOLITY*, 10(Continuity and Change in European Governance), 105-120.
- Šabić, S. Š. (2017). *The Relocation of Refugees in the European Union. Implementation of Solidarity and Fear*. Retrieved from Zagreb: <http://library.fes.de/pdf-files/bueros/kroatien/13787.pdf>
- Schieder, S. (2010). *Neuer Liberalismus*: UTB.
- Schieritz, M. (2015). Nicht mehr so deutsch; Griechenland verweigert Reformen, Portugal will nicht mehr sparen - Berlin entgleitet in Europa die Kontrolle. *Die Zeit*, pp. 1-4.
- Schimmelfennig, F. (2015). Liberal Intergovernmentalism and the Euro Area Crisis. *Journal of European Public Policy*, 22(2), 177-195.
- Schimmelfennig, F. (2018a). European integration (theory) in times of crisis. A comparison of the euro and Schengen crisis. *Journal of European Public Policy*, 25, 969-989. Retrieved from
<https://www.tandfonline.com/doi/full/10.1080/13501763.2017.1421252?scroll=top&needAccess=true>
<https://doi.org/10.1080/13501763.2017.1421252>
- Schimmelfennig, F. (2018b). Liberal Intergovernmentalism and the Crises of the European Union. *Journal of Common Market Studies*, 56, 1578-1594. doi:<https://doi.org/10.1111/jcms.12789>

- Soboczynski, A. (2016). Deutsche Gelenkigkeit; Das Professorenpaar Herfried und Marina Münkler empfehlen die Flüchtlingskrise als nationales Ertüchtigungsprogramm. *Die Zeit*, pp. 1-3.
- Telegraph. (2015). 'Collapse of "comatose" Schengen will wreck euro, admits JeanClaude Juncker'. *The Telegraph*. Retrieved from <http://www.telegraph.co.uk/news/worldnews/europe/eu/12016650/Collapse-of-comatose-Schengen-will-wreck-euroadmits-Jean-Claude-Juncker.html>
- Thelen, R. (2018, 4 January 2018). Hier scheitert Europa; Mehr als 5000 Menschen harren aus im Flüchtlingslager Moria auf Lesbos. Einige von ihnen glauben, die schlimmen Zustände seien politisch gewollt. Das nehmen sie nicht länger hin. *Die Zeit*, pp. 1-6.
- Ther, P. (2018). Der Preis der Abgrenzung; Immer mehr Regierungen kündigen die internationale Solidargemeinschaft für Flüchtlinge auf. Sie ruinieren historische Errungenschaften. *Die Zeit*, pp. 1-4.
- Trauner, F. (2016). Asylum policy: the EU's 'crises' and the looming policy regime failure. *Journal of European Integration*, 38, 311-325. doi:10.1080/07036337.2016.1140756
- Ulrich, B. (2015, 8 October 2015). Naivität des Bösen; Weder eine dichte Grenze noch ein hartes Wort der Kanzlerin werden die Flüchtlinge aufhalten. *Die Zeit*, pp. 1-6.
- UNHCR. (2018). Global Trends. Forced Displacement in 2018. Retrieved from <https://www.unhcr.org/globaltrends2018/>
- UNHCR, & ECRE. (2020). The Dublin Regulation. Retrieved from <https://www.unhcr.org/4a9d13d59.pdf>
- Wefing, H. (2015). Darf's auch etwas mehr sein?; Jahrzehntelang hieß es: Weniger Staat! Das erweist sich spätestens in der Flüchtlingskrise als Illusion. Über eine historische Trendwende. *Die Zeit*, pp. 1-7.
- Wefing, H. (2016). Die menschliche Grenze; Jenseits von Schießbefehl, Obergrenzen und "Weiter so": Wie eine Lösung der Flüchtlingskrise aussehen könnte, die gut für die Zuwanderer ist, gut für das Land und nebenbei auch für die Kanzlerin. *Die Zeit*, pp. 1-5.
- Winkler, H. A. (2016). Es gibt kein deutsches Moralmonopol; Lehren und Irrlehren aus der Geschichte: Bemerkungen zur Asyldebatte. *Die Zeit*, pp. 1-6.
- Winkler, H. A. (2017). Ohne Werte ist Europa nichts; Abschied von einer Illusion: Nur die liberalen Demokratien können das europäische Projekt retten. *Die Zeit*, pp. 1-6.
- Zaun, N. (2018). States as Gatekeepers in EU Asylum Politics: Explaining the Non-adoption of a Refugee Quota System. *Journal of Common Market Studies*, 56, 44-62. doi: <https://doi.org/10.1111/jcms.12663>

IX. Appendix

Table 1. Number of first-time asylum applications and successful asylum-claims per country and year.

Migratory Pressure¹³ And Country		Number of first-time asylum applicants¹⁴ (rounded annual data)				Number of successful first instance decisions on asylum applications from non-EU-citizens¹⁵			
		2015	2016	2017	2018	2015	2016	2017	2018
high	Austria	85,505	39,875	22,455	11,580	12,590	24,685	17,800	10,620
high	Belgium	38,990	14,250	14,035	18,130	8,825	11,760	9,655	7,860
high	Bulgaria	20,160	18,990	3,470	2,465	4,705	765	800	315
low	Croatia	140	2,150	880	675	35	85	120	115
high	Cyprus	2,105	2,840	4,475	7,610	195	210	220	195
low	Czech Republic	1,235	1,200	1,140	1,350	55	140	25	40
high	Denmark	20,825	6,055	3,125	3,465	7,605	4,275	1,280	825
low	Estonia	225	150	180	90	20	65	50	15
high	Finland	32,150	5,275	4,330	2,950	1,060	4,320	2,400	1,765
high	France	70,570	76,790	91,965	111,415	16,790	18,715	19,005	21,125
high	Germany	441,805	722,270	198,255	161,885	137,135	256,135	123,895	41,370
high	Greece	11,370	49,875	56,940	64,975	3,665	2,470	9,420	12,635
low	Hungary ¹⁶	174,435	28,215	3,115	635	145	155	105	70
low	Ireland	3,270	2,235	2,910	3,655	150	445	640	630
high	Italy	82,790	121,185	126,550	53,440	3,575	4,800	5,895	6,490
low	Latvia	330	345	355	175	5	45	35	25
low	Lithuania	275	415	520	385	15	180	275	120
high	Luxembourg	2,360	2,065	2,320	2,225	170	740	1,085	950
high	Malta	1,695	1,735	1,610	2,035	265	165	165	150
high	Netherlands	43,035	19,285	16,090	20,465	6,660	9,740	3,030	1,760
low	Poland	10,255	9,780	3,005	2,405	350	95	150	170

¹³ Migratory pressure is defined by the number of accepted asylum-claims per 100,000 citizens as done by Biermann et al. (2019).

¹⁴ A first-time asylum applicant is defined as a person having submitted an asylum application claiming international protection for the first time (Eurostat, 2020a).

¹⁵ “First instance decision means a decision made in response to an asylum application at the first instance level of the asylum procedure.” (Eurostat, 2020c)

¹⁶ Despite a high number of first-time asylum applications in Hungary, this country is not considered an affected state since Hungary rejects almost all claims. Thus, the de facto migration pressure is low (Biermann et al., 2019).

low	Portugal	810	710	1,015	1,240	35	105	120	220
low	Romania	1,225	1,855	4,700	1,945	240	600	865	305
low	Slovakia	270	100	150	155	5	5	0	0
low	Slovenia	260	1,265	1,435	2,800	35	140	140	100
low	Spain	14,600	15,570	33,035	52,730	5	15	10	45
high	Sweden	156,115	22,335	22,190	18,075	12,740	16,875	13,330	5,999
high	UK	39,720	39,240	34,355	38,400	12,175	8,410	7,480	7,650
	In total	1,256,580	1,206,055	654,620	587,355	229,460	336,470	218,560	122,085

Sources: Biermann et al. (2019), Eurostat (2020a, 2020b)

Table 2. Codes employed to answer the sub questions in the analysis.

	Sub question I	Sub question II	Sub question III
Theoretical variables	Country codes	Country codes	Country codes
	Bounded state rationality	Intergovernmental bargaining	Multilateralism
	National preference formation	Refuge (re-)distribution	Unilateralism
		Asymmetrical interdependence	Joint action
			No joint action
			European integration
Contextual variables	Mass politicisation	Solidarity principle	Refugee (re-) distribution
	More restrictive asylum policies		
	Populism		
	Temporary suspension of Schengen		
	Euroscepticism		
	Nationalism		

Table 3. Codebook with theoretical variables.

Name of Concept	Definition of Concept	Code
State-level		
Frontline country	A ‘frontline country’ is defined as a Member State of the European Union that has an EU external border and is thus the country in which migrants first enter EU territory. According to Dublin III, these countries are therefore in charge of the registration procedures to secure the EU’s external borders. Frontline countries belong to the category of ‘Affected States’.	<i>Greece</i> <i>Spain</i> <i>Italy</i>
Bystander country	A ‘bystander country’ is defined as a Member State of the European Union that remains largely unaffected by the large influx of migrants into the EU. This is both explained by their geographical location (sometimes as transit countries) and asylum-unfriendly domestic policies. Bystander countries belong to the category of ‘Unaffected States’.	<i>Bulgaria</i> <i>Croatia</i> <i>Czech Republic</i> <i>Hungary</i> <i>Poland</i> <i>Portugal</i> <i>Romania</i> <i>Slovakia</i> <i>Slovenia</i> <i>UK</i>
Destination country	A ‘destination country’ is defined as a Member State of the European Union in which migrants ultimately want to claim asylum in. These countries do not have an EU external border and often asylum-friendly domestic policies. Destination countries belong to the category of ‘Affected States’.	<i>Austria</i> <i>Denmark</i> <i>France</i> <i>Germany</i> <i>The Netherlands</i> <i>Sweden</i>
Bounded state rationality	‘Bounded state rationality’ assumes that states are rational actors that make decisions based on their own interests and demands. To efficiently achieve and pursue their domestic	<i>Bounded state rationality</i>

	goals, governments strategically engage in minimising their costs while maximising their benefits and gains.	
National preference formation (process)	National interests result from the domestic political discourse in which different societal interests and demands by various groups are articulated. Resulting from conflict and power relations within, only the majority or most powerful national groups are represented vis-à-vis other countries. Within this ‘national preference formation process’, various domestic actors become visible in the political discourse.	<i>national preference formation</i>
EU-level		
Asymmetric international interdependence	For the context of the EU Migration Crisis, ‘asymmetric international interdependence’ is defined as the migratory pressure a country faces. It is a key determinant of a country’s relative power in intergovernmental bargaining and its room for political manoeuvre. The higher the international interdependence of a country on other Member States is, the weaker its respective bargaining power in EU-level negotiations.	<i>Asymmetric intern. interdependence</i>
Intergovernmental bargaining	‘Intergovernmental bargaining’ is the concept addressing the negotiations and bargaining activities of Member States on EU-level to find and agree upon a joint political crisis response.	<i>intergovernmental bargaining</i>
Unilateralism	‘Unilateralism’ is defined as the decision or process of Member States to engage in any action or policy of crisis response without the involvement of other Member States	<i>unilateralism</i>
Multilateralism	‘multilateralism’ is defined as the decision or process of Member States to jointly engage in	<i>multilateralism</i>

	any action or policy of crisis response with the involvement by all other Member States	
Joint action	‘Joint action’ is defined as the institutional choice of all Member States to act multilaterally based on an EU-level decision. Thus, it is the result and execution of intergovernmental bargaining.	<i>joint action</i>
No joint action	‘No joint action’ is defined as the institutional choice of Member States to act unilaterally, resulting from policy alternatives of any Member State that are preferred to a multilateral EU-level agreement. Thus, it is the result and execution of intergovernmental bargaining in which no consensus or agreement was reached.	<i>no joint action</i>
European integration	‘European Integration’ is defined as the process of foremost legal and political harmonisation of Member States. For the Migration Crisis, it is narrowed to the harmonisation of the EU’s asylum system and securing the EU’s external borders through the delegation of power and authority to the supranational level.	<i>European integration</i>

Table 4. Codebook with contextual variables.

Concept	Definition of the concept	Code
Populism	‘Populism’ is defined as a political approach combining both left- and right-wing elements that merely strives to appeal to ordinary people with large contrast to the established elite (Mudde & Kaltwasser, 2020).	<i>populism</i>
Nationalism	‘Nationalism’ is defined as “as sense of national consciousness exalting one nation above all others and placing primary emphasis on the promotion of its culture and interests as	<i>nationalism</i>

	opposed to those of other nations” (Merriam-Webster, 2020).	
Euroscepticism	‘Euroscepticism’ is defined as a tension in the political discourse that advocates the disengagement from the EU. “Political parties that espouse a Eurosceptic viewpoint tend to be broadly populist and generally support tighter immigration controls in addition to the dismantling or streamlining of the EU bureaucratic structure” (EAVI, 2018).	<i>Euroscepticism</i>
Mass politicisation	‘Mass politicisation’ is defined as the process or action causing the Migration Crisis to become political in character. As such, all topics around the crisis response become political questions and values attached to the discussion of domestic and EU-level crisis response become political values (Krzyżanowski, Triandafyllidou, & Wodak, 2018).	<i>mass politicisation</i>
Solidarity principle	The ‘solidarity principle’ is defined as the principle of burden-sharing and distribution of costs across all Member States. For the Migration Crisis, it means the assistance and commitments of states to support other governments by political, economic, financial or administrative means in order to deal with the high influx of migrants. It is set out in Art. 80 TFEU.	
Refugee (re-)distribution	‘Refugee (re-)distribution’ means any organised EU-level activity of Member States to relocate migrants from one country into another in order to decrease migratory pressures.	<i>refugee (re-)distribution</i>
(Temporary) suspension of the Schengen regime	The ‘(temporary) suspension of the Schengen regime’ is defined as the reintroduction of internal border controls or the closure of internal frontiers in the Schengen area.	<i>(temporary) suspension Schengen</i>
(More) restrictive asylum policies	‘(More) restrictive asylum policies’ is defined as the effort and attempts of Member States to	<i>(more) restrictive asylum policies</i>

	make their national asylum policies more restrictive and thus unattractive to asylum-seekers in order to decrease migratory pressures.	
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Declaration of Authorship

I hereby certify that the thesis I am submitting is entirely my own original work except where otherwise indicated. I am aware of the University's regulations concerning plagiarism, including those regulations concerning disciplinary actions that may result from plagiarism. Any use of the works of any other author, in any form, is properly acknowledged at their point of use.



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