

DOCTORAL THESIS

Migration Governance in Context: Asylum Policymaking in Estonia

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TALLINN UNIVERSITY OF TECHNOLOGY
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Declaration:

Hereby I declare that this doctoral thesis, my original investigation and achievement, submitted for the doctoral degree at Tallinn University of Technology has not been submitted for doctoral or equivalent academic degree.

Mariliis Trei-Mäe

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**Rände valitsemine kontekstis:
varjupaigapoliitika kujundamine ja
elluviimine Eestis**

MARILIIS TREI-MÄE



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List of Publications

The list of author's publications, on the basis of which the thesis has been prepared:

- I **Trei, M.** (2021). Immigration Policy Formation in New EU Member States: The Case of Estonia. In Chu, CP., Park, SC. (Eds.) *Immigration Policy and Crisis in the Regional Context. Asian and European Experiences* (pp. 209–227). Springer Singapore. doi:10.1007/978-981-33-6823-1_12. (ETIS 3.1.)
- II **Trei, M.**, Sarapuu, K. (2021). A Small Administration Facing a Complex Policy Challenge: Estonia and the 2015 Refugee Crisis. In Joensen, T., Taylor, I. (Eds.) *Small States and the European Migrant Crisis. Politics and Governance* (pp. 243–265). Palgrave Macmillan. doi:10.1007/978-3-030-66203-5_11. (ETIS 3.1)
- III **Trei, M.** (2025) The Involvement of NGOs in Asylum Policy Decision-Making: The Case of Estonia. *Halduskultuur – The Estonian Journal of Administrative Culture and Digital Governance*, 23(1-2), 107–128. doi:10.32994/hk.v23i1-2.340. (ETIS 1.1.)

Appendix:

- IV Sarapuu, K., **Trei, M.** (2025) Task Forces for Complex Policy Problems: Lessons from Estonia. In Behnke, N., Petershon, B. (Eds.). *Horizontal Intergovernmental Coordination at Local and Regional Levels. Evidence from Europe and Beyond* (pp. 377–388). Palgrave Macmillan. doi:10.1007/978-3-031-83567-4_19. (ETIS 3.1)
- V Sarapuu, K., **Trei, M.** (2025) Organizational Dilemmas of EU-Funded Policy Development: The Case of Estonian Government Task Forces. *Public Money and Management*, 45(5), 400–403. doi:10.1080/09540962.2023.2203870. (ETIS 1.1.)

Author's Contribution to the Publications

The author's contribution to the papers included in this thesis is outlined below:

- I The author of the thesis is the **sole author** of this publication.
- II The author of the thesis is a **co-author** of the publication. The author carried out the document analysis, conducted interviews, and wrote the sections on the development of asylum policy and the timeline of events during the 2015 European refugee crisis in Estonia. The author co-wrote the discussion and conclusion sections of the paper and contributed to reviewing and editing the final draft of the paper.
- III The author of the thesis is the **sole author** of this publication.
- IV The author of the thesis is a **co-author** of the publication. She co-developed the data collection methodology for the paper and led the empirical data collection. The overview of theoretical literature was prepared in collaboration. The author also participated in the empirical data analysis, compiled the charts, and contributed to writing the initial draft of the paper.
- V The author of the thesis is a **co-author** of the publication. She co-developed the methodology and led the empirical data collection. The author compiled all charts and figures and participated in writing the empirical analysis. The author co-wrote the section on the experience of task forces in Estonia and helped draft the section on the lessons learned. The author of the thesis also participated in revising and editing the manuscript during the review process of the paper.

Introduction

Just as the universe is constantly expanding in size, the complexity of the challenges faced by modern governments also seems to be growing. More than 50 years ago, Rittel and Webber (1973) first introduced the concept of “wicked problems” that is now a commonly used umbrella term to refer to complex policy issues that are intractable, multi-causal, unpredictable, and constantly evolving (Weber & Khademian, 2008; Head, 2008, 2022; Head & Alford, 2015; Massey, 2022). Tackling highly complex policy problems is challenging not only because of the inherent uncertainty and ambiguity of the problems themselves, but also because they involve multiple interconnected actors with conflicting interests and perspectives operating within a fragmented, multi-level institutional setting (van Bueren et al., 2003; Alford & Head, 2017; Christensen et al., 2019). Consequently, complex policy problems have transformed policy formulation and implementation processes into exceedingly demanding tasks for governments. One particularly complex and dynamic policy area that the European Union (EU) member states have struggled with for decades is asylum policy (Alink et al., 2001; Larrison & Raadschelders, 2020; Cantat et al., 2025). Since the end of the Cold War, the arrival of asylum seekers in Europe has evolved into an extremely politicized and sensitive policy issue (Boswell, 2000; Baldwin-Edwards et al., 2019), increasing anxiety among Europeans (Kaunert et al., 2020), fuelling populist political parties (Zaun & Ripoll Servant, 2023), and threatening the integrity of the Union (Dagi, 2017). While the creation of the Common European Asylum System (CEAS) at the end of the 1990s aimed to promote coordinated efforts and burden-sharing among member states, the arrival of more than one million asylum seekers during the 2015 refugee crisis revealed “the inadequacy of the existing institutions and processes” (Sahin-Mencutek et al., 2022, p. 2; Hatton, 2017; Lavenex, 2018) and prompted attempts at re-nationalisation of asylum policy (Niemann & Zaun, 2018; Brekke & Staver, 2018; Byrne et al., 2020).

Asylum policy is an exemplary case of a highly complex policy area, where different dimensions of complexity converge (Raadschelders et al., 2019; Lawrence & Dodds, 2024). First, the institutional framework of national asylum systems spans vertically across different governance levels (international, supranational/EU, national, and local), horizontally across policy areas (border control, security, welfare, education, integration), and involves stakeholders from different sectors (state, private, and third sector), creating significant coordination challenges. Second, whereas the right to seek asylum is a fundamental human right established by the 1951 Refugee Convention, the regulation of immigration is one of the core aspects of national sovereignty (Helbling & Leblang, 2018). Therefore, policymakers and implementers must constantly balance the tensions between humanitarian obligations and state interests. Third, the problems stemming from the arrival of asylum seekers and refugees are virtually impossible to solve completely, because a receiving state can merely address the symptoms of the problem instead of eliminating the root causes of forced migration in the refugees’ home countries (Raadschelders et al., 2019). Fourth, immigration is by nature an unpredictable phenomenon (Christensen & Læg Reid, 2009; Mayblin, 2017) that is hard to anticipate and in which “change is a constant” (Dahlvik, 2018), meaning that policy reactions are mostly reactive and *ad hoc* (Raadschelders et al., 2019). Swift reactions, especially in turbulent events, require not only administrative resources, robustness, and flexibility (Christensen & Læg Reid, 2009; Ansell et al., 2017), but also the capacity to mobilize the “knowledge,

ideas and resources” (Ansell et al., 2024, p. 53) of actors with often diverging perspectives and values so as to formulate a coordinated policy response.

The study of asylum policy and policymaking in the European context has received increasing scholarly attention during the past decades, as immigration issues have become more politically salient and institutionally complex. Different lines of research have looked into the historical shifts in migration and asylum policy framing and agenda-setting (Boswell, 2000; Keely, 2001; Kjærsum, 2002; Boswell et al., 2011; Cantat et al., 2025), the process and consequences of the communitarization of EU asylum policymaking (see, e.g., Hatton, 2005; Guiraudon, 2000; Givens & Luedtke, 2004; Kaunert & Leonard, 2012; Ripoll Servent & Trauner, 2014), and the harmonization and transposing of EU policies at the national level (e.g., Lavenex, 2001; Menz, 2011; Thym, 2016). Another important stream in the EU asylum literature has investigated the politics of asylum policy formulation at the EU level (Kaunert & Leonard, 2012; Thielemann, 2018; Zaun, 2016, 2017; Niemann & Zaun, 2018). One common critique of the existing EU migration and asylum policy research has been its rather state-centric and intergovernmental focus (see, e.g., Bonjour et al., 2017; Silvestre, 2019). For example, Gill (2010) has argued that there has been a tendency in the asylum and refugee literature to “essentialize” the state as a monolithic entity “operating upon society from a position of exteriority”, overlooking the importance of social forces and political struggles at the national level, which often shape and condition the choices of governments (2010, pp. 639–640). Given that there has been an “increasing pluralization of the migration policy arena” ever since the end of the 1990s (Caponio et al., 2025, p. 2), research on the multi-level governance of immigration policy has emerged as an important topic of investigation (see overviews by Scholten & Penninx, 2016; Caponio & Jones-Correa, 2018).

The scholarly interest in the multi-level governance of asylum policy has gained traction especially after the 2015 refugee crisis (Geddes, 2022, p. 317). Research on asylum policy formulation and implementation has recognised and analysed the increasing role and importance of local governments (Glorius et al., 2019; Bazurli & Kaufman, 2023; Oliver et al., 2020) and non-governmental organisations (Schrover et al., 2019; Feischmidt et al., 2019; Kersch & Mishtal, 2016; Mayblin & James, 2019). While this has been an important and relevant trend in the literature, it has been pointed out that there is still ample room to improve understanding of the complexities and policymaking dynamics at the national level by taking a more context-sensitive and nuanced approach (Caponio & Jones-Correa, 2018; Pettrachin, 2020; Caponio et al., 2025). For example, Pettrachin (2023, p. 364) has claimed that some scholars tend to explain asylum policy outputs without looking in detail at “the links between policy outputs and the context in which they were produced”. As empirical studies of the 2015 refugee crisis have shown, member states facing similar pressures and crises interpreted and construed the issue differently, depending on their politico-administrative context and actor configuration (Hagelund, 2020). Therefore, studying the interactions between government agencies, local authorities, and non-state actors has been identified as a crucial avenue for future research in order to improve our insights into the horizontal dimension of asylum policy in the national context and how this affects policy formulation and implementation (Pettrachin, 2020; Ambrosini, 2021; Caponio et al., 2025). To conceptualise and analyse the intricacies of asylum policymaking, the thesis draws on public administration scholarship, which is especially well-equipped to examine and advance our understanding of the challenges related to migration (Larrison & Raadschelders, 2020, p. 44).

This thesis aims to contribute to the line of research that looks into the contextual realities and complexities of asylum policymaking at the national level. The main object of study is asylum policymaking in Estonia during the 2015 European refugee crisis. Estonia, Latvia, and Lithuania form the Baltic states, which are the smallest countries among the former communist states in the Central and Eastern European region. After five decades of Soviet occupation, Estonia regained independence in 1991 and entered a process of post-communist transition, which culminated in its accession to the EU in 2004, together with the other Baltic states, Czechia, Hungary, Poland, Slovenia, Slovakia, Cyprus, and Malta. Prior to becoming an EU member, Estonia underwent rapid political, administrative, and economic reforms during the pre-accession period. This included the establishment of a national asylum policy and integration into the Common European Asylum System. The 2015 refugee crisis marked the first major test for the Estonian asylum system, challenging its established policymaking processes.

In this thesis, the term “policymaking” is used as an umbrella term to refer to policy formulation, implementation, and governance arrangements, while maintaining an analytical distinction between the three. The term “policy formulation” is used to refer to the process of “matching, and often mis-matching, of goals, means, or policy aims and instruments,” which “occurs through the interplay of knowledge-based analytics of problems and solutions with power-based political considerations” (Howlett & Mukherjee, 2017, p. 3). Policy implementation refers to the process of translating these goals and objectives into policy action (Peters, 2014). Governance is understood as the institutional arrangements and actors’ interactions that structure policy formulation and implementation processes (Wang & Ran, 2023, p. 1189). Another clarification concerns the terms used to describe the period when asylum seekers arrived in the EU in large numbers during 2015–2016. Throughout the thesis the term “refugee crisis” is used to refer to this period, although some authors have debated the appropriateness of characterising it as a “crisis” (see, e.g., Krzyżanowski et al., 2018). It has been pointed out that in relative terms, the number of asylum seekers reaching Europe represented only a small percentage of the global refugee protection burden and, therefore, the events around 2015–2016 constituted a failure of the CEAS and signalled a governance crisis at best (Lavenex, 2018; Niemann & Zaun, 2018). However, analyses of public attitudes from that period and the temporary relocation schemes introduced by the EU Commission to alleviate the migration pressures on Greece and Italy indicate that the challenges of 2015 were perceived as a crisis by a wide range of actors (Cantat et al., 2025), and this was also the case in Estonia (II, III).

Although the EU’s and its member states’ responses to the 2015 crisis have been thoroughly studied, with some even arguing that they have been over-researched (Sahin-Mencutek et al., 2022, p. 3), very little is known about how the refugee crisis unfolded in the Baltic states. Researchers have focused primarily on studying member states that were most affected by the crisis in terms of receiving the most refugees or serving as transit countries (see, e.g., edited volumes by Feischmidt et al., 2019, and Stoyanova & Karageorgiou, 2023; as well as the comparative study by Sahin-Mencutek et al., 2022). Therefore, possible blind spots exist in understanding the policy responses and governance practices of the member states that were not on the “frontline” of the crisis. Given that “even governments that are geographically adjacent, multiply interconnected and similarly subject to the allegedly homogenizing effects of the European Union (EU) membership can behave very differently when it comes to policymaking and management” (Pollitt & Bouckaert, 2009, p. 135), studying the Estonian case offers a new

perspective on how context can affect asylum policymaking. While there are a few studies about Estonia during the 2015 crisis (see, e.g., Veebel, 2015; Spiegel, 2020), these have either focused on either specific policy choices or on policy implementation. This thesis provides the first systematic analysis that looks at policy formulation, implementation, and governance practices, while also considering their historical development to explain these processes. Analysing the Estonian case offers an opportunity to explore and contribute to understanding two underexplored contexts in asylum policymaking, namely post-communist and small-state contexts.

First, the post-communist heritage of the Central and Eastern European (CEE) states has had a significant impact on how migration as a policy issue has been perceived in these states (Gorodzeisky, 2023) and on how policies have been formulated and implemented through the interaction of different policy stakeholders (Lavenex, 1998). As the refugee crisis unfolded in 2015–2016, the reception systems of CEE countries were put to an unexpected test, revealing weaknesses and shedding light on the political stance of these countries (see, e.g., Rijavec et al., 2021; Jelínková, 2019). While there have been some studies examining the experience of this particular group of member states, they have received significantly less scholarly attention than the Western European states (Tawat, 2016). In addition, the existing literature has mostly focused on the CEE states that became transit countries (see, e.g., Stoyanova & Karageorgiu, 2023; Pevcin & Rijavec, 2021) or on the so-called Visegrád Group, which were the most vocal opponents of the European Commission (Bedeá & Osei Kwadwo, 2020; Byrne et al., 2020; Vaagland & Zaun, 2025), while much less is known about the Baltic states.

Second, small states in general – and more specifically in the context of asylum policy – have received only modest attention. While some studies exist, for example, analysing the development of migration policy in small island states (Mainwaring, 2014) or examining small states during the 2015 European refugee crisis (Jugl, 2025; Joensen & Taylor, 2021), there is still ample room for research from this perspective. The limited size and capacity of the politico-administrative systems in states with small populations create specific constraints, dilemmas, and opportunities that become especially visible in the context of crises (Högenauer et al., 2021; Sarapuu & Jugl, 2024; Wivel, 2021). Consequently, overlooking the experience of small states in Europe provides only a partial picture of the contextual realities EU member states face when implementing the CEAS, especially considering that, following the 2004 enlargement, the European Union has a higher proportion of small than large states (Panke, 2010). In addition, the few existing studies, including an edited book to which this thesis contributed (II; Joensen & Taylor, 2021), have shown that although small states have certain vulnerabilities compared to larger states, their inherent characteristics enable them to act swiftly and resiliently in the face of turbulence and crisis situations (Randma-Liiv & Sarapuu, 2025; Thorhallson, 2025; Wivel, 2021). Therefore, studying the crisis governance practices of small states is important for understanding how small EU states tackle turbulence in complex policy fields such as migration.

Consequently, the main aim of this thesis is to analyse how stakeholder interactions and governance arrangements affected asylum policymaking in Estonia during the 2015 refugee crisis. The main research questions guiding the thesis are:

1. How did Estonia's asylum policy evolve from regaining independence until 2015?
2. How did the 2015 European refugee crisis affect asylum policymaking in Estonia?
3. What role did the post-communist and small state context play in shaping asylum policymaking in Estonia during the 2015 European refugee crisis?

Asylum policymaking in Estonia is examined in three original publications (I, II, III), each of which approaches the topic from a different perspective. The first publication (I) is a book chapter that outlines the historical background and development of asylum policy in Estonia prior to the 2015 refugee crisis. It analyses the political discussions and the framing of immigration in Estonia after the restoration of independence and explains the post-communist legacies shaping asylum policy. The second book chapter (II) focuses on the small-state context and examines how Estonia responded to the ramifications of the 2015 European refugee crisis at the national level. The chapter provides an in-depth account of how the Estonian politico-administrative system prepared for the arrival of refugees through the EU's temporary relocation and resettlement scheme. In addition, the stakeholder interactions at the policy implementation level are discussed. The third core paper of the thesis (III) is a journal article that focuses on asylum policy formulation in Estonia during the 2015 refugee crisis by dissecting the amendment of the main legislative act regulating the Estonian asylum system, the Estonian Act on Granting International Protection to Aliens. Together, these three papers provide insight into the complexities of asylum policymaking and the interactions among stakeholders involved in addressing the crisis in the context of a small country with post-communist legacies. The case study of Estonian asylum policymaking is complemented by an analysis of the use of temporary mandated task forces as a cross-sectoral coordination instrument to address complex policy issues in Estonia (papers IV, V). These publications provide a deeper understanding of the specifics of the Estonian institutional context and the challenges of stakeholder coordination in a fragmented administrative system. The lessons learned from the experience of using temporary task forces in Estonia during 2012–2019 provide insights into whether and how such temporal collaborative arrangements could be used in the asylum policy context to foster actor alignment and joint framing of asylum issues.

The remainder of the thesis introduction is structured as follows. First, the research strategy is presented, including the data collection, analytic approach, and research methods. Second, the analytical framework is laid out, and the relevant definitions, concepts, and theoretical discussions on the governance of complex problems and the complexities of asylum policy are provided. The analytical framework concludes with a theoretical overview of the contextual factors that influence asylum policy formulation and implementation processes at the national level. After the theoretical discussion, the main findings of the thesis are presented. The thesis introduction closes with a conclusion outlining the contribution of the thesis and offering suggestions for further research.

1 Research Strategy and Methods

This thesis seeks to understand the complexities of asylum policymaking at the national level by taking a context-sensitive approach to analysing both the dynamics of asylum policymaking and the interactions among stakeholders. To best address the research questions, the thesis employs qualitative research methods that enable an in-depth account and thick description of the case. Although this dissertation is a cumulative thesis, all five original research papers share a common epistemological foundation rooted in a constructivist and interpretive approach. For constructivists, reality is understood to be socially constructed, as social actors continuously form and transform their understandings, interests, and values through interactions with others (Priya, 2021; Ansell, Hassenteufel & Zittoun, 2025). An interpretative approach is often used by public administration researchers interested in studying policymaking processes and stakeholder interactions in real-life settings, complementing analyses of formal public policies outputs (e.g., laws, rules, strategic documents, etc.) with a focus on how actors perceive and make sense of events and policies (Van Thiel, 2022). Considering that the complexities of asylum policymaking primarily arise from the diverging interests, understandings, and perspectives of the actors involved, an interpretive approach and qualitative research methods are especially suitable for analysing the perspectives of the actors and the implications of their interaction for asylum policymaking (Pettrachin, 2023, p. 365).

The thesis adopts a case study research strategy. Case studies allow for an in-depth investigation of events and a contextual understanding of the issue, which is key to studying policy problems that are “rich in their histories, real in their interdependencies with individuals and contexts, and complex in their attributes of the problems and solutions” (Weible et al., 2012, p. 17; Yin, 2018; Flyvbjerg, 2006). The focus is on asylum policymaking in Estonia, with a particular empirical focus on the 2015 European refugee crisis as a critical moment in the institutional development of Estonian asylum policy. The case study adopts a longitudinal perspective, analysing developments from the establishment of Estonia’s asylum system in the 1990s (I) through the events of the 2015 refugee crisis and its aftermath up to 2019 (I, II, III). A historically informed perspective made it possible to take a more nuanced view of the events of the 2015 refugee crisis by focusing not only on *whether* an external event caused a change, but also on *why* it did so and how contextual dynamics shaped the process. The main case study is complemented by an additional study (IV, V) on the use of a network-type coordination instrument in complex policy areas. The supplemental case study had an empirical focus on the use of temporary task forces as an innovative policy instrument in Estonia between 2012 and 2019. This additional case provided background information on the Estonian politico-administrative system to better understand the specific institutional context of Estonia and how this might influence stakeholder interactions in complex policymaking processes. Although none of these task forces were used to address asylum policy issues specifically, they all dealt with complex policy problems that spanned across different policy areas and involved diverse actors. For this reason, publications IV and V are included in the appendix rather than the main body of the thesis, even though the two research projects were conducted simultaneously.

Estonia was selected as a case study for several reasons. It provides a rare context for the study of asylum policy, as it is a small state on the external border of the EU. After regaining independence in 1991 after 50 years of Soviet occupation, this small state with

a population of 1.36 million entered into a period of rapid transformation aimed at becoming a well-functioning democratic state and, after its 1995 application for membership, a member of the European Union (Sarapuu, 2011). Given that Estonia had no prior experience with refugee policy or law, yet the establishment of an asylum system was a prerequisite for EU accession, Estonia had strong incentives to comply with EU conditionality by adapting international refugee law into domestic legislation (Potisepp, 2002; I). Prior to the 2015 European refugee crisis, Estonia had received around 600 asylum applications and granted international protection to fewer than 200 people (II). The decision of the Estonian government in 2015 to participate in the EU's temporary refugee relocation and resettlement scheme marked a considerable shift from its previously conservative policy line and demanded rapid capacity building. Therefore, studying the repercussions of the 2015 European refugee crisis in Estonia provides a critical empirical setting in which two contextual features – small size and post-communist legacies – become especially visible, allowing for an examination of how historical heritage, institutional constraints, and specific governance practices interacted in asylum policy under conditions of heightened uncertainty.

Studying the Estonian case contributes to understanding asylum policymaking in the Baltic region and in CEE more broadly, as the eight CEE countries that acceded to the EU in 2004 (i.e., Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Hungary, the Czech Republic) had historically similar asylum policy development trajectories (Lavenex, 2001; Byrne et al., 2020). While the policy responses of these states differed during the 2015 refugee crisis and their exposure to arriving asylum seekers varied, their asylum systems were arguably tested in a substantial way for the first time. Therefore, providing a historically informed analysis of the Estonian case illuminates the broader CEE context and how historical legacies can affect asylum policymaking in this region. This thesis also contributes to public administration scholarship more broadly by examining policy formulation and implementation processes, demonstrating how crisis conditions reshape stakeholder interactions and coordination practices in a highly sensitive policy field. By combining insights from both the case study of asylum policymaking in Estonia during the 2015 refugee crisis and the analysis of temporary coordination structures used for advancing collaboration practices in complex policy areas, the thesis provides lessons on stakeholder coordination in complex and politically contested policy fields.

The thesis employs multiple research methods, including literature review, document analysis, interviews, and a survey (see Table 1). Across all publications, the literature review was used as a research method during the preparatory research stage to integrate existing knowledge into a theoretical framework. Document analysis was also used as a research method across all publications to collect data. In the book chapter on the development of immigration policy in Estonia (I), document analysis was used as the sole research method, as the focus was on historical processes (Bowen, 2009). By relying on parliamentary plenary transcripts (91 transcripts of the Estonian Parliament plenary meetings from 1990–2019), legislative texts, government reports, and previous studies, document analysis was used to construct a chronological overview of the institutional and political development of asylum policy in Estonia. In all other publications (II, III, IV, V), document analysis was used as a secondary method of collecting information to triangulate data gathered from different sources (Cardno, 2019; Bowen, 2009).

In order to understand the perceptions and positions of key actors involved in asylum policymaking during the 2015 crisis, a total of 24 semi-structured interviews were conducted as part of this thesis, involving government officials, cabinet members,

members of the Parliament, and representatives of NGOs and international organisations (UNHCR, IOM). Due to the different analytical focuses of the individual thesis publications, a subset of 20 interviews was used in publication II, and a subset of 17 interviews was used in publication III. All interviews were carried out by the author (some together with the thesis supervisor and co-author of publication II). The interviews were used to gather information about the evolution of the asylum policy field in Estonia and the role of different actors in the asylum system, as well as asylum policymaking during the 2015 refugee crisis, focusing on both policy formulation and implementation processes, perceptions of the events, and interactions with other stakeholders. The interviews were conducted face-to-face in three rounds: in the spring of 2016, in the spring of 2019, and in the autumn of 2019. Some interviewees (mainly government officials and representatives of NGOs) were interviewed twice (both in 2016 and 2019), in order to capture their perceptions of the governance of the crisis in hindsight, after the immediate pressures of the crisis had subsided. The interviewees were selected through purposive sampling in order to cover actors involved in different sectors, policy areas, and ranks. The interviews were recorded, transcribed, and coded. The interview transcripts were read multiple times to identify recurring themes and patterns in how the actors described and interpreted the events and interactions prior to and during the 2015 refugee crisis. The analysis employed both deductive and inductive coding, with particular emphasis on inductive coding to allow themes and interpretations to emerge directly from the data.

To analyse the operation and success of temporary task forces (**IV, V**), a survey was used to gather task force participants' perceptions of the operation, results, management, and outcomes of the task forces. The survey questionnaire was compiled together with the thesis supervisor and co-author of publications IV and V after an extensive literature review. The survey consisted of Likert-scale questions, predefined option questions, and open-ended questions to capture both quantitative patterns and participants' detailed reflections. The survey was sent to all task force participants (282 in total) who were involved in at least one of the task forces between 2012 and 2019. The response rate was 41% (115). The results of the survey were analysed by using descriptive statistics, that is, the results were summarised by calculating the distribution, frequencies, and mean values of responses across different task forces. The open-ended responses were used to provide additional explanations of the survey results.

Table 1. Overview of research strategies and data collection methods of individual publications.

	Focus and research strategy	Data
I	Historical research that outlines the development of immigration policy, the establishment of the Estonian asylum system, and political debates on immigration in the Estonian Parliament’s plenary sessions between 1991 and 2019. The analysis of parliament-level political debates focuses on changes in the wider framing of immigration issues.	Literature review, document analysis (parliamentary transcripts, legal documents, thematic reports, newspaper articles).
II	Case study focusing on asylum policy implementation and crisis governance in Estonia during the 2015 European refugee crisis. This publication looks at how the small-state context both constrained and supported asylum governance.	Literature review, document analysis, 20 semi-structured interviews.
III	Case study focusing on the policy formulation process during the 2015 refugee crisis. The empirical scope covers the interactions between NGOs, government officials, and Members of the Parliament during the legislative process of amending the Estonian Act on Granting International Protection to Aliens between 2014 and 2016.	Literature review, document analysis, 17 semi-structured interviews.
IV	Case study of the use of mandated temporary task forces in Estonia between 2012 and 2019 as an innovative coordination instrument. Lessons are outlined based on the comprehensive survey among task force participants which focused on both the management and outcomes of the task forces.	Literature review, document analysis, online survey.
V	Case study of the use of mandated temporary task forces in Estonia between 2012 and 2019 as an innovative coordination instrument. The publication analyses the applicability of centrally mandated coordination instruments in a fragmented institutional system.	Literature review, document analysis, online survey.

The chosen research strategy has several limitations, mainly due to its reliance on qualitative case studies. The main criticisms of qualitative research include its subjectivity and the limited transferability of findings to other contexts (Van Thiel, 2022, p. 152). First, the researchers may present findings based on their own or the interviewees’ subjective interpretations, which may introduce bias. To reduce potential bias and strengthen the validity of the findings in the dissertation, the triangulation of multiple data sources was employed to verify findings. For example, information collected through interviews regarding the involvement of stakeholders in the legislative process was cross-checked against documentary evidence (the proceedings documents and official letters) wherever possible.

Second, the scope of the argumentation in this thesis is limited, as the findings of case studies are context-specific and caution needs to be taken when generalising the results of the study to other contexts. In addition, the selection of interviewees inevitably limits the range of perspectives captured in the analysis. While other authors have highlighted, for example, the importance of local governments and judicial courts as actors involved in asylum policy formulation and implementation (see, e.g., Glorius et al., 2019; Dallara & Lacchei, 2021), this thesis focuses on central government agencies and NGOs as the most prominent among the small circle of actors in the Estonian asylum system. Although volunteers, new (and short-lived) NGOs, and churches contributed to the reception of refugees in Estonia during the 2015 refugee crisis, these actors were rarely, if ever, identified by other interviewees as holding a substantial or influential role during the crisis. Nevertheless, as the purpose of the study was to consider the intricacies of stakeholder interactions and policy formulation at the national level, the qualitative interview-based approach allowed for a thick description of how contextual factors affected policy formulation and implementation.

Third, the thesis is limited in time. It covers the processes of asylum policymaking during and shortly after the 2015 refugee crisis and does not consider subsequent developments, for instance, how the arrival of Ukrainian refugees in 2022 and onwards has transformed asylum policymaking in Estonia. Shortly after Russia began its full-blown military attack on Ukraine in February 2022, Ukrainians fleeing from the war started arriving in Estonia either to settle here or to transit towards other EU member states. In 2022 alone, around 40,000 applications for temporary protection were submitted in Estonia (Estonian Contact Point for the EMN, 2023) and the Estonian refugee reception system was faced with an unprecedented challenge (see, e.g., Lello, 2024). While this certainly has added new institutional and political layers to asylum policy in Estonia, it is not covered in the dissertation. However, the systematic analysis of the governance of the 2015 refugee crisis provides a valuable basis and an important point of comparison for future research into the unfolding of the Ukrainian refugee crisis in Estonia.

2 Analytical Framework

The analytical framework consists of three parts. First, the definition and conceptualisation of complex policy problems is outlined. Drawing on relevant literature, theoretical approaches to the governance of complex problems are discussed, focusing on how interdependencies between stakeholders with different understandings of a policy issue could be managed. The second part of the analytical framework examines the complexities of asylum policy by looking into the nature of the policy problem, the institutional framework, and the stakeholders involved in asylum policy. Finally, drawing on migration and asylum policy literature, an overview is presented of the different factors that influence asylum policymaking at the national level.

2.1 Governance of Complex Policy Problems

The scholarship on complex policy problems dates back to the 1960s and 1970s (Head, 2022), when scholars began noting the emergence of social policy problems that, compared with most policy problems of the first half of the 20th century, were no longer easily definable and did not align with rational-comprehensive approaches to problem solving (Lindblom, 1959). Ever since Rittel and Webber (1973) introduced the term “wicked problem”, a plethora of academic literature on highly complex policy problems has emerged, offering different definitions and diagnoses of such problems (Weber & Khademian, 2008; Head & Alford, 2015; Alford & Head, 2017; Massey, 2022). Complex problems are most commonly described as intractable, multi-causal, unstructured, open-ended, unpredictable, highly uncertain, relentless, and messy (see the literature overview by Head, 2022). While some authors argue that most policy problems today are “wicked”, others caution against using the term too loosely, noting that not all problems are wicked – some are just difficult (Peters, 2017).

In order to distinguish truly complex policy problems from merely difficult ones, several ways of operationalising complexity can be found in the literature. One of the most commonly used conceptualisations, proposed by Brian Head (2008, p. 103), identifies three main characteristics of complex policy problems: 1) complexity of elements, subsystems, and interdependencies; 2) uncertainty in relation to risks, consequences of action, and changing patterns; and 3) divergence and fragmentation in viewpoints, values, and strategic intentions. According to Head, if a policy issue rates highly across all of these dimensions at the same time, only then can it be considered a “wicked” policy problem (2008). Building on this, Alford and Head (2017) later developed a typology of complex problems in which the type and severity of the problem are distinguished based on two scales: the cognitive complexity of the problem and the irreconcilability of actors’ values and positions (see also Head, 2022, pp. 33–35). They argue that because complex problems can rate very differently on the continuum in different contexts and policy areas, analysing complexity should always consider these two dimensions (Alford & Head, 2017, p. 403).

A common thread running through these conceptualisations is the argument, that even more than the substance of the problem itself, the diversity of actors and the institutional setting surrounding the policy issue constitute the main sources of intractability (Bannink et al., 2024, p. 303; Klijn & Koppenjan, 2000; van Bueren et al., 2003). Furthermore, alongside the increasing complexity of societies, public sector reform trends from the late 1980s onwards and the subsequent institutional changes have resulted in vertical and horizontal specialisation, and the consequent dispersal of

knowledge, competence, resources, and authority (Egeberg, 1999; Cairney, 2012; Van Thiel, 2025). This means that not only have the tasks themselves, but also the contexts in which governments operate, become more complex over the past decades. As a result, many public administration researchers have shifted their focus to studying the interdependencies between various actors, what this means for policymaking, and how best to tackle complex policy problems (see overviews by, e.g., Bryson et al., 2006; Peters, 2017; Head, 2019; Wang & Ran, 2023).

Two different approaches to the study of the governance of complex policy problems can be distinguished in the literature: governance of policy networks and collaborative governance (see the literature reviews by Blanco et al., 2011; Lecy et al., 2014; Costumato, 2021; Wang & Ran, 2023). Although rooted in different academic discussions and emphasising different aspects, both approaches share a common understanding that the dispersal of power, resources, and expertise among diverse and interdependent stakeholders means that any attempt to tackle complex problems requires at least some degree of coordination or collaboration between the actors forming more or less tight networks around policy problems (Keast et al., 2007; Alcantara et al., 2016). The key difference between these streams is how networks are conceptualised. The policy network literature commonly defines a network as a “more or less stable pattern of social relations between interdependent actors, which take shape around policy problems and/or policy programmes” (Klijn & Koppenjan, 2000, p. 155). Policy network researchers have mostly focused on the structure, performance, and management of policy networks (see, e.g., Börzel, 1998; Klijn & Koppenjan, 2000, 2016; Besussi, 2006; Koliba et al., 2019). In the collaborative governance literature, on the other hand, networks are conceptualised as an alternative form of governance alongside hierarchy and market (see, e.g., Keast et al., 2006; Sørensen & Torfing, 2007; Ansell & Gash, 2008; Torfing & Ansell, 2016; Peters & Pierre, 2016; Batory & Svensson, 2019), and researchers in this stream have primarily looked into novel policymaking processes that could foster more participatory practices in decision-making and policy implementation (e.g., Mandell & Steelman, 2003; Keast et al., 2004; Ansell et al., 2017; McGann et al., 2018). In many respects, the policy network theory and collaborative governance approaches overlap, and insights from both are necessary for analysing the governance of complex policy problems.

There is no doubt that complex policy problems pose a daunting task for policymakers in terms of planning, decision-making, and policy implementation (Christensen et al., 2019). Based on the literature, three general observations stand out that help explain why the governance of complex problems has proven challenging in practice. First, the management and coordination of networks is a very complicated task in itself. Klijn and Koppenjan (2016, pp. 12–13) have explained that, quite similar to complex problems, three major types of complexities can be distinguished that make the management of networks demanding. First, substantive complexity among network members means that actors have different perceptions of the problem and interpret available information differently, therefore, simply collecting more information is not sufficient and there is a need to foster cross-frame learning and common understanding. Second, network managers need to address the strategic complexity that is caused by the different strategic choices of network actors based on their perceptions and positions. To reduce strategic complexity, managers need to (re)design the rules of actor interactions. Third, institutional complexity stems from the different operating procedures of diverse actors and can result in clashing institutional routines. To alleviate institutional complexity, it is

necessary to change the institutional rules of the network and influence actors' patterns of perception. In order to reduce the overall complexity of network governance, substantial managerial efforts are needed (Vangen & Huxham, 2003; Edelenbos et al., 2013).

Second, despite decades of research and practical experience, network-type governance approaches have not proven to be a panacea for addressing complex problems in practice (Daviter, 2017). The rationale behind the need for network-type governance and policymaking is seen in their ability to convey more knowledge, support better and more legitimate decisions (Agranoff & McGuire, 2001; Torfing et al., 2020; Wang & Wan Wart, 2007), and improve policy implementation (Ansell et al., 2017). Many have pointed out that while some scholars and practitioners have come to see more meaningful collaboration and participatory policymaking involving both government and non-state actors as ideals to aspire to, this might not always be feasible (e.g., Silvia, 2017; Dean, 2016; Krogh, 2020). As Peters and Torfing (2025, p. 310) have put it, interactions may be beneficial, but can also be detrimental, because "Having too many interactions with too diverse actors may confound decision-making, producing gridlock and preventing timely action." Theoretical discussions and empirical evidence have increasingly amplified the voices of those highlighting the difficulties of collaborative policymaking (Huxham et al., 2000; Huxham, 2003; Mandell & Steelman, 2003; Bryson et al., 2015; Fung, 2015). For example, studies have shown that true collaboration is resource-intensive and time-consuming (Huxham, 2003; Rüb, 2016), requires political support and commitment (Björstig et al., 2024), creates managerial challenges (Hardy, 1996; Hardy et al., 2006), and can result in clashes between new collaborative governance arrangements and existing institutions (Edelenbos, 2005; Sørensen & Torfing, 2007). Therefore, it has been stated that "a gap seems to emerge between the rhetoric on the benefits of collaboration versus its actual results" (Molinengo, 2022, p. 102).

Deriving from this, several scholars have begun to advocate for a more pragmatic approach to handling complex problems (Daviter, 2017; Termeer & DeWulff, 2018; Peters, 2021; La Grouw et al., 2024; Bannink et al., 2024). These authors essentially encourage researchers not to fixate on collaborative ideals and on how to move towards them, but rather to focus on ways to move away from the complexities of policy problems (Bannink et al., 2024, p. 302). As put by Daviter (2017, p. 584), "there should be no ambiguity as to the fact that in dealing with wicked problems the choice is between approaches that offer well-known but potentially calculable deficiencies and those that offer high expectations but even more uncertain prospects". There is a shared notion to set realistic expectations, taking into account the realities of power and information asymmetry, politics, different cultures (Bannink et al., 2024) in different policy areas and contexts, and, instead of end-all solutions, aim towards "small wins" (Termeer & Dewulf, 2018; La Grouw et al., 2024) and feasible solutions (Daviter, 2017). Taking into account that historical-institutional development (Pollitt & Bouckert, 2009; Sørensen & Torfing, 2007; Phillips et al., 2000), the politico-administrative system (Pollitt & Bouckaert, 2017), and the policy area or issue (Mandell & Steelman, 2003; Cairney, 2012) all influence the way actors act and interact with other stakeholders, it is arguably more fruitful to analyse under what conditions and in which instances coordinated or collaborative interactions emerge (Ran & Qi, 2017, p. 837; Alcantara et al., 2016).

Finally, the speed of societal changes, political turmoil, and the concurrent frequency of crises, especially during the last decade, demonstrate that "problems are not standing still as we try to solve them" (Ansell & Trondal, 2018, p. 47). The pressure on governments to find solutions is mounting, as crises that challenge the functioning of public sectors

seem to have become the most recent “new normal” (Randma-Liiv & Nõmmik, 2025). A crisis could be seen as a specific type of complex policy challenge, where major, disrupting, and uncertainty-creating events suddenly threaten the *status quo* (Boin et al., 2005; Alink et al., 2001). Alink and colleagues (2001, p. 287) argue that crises reveal the inefficiencies and vulnerabilities of a policy sector’s institutional structure and problem-solving capacity, as crises develop when the existing “core policy orientations and its repertoire of existing goals, rules, policy instruments and implementation routines can no longer meet the demands placed upon it”. During crisis situations, policymakers are faced with trade-offs and are required to make hard decisions (Rosenthal & Kouzmin, 1997). Concurrently, public sector organisations affected by crisis need to adjust to the changing demands both internally, by adapting standard operating procedures, and externally, by mobilising additional resources (Eckhard et al., 2021, p. 419). Although crisis situations generate the need for pooling information and resources and, therefore, increase the demand for more coordination and collaboration (Rosenthal & Kouzmin, 1997; Lægreid et al., 2014; Christensen et al., 2015), the urgency and pressure for quick responses, often in a politically salient context, can undermine the feasibility of implementing network-type governance approaches (Ansell & Gash, 2008; Rüb, 2016; Ansell et al., 2024).

Given that crises have become so frequent that there does not seem to be a return to normality, but rather that periods of either more or less severe crises alternate (Bouckaert, 2025, p. 386), the concept of turbulence has been used as an analytical lens. Ansell et al. (2024) claim that turbulence, which they define as a “more or less enduring situation characterized by unpredictable and unsteady dynamics arising from the interaction between highly variable, inconsistent, and unexpected flows” (Ansell et al., 2024, p. 18), has become a chronic disease for modern governance. For politicians and public sector organisations, this diagnosis indicates the need for a new type of *modus operandi*, which guarantees the stability of basic governance functions, goals, and values, while at the same time adapting to the ever-changing environment and new demands (Ansell et al., 2024; Bouckaert, 2025). Governments are faced with turbulence-induced trade-offs and often need to improvise to be resilient and agile at the same time (Ansell & Trondal, 2018). One commonly used practice in times of turbulence, but also in crisis situations, is the introduction of temporary collaborative arrangements, such as *ad hoc* teams, councils, working groups, cross-sectoral partnerships, boards, etc. (Christensen et al., 2015; Hanisch & Wald, 2014; Modig, 2007; Cohen et al., 2012; Ansell et al., 2024; Rüb, 2016). These arrangements are often introduced as “parallel” or “secondary” structures (Edelenbos, 2005; Sjöblom et al., 2013) on top of existing institutional structures, and, as a result, questions related to authority, autonomy, management, and the integration of outcomes may arise (Löfström, 2010; Hanisch & Wald, 2014). Given that high turbulence requires flexibility and both vertical and horizontal coordination (Christensen et al., 2015), often a variety of hybrid governance solutions can emerge (Randma-Liiv & Nõmmik, 2025). This temporal dimension of collaborative arrangements is arguably one of the still less-studied aspects in the governance debate (Godenhjelm et al., 2015).

2.2 The Complexities of Asylum Policy

There are only few other policy areas as complex, relentless, contentious, and politically sensitive as asylum policy (Christensen & Læg Reid, 2009). The right to seek asylum and to be granted international protection due to serious threats to one's life or freedom is a fundamental human right based on the 1951 Convention Relating to the Status of Refugees (also the 1951 Refugee Convention) and its 1967 Protocol. Created as a response to the consequences of the Second World War, the Refugee Convention defines the term "refugee", sets out the rights of individuals who are granted asylum (i.e., refugee status), the international standards of treatment for their protection, and the responsibilities of signatory states that grant asylum (UNHCR, 2025). Although the general principles of the Refugee Convention are still in effect today, the context and circumstances differ considerably compared to the post-WWII era. The end of the Cold War, changes in the global economy, and the frequency of armed conflicts have all increased the international mobility of people (Massey, 1999; Boswell, 2000) and have, at the same time, led to a trend of restrictive immigration policies in Europe that seek to deter unwanted immigration (Schultz et al., 2021). As a result, several authors have concluded that "Today, the right of asylum amounts to a paper tiger in national legal codifications" (Heuser, 2007, p. 7) and depends on the willingness of states to respect it (Hansen, 1999). The discretion that member states have in implementing asylum policy has led to significant differences in asylum policy regimes at the national level, where professed values often clash with actual interests and actions (Bagdonas, 2015; Lavenex, 2018).

Asylum policy scores high on the scale of both the complex nature of the problem and the diversity of stakeholders involved (Alford & Head, 2017). It operates at the intersection of state sovereignty to regulate migration and the intractable problem of forced migration, defined as the migratory movement of people who are forced, compelled, or coerced (Sironi et al., 2019, p. 77) to flee their homes and seek shelter in another country. Reasons for seeking shelter in another country vary and can range from fleeing armed conflicts, violence, and persecution to being forced to migrate due to natural disasters. In any case, the root cause that leads to the movement of asylum seekers is located outside of the state receiving the asylum application and is, therefore, difficult, if not impossible, to solve by the host country (Raadschelders et al., 2019). Simply put, asylum seekers are manifestations "of the problems of another country which suddenly become the problem of one's own" (Jacobsen, 1996, p. 662). While the right to seek asylum is considered an international norm and human right in democratic states, providing protection for refugees requires administrative and financial resources, and states have therefore tried to set policies that deter the arrival of asylum seekers (Böcker & Havinga, 1998; Toshkov, 2013). The inherent tension between protecting state interests and assisting people seeking protection due to serious threats to their life or freedom frames the complexity of asylum policymaking in almost every aspect (Helbling & Leblang, 2018) and makes the formulation of asylum policy a constant balancing act for policymakers (Steiner, 2000, p. 7).

To further characterise the complexity of asylum policy, it is necessary to examine the different functions of asylum policy, the multi-level institutional framework, the diverse constellation of actors, and their conflicting perspectives. Asylum policy scholars generally categorise national policy measures as those that seek to control immigration (immigration policies) and those that aim to provide integration and welfare assistance (immigrant policies) (Meyers, 2000; Christensen & Læg Reid, 2009; Boswell, 2011).

More specifically, three main functions of national asylum systems can be distinguished: 1) the admission of asylum seekers; 2) the reception of asylum seekers, who have applied for refugee status and are waiting for a response; and 3) the integration and assistance of people who have been granted refugee status or international protection on other humanitarian grounds (Alink et al., 2001; Hatton, 2004, 2017). All of these functions are performed by actors from different policy areas. The admission of asylum seekers typically falls under the jurisdiction of border control, immigration agencies, or law enforcement, and includes border crossing procedures, processing of asylum applications, and the deportation of immigrants who are not granted protection or who are determined to endanger national security. The reception of asylum seekers entails responsibilities related to accommodation, healthcare, social services, legal assistance, and the provision of translators. The integration of refugees involves agencies and organisations providing social services, language training, education, etc. Considering that refugees, along with all other resident immigrants, also have implications for the labour market and economy, it is clear that asylum policy at the national level is a cross-sectoral issue, requiring at least some degree of coordination among multiple policy domains with different institutional settings (Guiraudon, 2003; Abdou & Pettrachin, 2022).

In addition to the diversity of policy areas and actors on the horizontal scale, asylum policymaking also spans across multiple levels of governance on the vertical scale (Guiraudon & Lahav, 2000). Actors involved in the formulation and implementation of asylum policy range from international organisations to local non-governmental organisations and social movements (Ambrosini, 2021). On the supranational level, the primary institution in refugee affairs is the United Nations Refugee Agency (UNHCR), which is the “guardian” of the Refugee Convention and serves both to assist countries in translating international regulations into national laws and to supervise their application (UNHCR, 2025). Policy instruments at their disposal are limited and mainly include informational and (small-scale) economic measures (Raadschelders et al., 2019). In the European context, the international legal framework is complemented by the European Union’s legislation (the Common European Asylum System), which specifies the responsibilities of member states and includes common minimum standards for reception and refugee protection that complement the Refugee Convention (Hatton, 2004). Although asylum policy and refugee protection were communitarised with the Amsterdam Treaty in 1997, the “incomplete sovereignty transfer” of asylum policy means that the EU has only limited capacity to exercise power centrally and mostly has a coordinative role (Zaun, 2020, p. 199). Other actors at the international level include the International Organization for Migration (IOM) and international non-governmental organisations, but their role in the national context is mainly supportive. At the national level, the main actors include the parliament, ministries, and government agencies. State actors are responsible for formulating and implementing the laws, rules, policies, and practices that govern asylum policy. In the European Union, depending on the member state, migration issues belong to the jurisdiction of either internal affairs or immigration affairs, and the reception and integration of refugees is commonly a task under the jurisdiction of social affairs (Guiraudon, 2017). In addition to government agencies, local governments also play an important role and are mainly involved in providing reception and welfare services (Raadschelders et al., 2019; Glorius et al., 2019). Non-state actors at the national level include non-profit and private organisations. These organisations can provide services for asylum seekers and refugees, advocate for their rights, and serve

as “watchdogs” to ensure that states comply with international regulations and fulfil their obligations in practice (Garkisch et al., 2017; III: pp. 108–110). At the same time, civil society organisations can also include those that represent nativist and anti-immigration movements (Ambrosini & Van der Leun, 2015, p. 104).

Because asylum policy is both politically contentious and involves a diverse network of policy actors, different stakeholders can often put forward “fundamentally different frames of problem definitions, policy norms and policy alternatives” (Alink et al., 2001, p. 296). Using the 2015 refugee crisis as an example, Geuijen et al. (2016, p. 622) provide a clear illustration of how the crisis can be seen simultaneously as a humanitarian crisis, geopolitical conflict, a security threat caused by uncontrolled border crossings, and a failure of the CEAS. Based on how asylum issues are framed or imagined, different subsets of actors can focus on only certain aspects of asylum policy problems (Mayblin, 2017; Geuijen et al., 2016), but their discursive legitimacy depends on how power and resources are dispersed across the policy domain (Hardy & Phillips, 1998; Mosley, 2013). Because asylum as a migration issue touches the question of state sovereignty, traditionally the main authority “remains firmly entrenched in national policies with regulatory and most economic instruments and incentives controlled by territorial states” (Raadschelders et al., 2019, p. 245; Jacobsen, 1996). At the same time, because of the number of forcibly displaced people has almost doubled over the past decade (UNHCR, 2025), states have been forced to increasingly rely on the capacity and resources of a wider network of actors, including those with whom their perspectives do not necessarily align (Schrover et al., 2019). Particularly during periods of mass arrivals of asylum seekers, researchers have observed the growing presence and involvement of third sector organisations (Kersch & Mishtal, 2016; Simsa, 2017; Roth et al., 2018). The NGOs assisting refugees have acted as “gap fillers” in state responses, often reacting more quickly to crisis events. However, these contingencies have also caused the emergence of anti-immigrant and xenophobic movements, which contribute to political tensions and make collaborative interactions more difficult (Feischmidt et al., 2019; Ambrosini, 2021; Baldwin-Edwards et al., 2019). Analyses of these complex networks have led some authors to describe the constellations of asylum-policy actors and their interactions as a “battleground”, where different interests and perspectives collide (Ambrosini, 2021). A paradoxical situation emerges, where network-type governance and collaborative interactions are needed to deal with the complex policy problem, yet remain difficult to realise due to disagreements among actors (Ansell et al., 2017; Bannink et al., 2024).

The final characteristic of asylum policy, which contributes to the difficulties of asylum policymaking and has important implications for stakeholder interactions, is the high level of uncertainty in asylum issues (Head, 2008). The migratory movement of asylum seekers is hard to predict and impossible for receiving governments to control (Czaika & Hobolth, 2016; Mayblin, 2017), meaning that asylum policymaking is highly dependent on and reactive to external pressures. The number of asylum seekers fluctuates from mass movements to slow periods, which is why asylum policy is prone to “focusing events” (Birkland & Warnement, 2016). An empirical analysis by Knill and Steinebach (2022) of the regulatory changes in Germany’s asylum policy has, for example, shown that asylum policymaking and policy accumulation tend to be primarily driven by crises. Sudden large-scale arrival of asylum seekers activates public debates, puts pressure on governments to find solutions, and requires mobilising the resources and capacities of non-state, private, or intergovernmental organisations (Zaun, 2017; Hatton, 2017;

Rijavec & Pevcin, 2021; Sahin-Mencutek et al., 2022). The tensions between balancing state interests and human rights become even more evident in crisis situations, which can lead to intense conflicts on the “battleground” (Ambrosini, 2021). At the same time, as already highlighted above, in crisis situations the interdependence between policy-network actors can become even more evident and lead to states being forced to involve non-governmental organisations in asylum policymaking. This can result in hybrid, messy, and dynamic forms of policymaking between state and non-state actors, even if it might not necessarily seem likely (Alcantara et al., 2016). In fact, empirical studies of the 2015 refugee crisis reveal just that. For example, a comparative study (Caponio & Pettrachin, 2023) on stakeholder interactions in small and medium-sized localities across different EU member states revealed that while in some cases interactions between state and non-state actors were limited to low levels of cooperation in the policymaking process during the crisis, in others, forms of closer collaboration emerged (see also Caponio, Pettrachin & Ponzio, 2025). Another comparative study of the governance processes during the 2015 refugee crisis in 11 countries (Sahin-Mencutek et al., 2022) showed that although nation-states remained at the centre of policymaking processes, in all analysed countries non-governmental actors were involved in crisis governance. The study found that state–NGO relationships were “smoother” in organising refugee reception and more confrontational when it came to issues related to border control and refugee protection (Sahin-Mencutek et al., 2022, p. 9).

2.3 Factors Influencing Asylum Policymaking at the National Level

As the discussion on the complexities of asylum policy indicates, asylum regimes in EU member states can be very different depending on the national context. Three main context-specific factors that shape the asylum policymaking process and policy choices at the national level stand out in the migration policy literature.

First, the historical trajectory of migration and the institutional development of the asylum policy system need to be considered. Migration theorists argue that the state’s historical experience with immigrants – that is, the ethnic heterogeneity of the population and the tendency for immigrant streams to grow into migrant networks (Massey, 1999) – affects public attitudes towards migration, but also the institutionalisation of migration policy and politics (Meyers, 2000). According to the “national identity approach” (Meyers, 2000, pp. 1251–1257), immigration policies are not only formulated as a reaction to external pressures, but the state’s unique history determines how nationality and citizenship are defined within society, and, concurrently, how immigrants are perceived and socially accepted. These framings and ideas become institutionalised and can affect policy actors and their room for manoeuvre (Erikson, 2015; Hardy, 1994). Erikson (2015) argues that the assignment of a jurisdiction to a certain topic reflects the dominant policy frame of the issue. Therefore, whether asylum policy is under the jurisdiction of internal affairs or social affairs influences how asylum issues are perceived and which aspects are considered more important in policy formulation (Mayblin, 2017). It has been argued that historical background and initial institutionalisation processes can have a potentially long-term effect on issue framing and political preferences, even if significant reforms are introduced (Guiraudon, 2003; Byrne et al., 2020; Pries, 2019, p. 7).

Second, the administrative and economic capacity of the state can shape political choices and determine the ability to implement policies (Jacobsen, 1996; Givens & Luedtke, 2004; Zaun, 2016). The mass influx of asylum seekers puts an economic,

political, and administrative burden on the receiving state, creating tensions within society and concerns relating to national security (Cantant et al., 2025). As immigration policy is formulated from the perspective of the local population, rather than by considering what benefits the immigrant (Hatton, 2004), in difficult economic situations, states might opt for more restrictive measures. As Bagdonas (2015, p. 11) bluntly puts it, “protecting the human rights of strangers is not necessarily beneficial to the existence and the health of one’s welfare state”. Empirical research has also highlighted that EU member states with limited experience of asylum seekers, so-called “weak regulators” (Zaun, 2016), try to incentivise asylum seekers to “seek protection elsewhere by introducing policies that impede access” (Zaun, 2023, p. 215). While the formal capacity and resources of the state can condition policy choices, the administrative capacity also shapes the robustness of asylum systems and determines how well policy choices are implemented. The experience of the 2015 European refugee crisis demonstrated how the low maturity of asylum systems in some member states on the frontline of the crisis led to failures to fulfil their obligations (see, e.g., Rijavec et al., 2021; Zaun, 2020). Countries that have very limited experience with asylum seekers and refugees tend to have very little political will to establish a functioning asylum system (Thym, 2016; Zaun, 2017; Shevel, 2011) and, therefore, there is a tendency to rely on “informal structures involving certain degree of arbitrariness” (Zaun, 2017, p. 34). Considering the interconnected nature of asylum policy in terms of different policy areas and governance sectors, the ability of the politico-administrative structure to coordinate different actors also constitutes one aspect of administrative capacity (Christensen et al., 2019).

Third, the domestic preferences of political decision-makers, together with public opinion in receiving states, also affect asylum policymaking (Hatton, 2017; Larrison & Raadschelders, 2020; Hartland, 2023). In the European context, the general public perception of assisting asylum seekers has gradually become more negative (Boswell, 2000; Schultz et al., 2021). Asylum policy has become a highly politicised issue, and especially in the presence of strong right-wing populist parties, there is a tendency to adopt restrictive positions and to deter actors who argue otherwise (Zaun, 2023; Byrne et al., 2020). Therefore, the way asylum policy is framed within society and how salient the issue becomes among the electorate will influence and constrain politicians’ choices (Zaun, 2023). In situations of high salience, it is assumed to be unlikely that mainstream political parties would decide against their electorate’s preferences (Pettrachin, 2022, p. 32). At the same time, the political forces in power at the state level and their ideological position on the political spectrum have been shown to have an important impact on stakeholder interactions, including who will be involved or excluded from policy formulation and implementation processes (Zogata-Kusz, 2022; Caponio & Pettrachin, 2023).

3 Main Findings

3.1 The Evolvement of Asylum Policy in Estonia from 1991 to 2015

The historical development of Estonia's asylum policy has been a dynamic process characterised by continuous adjustments in response to external pressures and incentives, while at the same time balancing internal capabilities and national interests. The beginning of this process can be traced back to the early 1990s, following the restoration of independence in 1991, when Estonia was undergoing political, legal, and institutional transformation from an occupied communist state into a sovereign democratic state. Building a new politico-administrative system entailed not only reforming existing institutions, but in many policy areas building the institutional structure from scratch (Sarapuu, 2011). Although asylum policy was an example of a policy field that did not exist in the Soviet Union and had to be created from the ground up (Shevel, 2011; Barnickel & Beichelt, 2013), this was not a domestic priority for Estonia but rather a precondition for building closer ties with the EU (I, II). The establishment and development of the Estonian asylum system and policy have received very limited scholarly attention. Most notably, Potisepp (2002) has analysed the factors prompting the establishment of the Estonian asylum system, while more recently Veebel (2015) analysed the historical evolution of asylum policy in terms of policy choices. One of the original contributions of this thesis is to combine the existing knowledge with an original analysis of parliamentary debates on asylum policy in order to provide a more systematic overview of the development of asylum policymaking in Estonia and the actors involved.

From the Estonian perspective, establishing a legal and institutional framework for asylum policy was not a matter of great importance during the first years of regained independence. Estonia faced much more acute problems of economic and political transformation, which demanded immediate attention and resources, compared to asylum seekers and refugees with whom Estonia had no prior experience. Although Estonia was confronted with asylum seekers between 1991–1997, their numbers remained low and consisted almost exclusively of people trying to pass through Estonia towards Scandinavia or Western Europe, which already had well-established asylum systems (Potisepp, 2002). Considering that Estonia was not a destination country for refugees and lacked experience with international asylum law, potential asylum seekers were treated as illegal migrants and the issue of asylum was of marginal importance (I). The political discussions in the Estonian Parliament during the early 1990s reveal that the focus was more on setting restrictions for immigrants rather than stipulating their rights (I).

The impetus for Estonia to join the international refugee regime in 1997 and establish a formal asylum system stemmed from a combination of pressure and incentives exerted by neighbouring Nordic countries, international organisations, and, most importantly, the prospect of European Union membership (Kokk, 2001; Potisepp, 2002; Lavenex, 1998, 2002). In 1995, Estonia signed the Association Agreement (Europe Agreement) with the European Communities and their Member States and submitted its application to join the EU (Rannu, 2009), thereby further solidifying its commitment to the gradual harmonisation of domestic legislation with EU law. As elsewhere in Central and Eastern Europe (Lavenex, 2002), before accession negotiations with the EU began, asylum policy in Estonia was addressed mainly in anticipation of future EU obligations and under the guidance of neighbouring EU member states and international organisations, mainly the UNHCR and IOM (Potisepp, 2002). For Estonia and the other Baltic States, the facilitators

of policy change were the Nordic states, namely Finland, Sweden, and Denmark (Potisepp, 2002). While international organisations were predominantly concerned with ensuring basic human rights and humanitarian standards for asylum seekers, refugees, and immigrants, the underlying motivation of neighbouring EU member states included the objective of securing the eastern border and preventing transit corridors of irregular and illegal migration (Lavenex, 1998; Kokk, 2001). To encourage Estonia to establish a legal framework for accepting asylum seekers and refugees, political, technical, and economic incentives were offered (I, II). For example, the ratification of the 1951 Refugee Convention became a stipulation for Estonia to conclude visa-free travel agreements with Sweden and Finland. Technical assistance was provided by the Nordic states and the UNHCR Representation for Northern Europe to draft the Estonian Refugees Act (Potisepp, 2002).

In February 1997, the Estonian Parliament adopted the Refugees Act and ratified the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees. From the Estonian perspective, this was primarily a pragmatic and technical decision (I), and the 1997 version of the Refugees Act was later even referred to as a “theoretical law” by the Estonian parliament member in charge of steering the proceedings of the law, because Estonia lacked any knowledge and practical experience with asylum seekers and refugees (Estonian Parliament transcript, 18.01.1999). The responsibility of developing and implementing asylum policy was assigned to the Ministry of the Interior (Mol), which was already in charge of immigration policy. The Ministry of Social Affairs (MoSA) was tasked with organising the reception and support for asylum seekers and refugees (I, II).

Establishing the basis for an asylum system in 1997 was only the first step towards the gradual harmonisation with EU regulations. Although Estonian immigration policy was primarily framed in terms of restrictions, and the low number of asylum seekers did not create a need for policy change (Figure 1), lawmakers ensured that Estonia’s asylum policy was in line with EU requirements (I, II). Following the official opening of EU accession negotiations in 1998, both the legal framework and the implementation of asylum policy in Estonia underwent a thorough review until 2004 when Estonia became an EU member state. In addition to legislative integration, the focus was placed on administrative and institutional capacity-building, with assistance provided by the EU (e.g., through the Phare programme), UNHCR, and the Nordic states (I, II). The harmonisation of Estonian asylum policy with the first phase of the EU’s Common European Asylum System (CEAS) culminated in 2006 when Estonia adopted a renewed asylum policy framework (the Act on Granting International Protection to Aliens), which continues to be the core legal document of Estonian asylum policy in 2026.

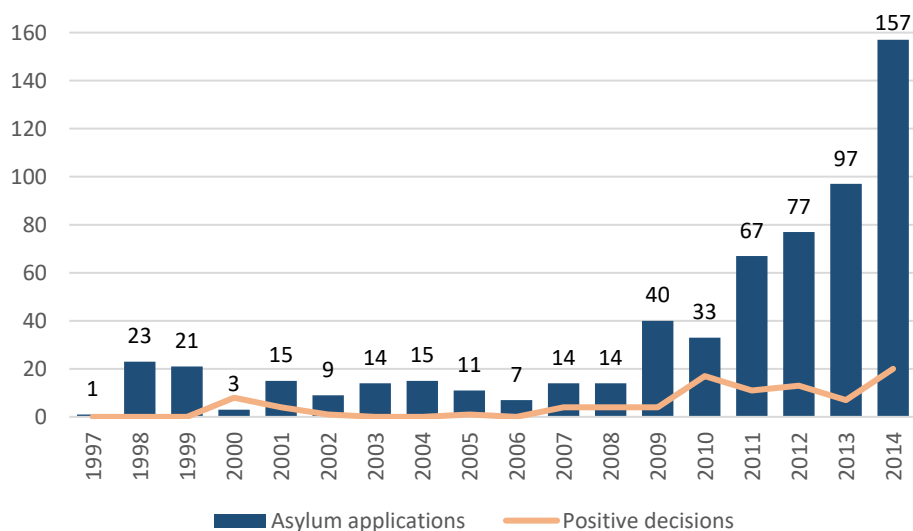


Figure 1. Asylum applications and positive decisions to grant international protection, 1997–2014. Source: The Estonian Police and Border Guard Board, 2024.

Following EU accession, Estonia maintained a conservative and compliance-oriented approach to asylum policy. As noted by a policy observer in 2011, Estonia’s asylum policy since joining the EU was “predominantly guided by decisions made in Brussels” (Kallas, 2011, p. 2). Persistently low numbers of asylum applications kept the issue low on the political agenda, resulting in limited pressure for policy development beyond what was formally required (I, II). This approach mirrored Estonia’s overall immigration policy orientation at the time, which was mainly concerned with preventing illegal immigration and dealing with the integration of a relatively large Russian-speaking population which had settled in Estonia during the Soviet occupation (I). Although immigration policy debates gradually began to expand opportunities for selective immigration (Maasing & Asari, 2017), these shifts were disconnected from policies concerning asylum seekers and refugees. The topic of refugees received very modest attention in the media from 2004 until the beginning of the 2010s (Vantsi, 2016), and public opinion surveys indicated a negative attitude towards refugees in society (Saar Poll OÜ, 2010; 2014). Prevailing public opinion perceived refugees as a potential burden on the welfare system, and among respondents of Estonian origin, there was particular concern about the preservation of the Estonian language and culture. Consistent with these perceptions, there was widespread public support for restrictive asylum policies (Saar Poll OÜ, 2010; 2014).

A change of momentum in Estonian asylum policy can be observed from the late 2000s and early 2010s (I, II, III), as the rising number of asylum applications (Figure 1) began to uncover shortcomings and the limited capacity of the asylum system in Estonia. In 2008, funding through the European Refugee Fund (ERF) became available and the Mol commissioned several analyses on the reception of asylum seekers and refugees (Kallas & Kaldur, 2011; Kaldur & Kallas, 2011; Mätlik et al., 2013; see also overview in UNHCR, 2016, pp. 22–23). These studies revealed that because of the *ad hoc* nature of policymaking, slow adoption, and strict interpretation of EU regulations by Estonian lawmakers and officials, the requirements established in Estonian and EU regulations were not always met in practice, resulting in the poor quality of essential services.

In addition, a few local NGOs began to compile overview reports about the situation of asylum seekers and refugees. Until the end of the 2000s, there had been only very few civil society initiatives concerning asylum seekers, which mainly consisted of volunteers offering legal counsel to asylum applicants. As the group of asylum seekers and refugees in Estonia grew and funding possibilities for NGOs became more readily available through the ERF, a small group of NGOs became increasingly active in providing services and advocating for the rights of this target group (III).

During the early 2010s until the 2015 European migration crisis, valuable practical experience was gained, and efforts were made by government agencies to update asylum procedures and standards. For example, in 2013, the provision of the reception centre service was transferred to a state-owned company specialised in providing social welfare services, and the centre was relocated to a better facility. In addition, Estonia began implementing the recast CEAS directives into national legislation in 2013. Even though the guiding principle for lawmakers and government officials was still to adopt only the minimum standards required, the conditions and availability of services for the target group increased significantly (MTÜ Eesti Pagulasabi, 2015). In parallel with these developments, the three NGOs active in Estonian asylum policy went through an enormous process of capacity building and professionalisation. Their role in the functioning of the Estonian asylum system became substantial, as they were involved in providing essential services (e.g., legal counsel, integration support) and engaged in advocacy and raising public awareness about refugee issues (II, III). In addition to cooperating with each other, the NGOs also participated in international networks and had close links with the UNHCR (III).

Although the development of asylum policy in Estonia during 1991–2015 went through many different phases, the institutional structure and the relationship dynamic between stakeholders at the national level remained relatively consistent (II, III). Throughout this period, the primary responsibility and ownership of Estonia's asylum policy belonged to the Ministry of the Interior (MoI). The MoI was in charge of organising the proceeding of asylum applications, which was carried out by the Police and Border Guard Board, operating under the authority of the Ministry. The MoSA together with its agencies was tasked with organising the reception of refugees and also oversaw the provision of essential services by those NGOs that were operating under a government contract. Despite this shared responsibility, the central role in policy formulation and coordination was held by the MoI. The empirical findings of this study show that even after NGOs gradually became more vital to the functioning of the Estonian asylum system during the early 2010s, as they were the main providers of support services, and accumulated valuable practical experience while working with asylum seekers, the MoI remained reluctant to involve them in the policymaking process in a substantial way. While NGOs made efforts to participate in the policymaking process, their input was rarely considered. As a result, NGOs perceived the MoI as rigid and described the relationship with ministry officials as antagonistic (III). From the MoI's perspective, the NGOs promoted a liberal approach to the reception of asylum seekers, which contradicted the overall conservative political stance towards immigration that prevailed among politicians and public officials (III).

3.2 Asylum Policymaking During the 2015 European Refugee Crisis

In 2015, the arrival of over a million irregular migrants and asylum seekers (EASO, 2016) led to an EU-wide crisis, as the most affected member states were unable to cope with the sudden influx of people and the CEAS began to unravel. In response to the tragic events in the Mediterranean (IOM, 2016) and the shortcomings of the CEAS (see, e.g., Lavenex, 2018; Niemann & Zaun, 2018), in May 2015 the European Commission proposed a European Agenda on Migration, which included a scheme to relocate and resettle refugees across member states (European Commission, 2015). The negotiations around this burden-sharing mechanism continued throughout the summer and became highly confrontational, as the crisis was still unfolding (Niemann & Zaun, 2018). Political conflicts at the EU level were amplified by heightened public scrutiny of asylum policy within member states, while the crisis sparked intense public debates and revealed deep societal tensions (Hatton, 2017; van der Brug & Hartevelde, 2021). Although Estonia experienced only a moderate increase in asylum applications presented at the external border during 2015–2016 (Figure 2) and mainly from Ukrainians fleeing the Russian aggression that began in 2014 (Estonian Contact Point for the EMN, 2016), the unpredictability of the refugee crisis and the anticipation of an EU-level political response triggered an abrupt political and societal reaction in Estonia (I, II, III). During a short period of time, asylum policy transformed from a marginal policy issue into a highly salient one and posed a complex challenge for the Estonian government (II, III). The 2015 refugee crisis in the Estonian context has so far been studied only to some extent. For example, some studies have analysed the policy preferences of Estonia (see, e.g., Veebel, 2015; Veebel & Markus, 2015); the National Audit Office of Estonia looked into the capacity and preparation of the Estonian asylum system for receiving resettled refugees (National Audit Office of Estonia, 2016); and the impact of the crisis was also broadly discussed as part of the Estonian Human Development Report 2016/2017 (see, e.g., Valdaru et al., 2017). To the author’s knowledge, this thesis represents the first systematic analysis of asylum policymaking in Estonia during the 2015 refugee crisis, which covers both policy formulation and implementation processes and looks into the dynamics of stakeholder interactions.

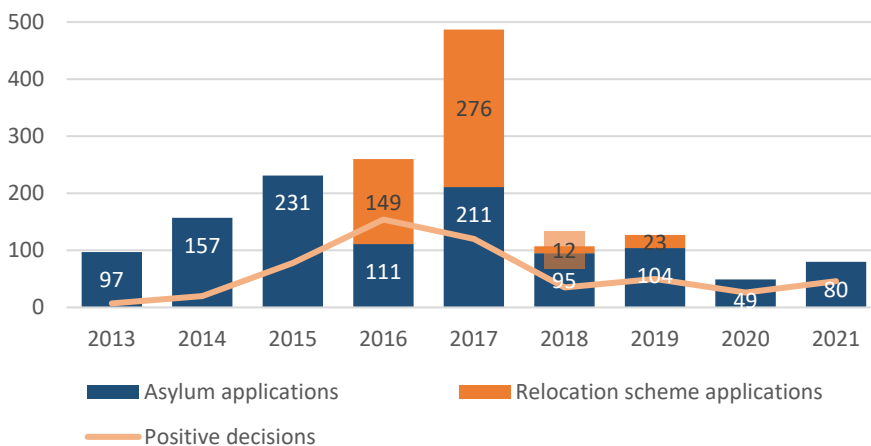


Figure 2. Asylum applications and positive decisions to grant international protection, 2013–2021. Source: The Estonian Police and Border Guard Board, 2024.

For the Estonian government, the central political dilemma arose from the tension between Estonian society's intense anxiety and concern over national autonomy on the one hand, and the political elite's understanding of the need to demonstrate solidarity with fellow EU member states (Yatsyk, 2018; II, III). The widespread media coverage of the unfolding refugee crisis brought asylum issues to the forefront of public attention in Estonia. Strong opposition to accepting asylum seekers through quota schemes was voiced in opinion polls, media articles, and political debates (Veebel, 2015; Kuslap, 2016; Yatsyk, 2018). Public discourse included discussions about the potential threat that the arrival of a large number of refugees would pose to Estonian culture, autonomy, security, but also its economic burden (Kuslap, 2016). Public anxiety escalated during the summer of 2015, as the inflow of refugees to the southern border of the EU was reaching its peak and the Estonian government's communication about whether and how Estonia would participate in relocation schemes was inconsistent (Veebel, 2015). Negative public opinion and at times even hostile attitudes towards asylum seekers were amplified further by opposition parties seeking to capitalise on the anti-immigration debate (Petsinis, 2019; I). Several anti-immigration demonstrations took place in 2015 and early 2016 (Säär & ENAR, 2017). In September 2015, there was even an attempt to set fire to the only reception centre for asylum seekers in a rural village (ERR News, 2015). Considering that, at that point in the crisis, Estonia had not received large groups of asylum seekers or refugees through either regular routes or relocation schemes, the severity of the the societal reaction was striking.

Almost in parallel with the intensification of public attention to the refugee crisis, asylum policy became a central priority for the Estonian government and public administration (II). Shortly after the EU Commission had outlined the idea of a relocation scheme in spring 2015, the Estonian government decided that, in order to show solidarity with fellow member states, Estonia would agree to participate in the mechanism pending further negotiations on the details. Although this decision was reached without much opposition among the coalition partners, it was still carefully weighed, as it marked a clear departure from the traditionally conservative policy line, and required new capacities, resources, and legislative changes (II, III).

Estonia's official position during EU-level negotiations was to oppose mandatory distribution quotas but to remain open to participation in a voluntary relocation scheme (the Parliament of Estonia, 2015). Eventually, Estonia agreed to accept up to 550 refugees through the temporary emergency relocation and resettlement schemes, which were established by the EU Council Decisions in September 2015 and made binding for member states. Given that between 1997 and 2015 Estonia had received 618 asylum applications and granted international protection to just 172 people (Figure 1), the Estonian government's decision to partake in the burden-sharing mechanism in early summer 2015 signalled a need for quick capacity-building even before the final size of the quota was agreed. Throughout the summer and autumn of 2015, public officials were busy evaluating the capacity and capability of the asylum system and identifying the need for additional resources. While the basic structures for the processing and reception of asylum seekers were in place, there was a lack of systemic experience with, for example, refugee children, because previous solutions had often been tailored on a case-by-case basis and very few children had arrived before (II). In addition, as Estonia had never participated in relocation and resettlement schemes, legislative changes had to be made. Whereas the process of amending the Act on Granting International Protection to Aliens

(AGIPA) had only just been initiated by the MoI in December 2014 to integrate the asylum procedures and reception directives into Estonian legislation, the changes related to the relocation and resettlement scheme were subsequently added to the existing draft amendment to AGIPA (III). By the end of the summer, government officials had compiled the first version of an action plan for accepting quota refugees and finalised the draft amendment to the law. After the official decision by the EU Council was reached, even more concentrated processes of policymaking and implementation began (II, III).

Political debates and deliberations around the amendment to AGIPA in Parliament were intense (I, III). Although the government had, in principle, already decided to accept refugees through the EU scheme, several important policy choices and legal provisions still required parliamentary deliberation. Points of discussion included, for example, whether to process asylum applications in the initial host country or in Estonia, what level of social aid should be guaranteed for refugees, and the extent to which the requirement to learn Estonian should be stipulated (III). The Parliament's plenary meeting transcripts, documents from the Parliament's Constitutional Committee and interviews with politicians indicated that discussions were predominantly framed around the need to maintain control as much as possible given the circumstances (III). In addition, politicians had to respond to the emotional reaction of the public and reassure them that the refugees would not receive preferential treatment over local residents and emphasise the importance of avoiding any possible threats to internal security. For example, a separate clause was added to the law requiring refugees to comply with Estonian legislation, although this obligation is already implicit in the principle that laws apply to all persons within the state's territory. As a result, the three NGOs that advocated for refugee rights and had expertise in working with this target group in Estonia were involved in parliamentary discussions only nominally. The NGOs jointly expressed their frustration in the media, criticising the final version of the law and what they perceived as closed-door political discussions of AGIPA in Parliament. The NGOs even appealed to the President in an effort to prevent the law from being enacted, albeit unsuccessfully. After more than seven months of deliberations in Parliament, the final version of the law was adopted in spring 2016 (III).

On the policy implementation level, the need for rapid capacity building demanded the mobilisation of knowledge and resources. Therefore, the MoI adopted an open and cooperative approach. In September 2015, the MoI established a formal Coordination Committee on Asylum Policy, which brought together a wide array of state actors, including representatives from eight different ministries, the Police and Border Guard Board, the Internal Security Service, the Government Office, and the Office of the President. This committee was essentially formed as a task-force type of body and was tasked with planning and drafting an action plan and subsequently monitoring its implementation. In parallel, the MoI and the MoSA jointly initiated monthly meetings for social partners (e.g., NGOs, other service providers) and relevant government agencies involved in providing services for refugees. These meetings were used for information exchange and also for discussing practical issues with regard to the relocated refugees (II). The three NGOs that had previous experience with asylum seekers and refugees became important partners for ministry officials by sharing their expertise, assisting in the development of an integration support model for refugees, and offering many of the services once the relocated refugees arrived. According to both officials and NGOs,

frequent interaction and working towards a common goal transformed their relationship from confrontation to constructive collaboration (III).

On top of the newly created collaborative structures, efforts were made to include and support stakeholders for whom the arrival of refugees posed novel challenges (II). Although local governments are responsible for organising social welfare services for their residents in Estonia, the low number of refugees and the availability of support services provided by NGOs meant that local governments tended to perceive refugee issues as something outside the responsibility of the local level prior to the 2015 crisis. In order to alleviate concerns and identify municipalities open to receiving refugees, the officials from the Ministries of the Interior and Social Affairs, together with the respective Ministers, travelled across all counties in Estonia to meet with the heads of local governments (II). In addition, government officials met with and offered support for schools willing to accept refugee children. Overall, the interviewed government officials involved in preparations for the reception of refugees in Estonia described an unprecedented level of cooperation and coordination between asylum policy stakeholders, characterised by a shared sense of unity and purpose (II). Several interviewed officials pointed out that close cooperation between stakeholders who previously had different perspectives on asylum issues (e.g., the MoI and the Police and Border Guard Board versus the MoSA) had even led to a better mutual understanding of each other's positions. For example, it was noted that officials from the Police and Border Guard Board seemed to become more aware that providing social support and a sense of security for asylum seekers could increase applicants' willingness to cooperate with public institutions (III).

In March 2016, the first groups of refugees arrived from Greece and Turkey, and by the end of the year a total of 77 refugees had been relocated and resettled in Estonia. Although in 2017 the Estonian government had decided to resettle an additional 80 refugees from Turkey based on the European Council's recommendation, only 213 refugees in total (compared to the agreed 550 + 80) arrived in Estonia between 2016 and 2019 through the European relocation and resettlement schemes (The Ministry of the Interior, 2025). The reason behind the arrival of less than half of the refugee quota Estonia had agreed upon stemmed from the government's decision to favour refugees with a specific profile, which included families, children, and people who explicitly expressed their willingness to live in Estonia (II). Given that approximately 40% of the 213 refugees who arrived in Estonia left for other EU member states by the end of the crisis (BNS, 2020), Estonia was not a preferred target country for refugees, and it was difficult to find people who matched the profile and were willing to come to Estonia. Considering the swift efforts to improve the capacity of the Estonian asylum system and the arrival of fewer refugees than expected, Estonia did not experience a practical-level crisis (II). In addition, improved communication and awareness-raising efforts by the government and NGOs, combined with the fact that the fears of a mass influx of refugees did not materialise in Estonia, public opinion towards refugees improved somewhat already towards the end of 2016 (Voog, 2016) and rampant public debates gradually subsided. In 2019, all ongoing administrative activities with regard to the 2015 refugee crisis burden-sharing schemes were finalised.

3.3 Post-Communist and Small State Aspects of Asylum Policymaking

The following section presents findings that illustrate how the characteristics of Estonia as a small state with a post-communist past shaped its response to the 2015 refugee crisis. By analysing two underexplored contexts in asylum policymaking, this thesis contributes to asylum policy research and enhances understanding of how historical legacies and institutional constraints can interact in crisis situations and influence the politics and governance of asylum.

Although the CEE states are diverse in terms of their size, culture, economic development, and public administration, their similar historical experience during the Soviet occupation and shared legacies from the post-communist transition era (Crawford & Lijphart, 1997; Pop-Eleches, 2007) have, in some policy areas, created a distinct policy context, which sets them apart from other EU member states. In the field of asylum policy, the combination of their geographical location on the EU's external border, the nature of pre-accession capacity building conditioned by the EU, concern for national autonomy, and limited prior experience with refugees and non-European immigrants has contributed to the securitisation of immigration, the development of under-institutionalised asylum systems, and the low salience of asylum policy prior to 2015 (Lavenex, 2001; Guiraudon, 2003; Barnickel & Beichelt, 2013; Byrne et al., 2020). These traits constitute a specific type of asylum policy context in the CEE, which needs to be considered to better understand the policy choices and governance practices of these countries during the 2015 refugee crisis.

In the Estonian case, the legacies of the communist period and the specificities of post-communist transformation manifested themselves during the 2015 refugee crisis in three main ways. First, the acute and anxious societal reaction to the possibility of being exposed to a large-scale arrival of non-European refugees was directly related to Estonia's historical experience with Soviet-era immigration. Compared to other CEE countries, the Soviet occupation of the three Baltic states, especially Estonia and Latvia, involved extensive immigration from other Soviet republics, which significantly altered the national composition of these small countries (Thompson, 1998). Between 1945 and 1989, the share of ethnic Estonians fell from 97% to 67% of the total population (Tammur et al., 2017). The fear of becoming a minority in their own country was, therefore, one of the key considerations that framed the immigration and citizenship policymaking processes after regaining independence (Elson, 1997).

Consequently, immigration as a policy issue was perceived not only as a matter of controlling who could enter the country and on what terms, but as a much more existential issue for Estonia as a sovereign nation (I). On the one hand, the Soviet-era legacy of a sizeable (around 24% of the total population according to the last census in 2021) and relatively homogeneous Russian minority with close ties to the former occupying power had a lasting impact on Estonian society's low receptivity and high sensitivity to immigration and the tendency of linking immigration primarily with security concerns (I). During the 2015 crisis, Estonian society's heightened sensitivity to immigration became evident in public and political debates, where the arrival of refugees was often portrayed as a threat to the survival of Estonian culture and to the security and autonomy of the Estonian state. Politicians from the right-wing populist party even drew parallels between Soviet-era population transfers and the voluntary relocation of refugees to Estonia, suggesting that both had comparable consequences for Estonia's demographic composition and autonomy (I). On the other hand, the very limited experience with asylum seekers and refugees in Estonia prior to the 2015 crisis,

combined with the post-communist legacy of asylum-system reform, contributed to asylum seekers being perceived as just another type of immigrant not as persons in need of international protection. Therefore, the EU-level calls for solidarity and the Estonian government's decision to participate in the relocation and resettlement schemes appeared puzzling for a large segment of society and fuelled widespread exclusionary attitudes towards refugees, even though the number of refugees reaching Estonia was low (I, II).

Second, the institutional configuration in which the MoI held a central coordinating role can be traced to Estonia's historical experience with immigration and its geographical position, both of which resulted in immigration being framed primarily from the perspectives of security and border control. As a result, this policy area was firmly under the auspices of the ministry in charge of internal security (I). The dominant position of the Ministry of the Interior in shaping Estonia's stance on asylum issues was further reinforced by the specific characteristics of the Estonian politico-administrative system and its post-communist development since 1991. After regaining independence, the Estonian administrative system underwent substantial de-institutionalisation and an overwhelming structural reform, resulting in a segmented system characterised by strong ministries supervising their areas of governance (Sarapuu, 2011). While such a system, built on ministerial responsibility, guaranteed clear ownership of and accountability for specific policy issues, in complex policy areas, such as migration, it created problems of coordination and horizontal collaboration (IV, V).

Third, the post-communist legacies were also observable in the power dynamics between stakeholders in the Estonian context. From the establishment of asylum policy in Estonia until the early 2010s, asylum policy remained a marginal, low-salience policy issue, and there was very little pressure or political will for politicians to engage with it beyond what was required by the EU (I, III). Given that there were very few asylum seekers and the third sector was still developing in Estonia (Randma-Liiv et al., 2008), the initial conservative policy position was largely uncontested until more refugees started to arrive, and third-sector organisations became more visible in Estonian asylum policy. Although NGOs gained valuable expertise from working with asylum seekers and refugees, they were not considered as legitimate partners in policy formulation processes prior to the 2015 crisis (III). The empirical findings of this thesis show that while the Estonian government's decision to participate in the relocation and resettlement scheme changed the relationship between NGOs and government officials at the policy implementation level, the power dynamic remained unaltered at the policy formulation level (II, III). The sensitivity of asylum policy, combined with the emotional reaction of the public and a relatively short tradition of engaging NGOs in policymaking in Estonia (Randma-Liiv et al., 2008), meant that NGOs were only formally involved in the amendment process of the AGIPA. Although the position of NGOs was to advocate for the correct application of international law in Estonian legislation, they were perceived by politicians as spokespersons for refugees who advocated for more favourable conditions for refugees (III), meaning that the framing of the problem by government actors and NGOs was different (Bannink et al., 2024). From the politicians' perspective, the need to gain (and publicly exhibit) control over asylum issues meant that after a decision to accept refugees through the relocation scheme was made, the ensuing political discussions in Parliament revolved around setting conditions for who would be accepted, rather than how to best support the arriving refugees (III).

The unfolding and resolution of the 2015 refugee crisis in Estonia also exhibited many small-state characteristics. The public administration literature interested in the functioning of states with small populations argues that the governance of small states is qualitatively different from that of large states (Baker, 1992; Corbett et al., 2021; Farrugia, 1993; Jugl, 2018; Sarapuu & Randma-Liiv, 2020). Small states' limited resources, lower numbers of actors, lower capacity, and vulnerability to external factors influence their policy choices, administrative structures, and governance behaviour, distinguishing them from larger states (Jugl, 2022; Jugl et al., 2024; Sarapuu, 2010; Randma-Liiv & Sarapuu, 2019; Thorhallson, 2018). While small states have a more limited scope of activity and are more exposed to external pressures than larger states, their special social ecology and less institutionalised policymaking systems allow for more *ad hoc* approaches (Lowenthal, 1987; Randma-Liiv & Sarapuu, 2019; Wivel, 2021). In crisis situations, small states often rely on cooperation with other states (Thorhallson, 2018), and on collaborative practices and informal relations to overcome the limitations of their formal capacities (Jugl, 2025; Högenauer et al., 2021; Sarapuu & Jugl, 2024; Randma-Liiv & Sarapuu, 2025).

While Estonian society's abrupt reaction to the 2015 refugee crisis reflected its historical background and understandings of immigration, the perception of the crisis as posing an existential threat to Estonia was also a sign of a collectively perceived vulnerability to external shocks (II, III). Public opinion surveys from 2015 and 2016 showed that refugee immigration to Europe and the arrival of refugees from Muslim countries were perceived as even more serious threats to peace and security than potential Russian aggression. This was a notable departure from Estonian society's traditional threat perception, especially given Russia's occupation of Crimea in Ukraine in 2014 (Veebel & Ploom, 2016). However, at the level of policy formulation, the perceived small-state vulnerability led to the opposite result – to the Estonian government's decision to participate in the EU relocation and resettlement scheme. This decision marked a clear departure from the decades-long conservative principles that had characterised Estonia's asylum policymaking. Interviews with cabinet members conducted for this thesis (II, III), as well as the government's statements in the media (see overview in Veebel, 2015), indicate that the rationale behind the decision was the perceived importance of demonstrating solidarity with allies in anticipation of receiving solidarity in the future when in need. Although this was not the preferred choice of the political elite – especially because of the high domestic political cost—it was regarded as necessary, if not unavoidable, in order to continue to be perceived as a legitimate partner in the EU (III).

In terms of governance strategies, the Estonian politico-administrative system approached the challenge of receiving asylum seekers in a very pragmatic way that was characteristic of small states relying on selectivity and prioritisation in their public policies (II). A core team of individuals was swiftly mobilised, additional resources were allocated, and political attention enabled quick coordination and implementation of the developed action plan. Secondary temporary structures were created to support horizontal coordination among actors, while previously, policy formulation and implementation had primarily been top-down processes. As a result, the semi-institutionalised asylum system made a considerable leap forward and established new competences. Many interviewees stated that the crisis helped to advance asylum policy in Estonia into a "normal" policy field, as the crisis gave impetus to develop and ensure future readiness to act in case of a mass influx of asylum seekers into Estonia (II). In terms of stakeholder interactions,

the MoI's need for knowledge and manpower led them to take a more open stance and cooperate with NGOs, even though their relationship had previously been confrontational (II, III). As the group of actors involved in the Estonian asylum system was rather small prior to the 2015 refugee crisis and included people who had worked on these issues for years and knew each other beforehand, the exchanges between actors were often informal, allowing for quick communication (II). The extraordinary circumstances of the 2015 refugee crisis forced a small group of individuals to work strenuously in a multifunctional manner on a wide scale. For example, the small number of ministry officials with previous expertise in asylum policy were simultaneously involved in supporting Estonia's negotiations at the EU level, developing an action plan in the Coordination Committee on Asylum Policy, and exchanging information with social partners at the domestic level (II). Although Estonian ministries usually confine themselves to policy design and not policy implementation (IV, V), during the 2015 refugee crisis, ministry officials played a very hands-on role in the implementation of the action plan for relocation and resettlement of refugees (II).

4 Conclusion and Avenues for Further Research

The 2015 refugee crisis has offered ample opportunities for research into the complexities of asylum policymaking. While an increase in asylum arrivals can trigger heightened political attention and potential policy change (Zaun, 2017; Knill & Steinebach, 2022), researchers argue that asylum policymaking should not be analysed solely by focusing on short-term crisis dynamics (Triandafyllidou, 2022). Rather, the interpretation and translation of crisis events into policy responses are mediated by historical trajectories of migration, institutional arrangements, states' administrative and economic capacities, and domestic political preferences (Byrne et al., 2020; Doomernik & Bruquetas-Callejo, 2016; Pevcin & Rijavec, 2021; Wivel, 2021; Gorodzeisky, 2023; Zaun 2023). Consequently, scholars have argued for the need for more nuanced and context-sensitive analyses of the links between policy formulation, implementation, and stakeholder interactions (Pettrachin, 2023; Caponio et al., 2025). This thesis aims to contribute to the international academic debate on asylum policymaking as a complex problem by exploring the Estonian case and taking an in-depth look at two specific contextual aspects: the Central and Eastern European context, with its legacies of communism and post-communist transformation, and the small-state context, with its limited capacities and special social ecology. The concluding part of this thesis introduction outlines the broader implications of the study for understanding asylum policymaking.

First, the Estonian case illustrates that in the CEE context, asylum policymaking cannot be fully understood without considering the countries' **historical experience with immigration and the externally driven institutionalisation of asylum policy**, which shapes actors' perceptions of the policy issue and their relationships. In the Baltic and CEE states, which acceded to the EU in 2004, the initial establishment and reform of asylum regimes during the 1990s followed a similar trajectory, which was primarily shaped by external pressure and EU-conditionality, not domestic necessity or humanitarian concern (Lavenex, 1998, 2002; Vedsted-Hansen, 2002). Against the backdrop of immigration and asylum policies in Western and Northern European countries becoming more security-oriented and restrictive in the 1990s (Boswell, 2000; Keely, 2001; Kjærum, 2002; Czaika & Hobolth, 2016), EU member states began establishing a common European asylum system (Hatton, 2005). Although asylum policy was a new and evolving area of EU cooperation, it was nevertheless incorporated into the EU *acquis communautaire* (Lavenex, 2002). Consequently, during the pre-accession period, the CEE candidate states were required to adopt asylum policy measures and build institutional capacities that arguably prioritised border security and immigration control over refugee protection (Guiraudon, 2003; Byrne et al., 2002). Given that the former communist states had no prior experience with refugees and lacked both humanitarian traditions and supportive institutions (e.g., third-sector organisations) (Lavenex, 1998; Shevel, 2011; Enjolras et al., 2018), scholars warned early on that the adoption of EU asylum legislation might remain formal, leading to weak implementation of reception and protection standards in the CEE states (Byrne et al., 2002; Lavenex, 2002).

The findings of the Estonian case largely confirm these concerns by showing that the establishment of asylum policy under EU conditionality, combined with the communist-era legacy of population transfers to Estonia, has had a defining and long-lasting effect on how asylum issues are perceived and organised (I, II). The perception of immigration as a threat to sovereignty and cultural survival has

been deeply embedded in the collective memory of Estonian society and this outlook is also evident in the institutional setup of the Estonian asylum system (I, II, III). Despite the introduction of EU rules and protection standards as the Common European Asylum System developed during the 2000s, asylum policy remained marginal prior to the 2015 refugee crisis due to low numbers of asylum seekers and the political sensitivity of immigration issues. As a result, the Estonian asylum system remained state-dominated and under-organised, with the few involved actors only loosely coupled (I, II, III). Although there are only a few studies that have looked into the development of asylum policy in the CEE region after EU accession, the literature indicates that the deeply embedded securitisation of immigration and under-developed asylum systems were characteristic of many other CEE countries (Doomernik & Bruquetas-Callejo, 2016; Jelínková, 2019; Vezovnik, 2018; Novak & Giljević, 2022). The findings of the thesis show that the complexity of asylum policy increases as the state becomes more exposed to asylum seekers, because this leads the policy network to become more diverse and differences in issue framing become more visible (Alford & Head, 2017).

Considering that the governance of migration shapes how immigration is understood and emerging challenges are interpreted (Geddes, 2022), the findings of the Estonian case indicate that one of the reasons behind the CEE region member states' comparatively more anxious reaction to the 2015 refugee crisis (Gorodzeisky, 2023; Heizmann & Ziller, 2020) and their stronger political rejection of EU-level solidarity mechanisms compared to Western and Northern European member states (Zaun, 2020) stemmed from the way asylum policy was institutionalised during the post-communist transition era. In line with what has been suggested by Byrne et al. (2020), the findings of this thesis show that the inherent tension between state interests and humanitarian concerns tends to lead even more strongly towards state-centred priorities in the CEE states because of post-communist legacies. This indicates that refugee-assisting NGOs might be perceived as less important policy actors, since the discursive legitimacy of how asylum is framed rests almost exclusively with state actors (Mayblin, 2017; III). Although political opposition to relocation and resettlement schemes and exclusionary attitudes toward asylum seekers during the 2015 refugee crisis were not unique to the CEE region, the findings of this thesis suggest that these tendencies, and the perception of the 2015 crisis as an existential threat to state survival, were more pronounced in the CEE context. This helps explain why in Estonia, but also, for example, in the Czech Republic, the 2015 refugee crisis was perceived as a crisis even when exposure to asylum seekers remained low (II, III; Jelínková, 2019).

Second, **regarding administrative and economic capacities**, the Estonian case demonstrates that administrative capacity-building driven by EU-level developments and economic support, in a context of low domestic political salience and very low numbers of asylum seekers, leads to gaps and inconsistencies between adopted norms and implementation practices (II, III). Similar tendencies have been described in larger states in the CEE region, noting that launching immigration policies in countries with relatively few migrants remains “an abstract process” and EU-driven processes can lead to piecemeal policymaking (Doomernik & Bruquetas-Callejo, 2016, p. 71–72). At the same time, the limited capacity of the Estonian asylum system was also influenced by the small-state context, in which scarce resources are allocated according to the acuteness of policy issues (Sarapuu & Randma-Liiv, 2020). Although the moderate growth in refugee arrivals in the early 2010s also strengthened administrative capabilities to some extent, the 2015 refugee crisis posed an unprecedented challenge for the Estonian

asylum system (I, II). The analysis of the Estonian case shows that while the small-state context had previously contributed to the limited capacity of the Estonian asylum system, during the 2015 refugee crisis, the small-state characteristics of the Estonian politico-administrative system also made it possible to adapt quickly to the changing environment (II). In order to prepare for the arrival of refugees through the relocation and resettlement scheme, resources and key stakeholders were swiftly mobilised, and temporary structures were created to coordinate policy implementation processes (II). The findings of the thesis are consistent with previous findings and arguments in the literature, suggesting that the capacity of small states to pre-emptively recognise challenges, improvise, adapt, coordinate, and foster a sense of unity in crisis situations (Jugl, 2025; Högenauer et al., 2021; Randma-Liiv & Sarapuu, 2025; Sarapuu et al., 2021; Thorhalsson 2025) makes small states “particularly suitable and fine-tuned for robust practices and responses” (Sarapuu & Jugl, 2024, p. 195). Given that small states are more exposed to crisis situations, they might also be more likely to adopt hybrid governance measures more often. While this allows for swift reactions and can give short-term results in improved horizontal coordination, if the interactive processes are not cultivated after the turbulence has passed, the benefits may evaporate (Edelenbos, 2005; IV, V).

More broadly, the analysis of the Estonian case illustrates that turbulence can also be a driver for introducing collaborative governance mechanisms (Ansell & Trondal, 2018, p. 51), even in politically sensitive policy fields like asylum policy. The Estonian government’s decision to partake in the relocation and resettlement scheme, at least in some capacity, created the need for quick capacity-building, which required new governance instruments (II). While the Ministry of the Interior had previously been the primary “owner” of asylum policy, the need to mobilise manpower and expertise during the 2015 refugee crisis forced the MoI to take a more open and collaborative stance. The crisis, therefore, decentred the policymaking process to an extent (Bryson et al., 2017), because the need to involve other actors revealed the dependence of the MoI on the input of other stakeholders for successful crisis governance. A task-force type of structure was established at the policy implementation level to include all relevant government organisations, and a separate structure was created to coordinate implementation activities with NGOs and other organisations involved in the reception of refugees (II). Although these arrangements did not substantially alter existing power dynamics, they did have a positive effect on improving mutual understanding between actors with very different perspectives on asylum issues (II, III). The study of the use of task forces (IV, V) further supports these findings, suggesting that in fragmented administrative systems, the use of temporary coordination instruments to address multifaceted policy problems can help reduce the complexity stemming from the different interpretations of the issue or the “substantive complexity” of the network (Klijn & Koppenjan, 2016, pp. 12–13). By taking a complex policy issue temporarily “out” of the existing institutional structure, the experience of working together can contribute to building trust and developing the soft skills required for better coordination (IV, V).

The theoretical literature attests that in order to effectively manage or deal with diverse actors with divergent perspectives, which are characteristic of complex problems, it is necessary to reach a minimum common ground (Joldersma, 1997, p. 216; Klijn & Koppenjan, 2016). In the Estonian case, government officials and NGOs were able to put aside previous differences, as both perceived the crisis as a shared challenge for the Estonian asylum system. More broadly, the thesis findings suggest that network-based governance mechanisms and coordination instruments might be more effective in

decreasing the complexity of network governance at the policy implementation level than at the policy formulation level (II, III, IV, V). If a policy issue is sensitive and already has a clear owner, it is less likely that actors who do not support the dominant issue framing will be involved in political decision-making in a meaningful way. The results of using temporary task forces in Estonia showed that after the activities of the task force were completed, the responsibility for, for example, proposing and enacting legislative changes, still rested with the ministry as the dominant actor in charge of policy formulation (IV). Similarly, the legislative decision-making process at parliamentary level during the 2015 refugee crisis showed that, because of the heightened scrutiny of asylum issues, NGOs were only nominally involved in the policy formulation process, although they were considered valuable partners at the policy implementation level.

Third, regarding **domestic political preferences**, the Estonian case demonstrates that although public opinion and the high level of politicisation of asylum issues influence asylum policy formulation processes, they do not necessarily determine which decisions are eventually made or how the crisis is governed (II, III). Because small states are more exposed to crisis situations and tend to seek “shelter” from either larger states or international organisations, this has an effect on political decision-making (Thorhallson, 2018). In the Estonian case, the shelter-seeking behaviour during the 2015 refugee crisis was especially pronounced, as the anticipation of a future need for solidarity from other states led the Estonian government to support EU-level solidarity measures (II, III). Therefore, contrary to what might have been expected given the strong influence of post-communist anxiety in society, the Estonian government’s decision was shaped to an even greater extent by its sense of small-state vulnerability. While it could be argued that the EU resettlement and relocation scheme amounted to only a temporary measure and the Estonian quota was small, the government’s decision nevertheless illustrated a clear trade-off between political preferences and the perception of the crisis as a potentially existential security threat, given the previously conservative political stance, low capacity of the Estonian asylum system, and the anxious public reaction (III). As Wivel (2021, p. 278) argues, in the context of a highly politicised policy problem, like asylum policy, small states may attempt to “hedge between an increasingly nationalist domestic audience and maintaining the EU shelter, i.e. working towards a superficial Europeanization allowing for substantial national action space within the EU framework”. The findings of this thesis, therefore, support arguments by those who suggest that conclusions based only on public opinion polls or political statements at the EU level do not necessarily provide an accurate picture about the realities of asylum policymaking at the national level (Pettrachin, 2023; Sahin-Mencutek et al., 2022). In order to understand the complexities of asylum policymaking, national contextual factors need to be considered.

To conclude, as a contribution to the international academic debate on asylum policymaking, this thesis shows how different contextual factors do not operate in isolation but interact and shape each other at the national level. In the Estonian case, historical legacies, including the securitised understanding of immigration, interacted with small-state vulnerabilities, amplifying the perceptions of the 2015 refugee crisis as a threat, even though the number of asylum seekers remained low. While the crisis exposed administrative vulnerabilities, the flexibility of the administrative system allowed for a swift reaction and the emergence of collaborative governance practices between actors with very different perceptions of the issue. Eckhard et al. (2021) have proposed that the effectiveness of administrative crisis management depends on the

administration's ability to temporarily shift towards more flexible and collaborative governance mechanisms. Small state politico-administrative systems seem to possess this ability, as also demonstrated by the Estonian response during the 2015 refugee crisis. Therefore, continued analyses of crisis governance in small states is needed and responses to different types of crises could be analysed and compared further. Furthermore, given that crisis governance solutions, especially in the asylum policy field, tend to be temporary (Sahin-Mencutek et al., 2022) and that small states may be more able to switch between practices in asylum policy governance, future research should explore the layering of institutional practices specifically from the perspective of small states' limited capacities and special social ecology.

Regarding the Estonian case, future studies should explore how Estonia coped with the arrival of Ukrainian refugees after the outbreak of the Russian war in Ukraine in 2020. While there have been some recent studies of the Estonian context, focusing on how the reception and integration of Ukrainian refugees was governed (Jauhainen & Erbsen, 2023) and analysing the interactions between state institutions and local governments (see, e.g., Lello, 2024), there is still little systematic research into how the Ukrainian refugee crisis has unfolded in Estonia. The findings of this thesis indicate that the experiences during the 2015 refugee crisis expanded the circle of stakeholders involved in the Estonian asylum system and influenced their interactions. Comparing stakeholder interactions during the 2015 refugee crisis and the Ukrainian refugee crisis could help to better understand the longitudinal dynamics of policy networks around complex policy problems such as asylum. While interactions between actors are shaped by the institutional setting, stakeholder interactions also affect the institutional framework itself (Hardy et al., 2003). Consequently, studying the involvement of NGOs in the Ukrainian refugee crisis governance in Estonia could help to determine whether the shift from antagonistic to constructive interactions between the MoI officials and NGOs was temporary or had a longer-term impact. Ran and Qi (2017, p. 843) have argued that previous collaborative interactions will have an effect on future interactions. A study by Christensen et al. (2019, p. 249) found that while addressing complex policy problems poses significant coordination challenges, experiencing these challenges firsthand can "foster competence and positive experiences rather than problems". Therefore, in asylum policy more broadly, crises could serve as learning experiences for network actors and lead to incremental improvements in coordination at the policy implementation level.

Asylum policy formulation and implementation continue to be an ever-evolving challenge for governments across the EU. Because of the complex and dynamic nature of asylum issues, what the existing policies intend to achieve and what is actually feasible can differ considerably, as the 2015 European refugee crisis clearly demonstrated. Although EU member states had established a common asylum system, the crisis revealed a wide gap between the normative aims of the CEAS and the political preferences, and practical capabilities of member states (Lavenex, 2018). In order to improve our understanding of the realities of asylum policymaking at the national level, future research should pay closer attention to less-studied member states, including small states, countries in the CEE region and those that are not the main destination countries for asylum seekers. Studying asylum policy making in different contextual settings can help advance knowledge on how different historical legacies, institutional factors and political preferences shape how asylum policy networks are organised and governed. Therefore, there is a need for both case studies that zoom in on asylum policy

formulation and implementation processes, but also comparative studies that help to identify patterns and explain why similar crisis situations can lead to different interpretations and policy solutions (see e.g. Hagelund, 2020). For example, for several member states in the CEE region, the 2015 refugee crisis could be regarded as the first critical engagement with asylum issues, exposing the divide between “East” and “West” within the EU asylum policy (Bedeá & Osei Kwadwo, 2020; Duszczuk et al., 2020), and prompting CEE states to take a much more active and vocal role in EU asylum policymaking (Thym, 2016; Byrne et al., 2020). Future research projects could study more closely the similarities and divergences in asylum policy preferences and governance practices across CEE states, and how these are linked to national institutional and political settings.

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Abstract

Migration Governance in Context: Asylum Policymaking in Estonia

In the contemporary policy environment, governments increasingly face highly complex policy problems that are intractable, multi-causal, unpredictable and constantly evolving. These challenges are difficult to address not only because of the complex nature of the problems, but also because the knowledge, resources and authority required to tackle these issues are dispersed among a diverse set of actors operating within multi-level institutional settings. Asylum policy has emerged as one of the most complex and politically contested policy areas in the European Union (EU). It spans vertically across governance levels and horizontally across policy areas, requiring policymakers to navigate the problem of forced migration while constantly balancing state's sovereign right to regulate immigration against the international obligation to protect people seeking refuge. Because the migratory movement of asylum seekers is difficult to predict, asylum policymaking is often activated during crises situations, when the inefficiencies and vulnerabilities of existing policies and governance arrangements are revealed.

While the complexity of asylum policymaking at the national and local government level has emerged as an important research avenue, especially after the 2015 European refugee crisis, there is still ample room to explore the interactions and links between political interests and governance practices at the national level. This thesis contributes to the international academic debate on asylum policymaking by studying the Estonian case and providing an in-depth look at two underexplored contexts in asylum policymaking, namely post-communist and small-state contexts. The main research questions guiding the thesis are: (1) How did Estonia's asylum policy evolve from regaining independence until 2015? (2) How did the 2015 European refugee crisis affect asylum policymaking in Estonia? (3) What role did the post-communist and small state context play in shaping asylum policymaking in Estonia during the 2015 European refugee crisis?

To address these questions, the thesis employs a qualitative research approach and uses case studies as a research strategy. The empirical focus is on unfolding of the 2015 refugee crisis in Estonia. In order to better understand the contextual nuances, a historically informed perspective is taken. The study of asylum policymaking is complemented by an additional case study of the use of temporary task forces as a cross-sectoral coordination instrument in complex policy areas, providing background information on the institutional context of Estonia and insights into the management of policy network stakeholder interactions in complex policy areas. The thesis draws on multiple data sources, including semi-structured interviews with politicians, government officials and non-governmental organisation representatives, alongside policy documents, parliamentary plenary transcripts and a survey.

The findings of this thesis illustrate how the interpretation of crises and translation of crisis events into policy responses are mediated by historical trajectories of migration, institutional arrangements, states' administrative and economic capacities, and domestic political preferences. In the Estonian case, the historical experience with forced immigration and externally driven institutionalisation of asylum policy have had a defining and long-lasting effect on how asylum issues are perceived and organised. Prior to the 2015 refugee crisis, asylum policy remained a marginal policy issue characterised

by state-dominated policymaking and an under-organised institutional setting with few loosely coupled actors. The 2015 refugee crisis triggered an abrupt political and societal reaction in Estonia, even though the number of asylum seekers remained low. The perception of the crisis as an existential threat illustrated Estonia's collectively perceived vulnerability as a small state. Despite strong domestic opposition, the anticipation of a future need for solidarity from the other member states led the Estonian government to support EU-level solidarity measures. This decision required quick adapting from the Estonian politico-administrative system. The thesis shows that Estonia's small state characteristics, such as flexibility, more informal networks and the ability to swiftly mobilise resources, enabled a robust administrative response that prevented the emergence of a practical crisis on the ground.

The thesis concludes that different contextual factors do not operate in isolation but interact and shape each other at the national level. In Estonia, historical legacies, including the securitised understanding of immigration, interacted with small-state vulnerabilities amplifying the perceptions of the 2015 refugee crisis as a threat. However, contrary to what might have been expected based on the strong influence of post-communist anxiety in society, the political elite's decision was shaped to an even greater extent by its sense of small-state vulnerability. While the crisis exposed limited administrative capacities, the flexibility of the administrative system allowed for a swift reaction and prompted more collaborative governance practices engaging actors with very different perceptions of the issue.

The thesis provides a systematic, context-sensitive analysis of asylum policymaking in a small post-communist EU member state, integrating policy formulation, implementation, and governance perspectives. It advances understanding of how complex policy problems are managed in practice, emphasising the importance of contextual factors in shaping policy responses and stakeholder interactions. Future research could build on this analysis by conducting comparative studies across different small and post-communist states, as well as by examining how subsequent crises, such as the arrival of Ukrainian refugees after 2022, have further reshaped asylum policymaking dynamics.

Lühikokkuvõte

Rände valitsemine kontekstis: varjupaigapoliitika kujundamine ja elluviimine Eestis

Valitsused üle maailma seisavad üha enam silmitsi väga keerukate poliitikaprobleemidega, millel on erinevad juurpõhjused, mis on ettearvamatud, pidevalt muutuvad ning mida ei ole võimalik lõpuni ära lahendada. Taoliste väljakutsetega tegelemine ei ole keeruline mitte ainult probleemide olemuse tõttu, vaid ka seepärast, et nende probleemidega tegelemiseks vajalikud teadmised, ressursid ja otsustusõigus on hajutatud eri osapoolte ja valitsemistasandite vahel. Euroopa Liidus (EL) on varjupaigapoliitika hea näide eriti komplekssest ja poliitiliselt tundlikust poliitikavaldkonnast. Varjupaigapoliitika kujundamise ja elluviimisega seotud osapooled asuvad erinevatel valitsemistasanditel ja varjupaigapoliitika ulatub üle mitmete poliitikavaldkondade. Poliitikakujundajatele tähendab sundrändest tingitud probleemidega tegelemine pidevat tasakaalu otsimist riigi huvide ning autonoomia ja rahvusvaheliste kohustuste vahel, mille järgi on riigid kohustatud andma varjupaika inimestele, kes põgenevad sõja või tagakiusamise eest. Kuna varjupaigataotlejate rännet on raske prognoosida, käivitub varjupaigapoliitika kujundamine sageli kriisiolukordades, sest tihti ilmnevad just siis puudujäägid olemasolevates poliitikates ja valitsemiskorralduses.

Varjupaigapoliitika kujundamise ja elluviimise uurimine on eriti pärast 2015. aasta Euroopa rändekriisi kerkinud esile olulise uurimisvaldkonnana. Kuigi üha enam uuritakse varjupaigapoliitika osapoolte suhteid ja valitsemiskorraldust nii riikide kui ka kohalike omavalitsuste tasandil, teatakse võrdlemisi vähe, kuidas poliitilised huvid ja valitsemiskorraldus teineteist mõjutavad ning seeläbi poliitikaid ja nende elluviimist suunavad. Käesolevas doktoritöös on uuritud varjupaigapoliitika kujundamist ja elluviimist Eesti juhtumi põhjal. See võimaldab analüüsida seoseid konteksti ja varjupaigapoliitika vahel kahes seni vähem tähelepanu saanud vaates – postkommunistliku ja väikeriigi konteksti perspektiivist. Uurimistöös on käsitletud kolme peamist uurimisküsimust: (1) Kuidas arenes Eesti varjupaigapoliitika taasiseseisvumisest kuni 2015. aastani? (2) Kuidas mõjutas 2015. aasta Euroopa rändekriis varjupaigapoliitika kujundamist Eestis? (3) Milline oli postkommunistliku ja väikeriikide konteksti mõju varjupaigapoliitika kujundamisele Eestis 2015. aasta Euroopa rändekriisi ajal?

Nende küsimuste käsitlemiseks on doktoritöös kasutatud kvalitatiivset lähenemist ja uurimisstrateegiana juhtumiuuringuid. Empiirilise analüüsi fookuses on 2015. aasta rändekriisi avaldumine Eestis, kuid konteksti ja poliitikavalikute paremaks mõistmiseks on käsitletud ka varjupaigapoliitika ajaloolist arengut. Varjupaigapoliitika analüüsi täiendab juhtumiuuring ajutiste laiapõhjaliste töögruppide ehk rakkerühmade kasutamise kohta Eestis. Rakkerühmade analüüs aitab paremini mõtestada Eesti avaliku sektori institutsionaalse konteksti eripärasid ja annab ülevaate, kuidas korraldada poliitikavõrgustiku osapoolte suhtlust väga keerukate poliitikaprobleemidega tegelemiseks kasutades selleks ajutisi koordineerimisinstrumente. Uurimistöös on kasutatud mitmeid andmeallikaid, sealhulgas poolstruktureeritud intervjuusid poliitikute, ametnike ja vabaühenduste esindajatega, ning lisaks poliitikadokumente, parlamendi stenogramme ja rakkerühmade osalejate seas tehtud veebiküsitluse tulemusi.

Uurimistöö tulemused näitavad, et kriisi mõtestamist ja poliitiliste sekkumiste kujundamist mõjutavad ajaloolised rändeprotsessid, institutsionaalsed toimimistavad, riigi haldus- ja majanduslik suutlikkus ning poliitilised eelistused. Eesti juhtumianalüüs

näitab, et ajalooline sisseränne ja varjupaigapoliitika väljatöötamine kui EL-iga liitumise üks tingimus on avaldanud määravat ja pikaajalist mõju sellele, kuidas varjupaigataotlejatega seotud küsimusi tajutakse ning poliitikat kujundatakse. Enne 2015. aasta rändekriisi oli varjupaigapoliitika Eesti jaoks marginaalse tähtsusega küsimus, poliitikakujundamisel domineerisid eelkõige riigi huvid, institutsionaalsed toimimistavad ei olnud hästi paigas ning osapoolte koostöö oli vähene. 2015. aasta rändekriis põhjustas Eestis äkilise ja tugeva poliitilise ning ühiskondliku reaktsiooni, kuigi Eestisse jõudnud varjupaigataotlejate arv oluliselt ei kasvanud. Kriisi tajuti kui eksistentsiaalset ohtu, mis peegeldas Eestile kui väikeriigile omast kollektiivset haavatavuse tunnetust. Kuigi ühiskonnas oli tugev vastuseis varjupaigataotlejate vastuvõtmisele, otsustas Eesti valitsus osaleda EL-i solidaarsusmeetmes, mille eesmärk oli varjupaigataotlejaid liikmesriikide vahel ümber paigutada. See otsus tähendas, et Eesti poliitilis-administratiivne süsteem pidi kiiresti olukorraga kohanema ning varjupaigataotlejate vastuvõtmise suutlikkust parandama. Empiirilise analüüs näitab, et Eestile kui väikeriigile iseloomulikud omadused, nagu paindlikkus, mitteformaalne suhtlus ja võime kiiresti ressursse koondada, tagasid kriisi lahendamise edukuse ja vältisid selle eskaleerumist.

Doktoritöös on järeltatud, et erinevad kontekstist tulenevad tegurid ei toimi isoleeritult, vaid pigem koosmõjus. Eesti puhul põimus ajalooline pärand, sealhulgas sisserände käsitlemine eelkõige siseturvalisuse küsimusena, väikeriigile omase haavatavusega ja see kokku võimendas kriisi tajumist potentsiaalse ohuna. Vastupidi sellele, mida oleks võinud ühiskonnas tekkinud tugeva ärevuse põhjal eeldada, mõjutas poliitilisi otsustajaid eelkõige väikeriigi haavatavuse kaalutlus. Kuigi kriis tõi esile haldusvõimekuse puudujäägid, võimaldas süsteemi paindlikkus kiiresti reageerida ning ajendas uute koostöövormide tekkimist väga erinevate arusaamade ja vaadete osapoolte vahel.

Doktoritöö hõlmab endas süstemaatilist ja konteksti teguritega arvestavat analüüsi varjupaigapoliitika kujundamisest postkommunistliku taustaga väikeriigis, käsitledes ja integreerides korruga nii poliitika kujundamist, selle elluviimist kui ka osapoolte koostööd. Uurimistöõ panustab olemasolevasse teaduslikku teadmusesse, et paremini mõista, kuidas keerulisi poliitikaprobleeme praktikas hallatakse, sealjuures rõhutades kontekstist tulenevate tegurite olulisust poliitika kujundamise analüüsimisel. Tulevased teadustööd võiksid uurida ja võrrelda, kuidas toimub varjupaigapoliitika kujundamine teistes Euroopa Liidu väikeriikides ning postkommunistlikes riikides. Sealjuures tuleks uurida ja võrrelda, kuidas hilisemad kriisid, näiteks Ukraina pagulaste saabumine pärast 2022. aastat, on varjupaigapoliitika kujundamise keerukust ja dünaamikat nendes riikides muutnud.

Publications

Publication I

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Immigration Policy Formation in New EU Member States: The Case of Estonia



Mariliis Trei

Abstract Although immigration policy formation on the European level has been researched extensively, less emphasis has been on analysing the asylum policy field of EU member states from the Central and Eastern European countries that joined the EU in 2004. This chapter looks at the formation of immigration policy in Estonia from 1991 to 2019. The establishment of the immigration policy framework and the debates around migration are analysed. The qualitative case study shows that there have been three key topics in the Estonian immigration politics that have framed political debates and legislation. The topic of sovereignty, preservation of the Estonian culture and the ethnic composition of the demographic continue guide the narrative in the Estonian immigration policy.

Keywords Immigration policy · Asylum policy · Policy making · Central and Eastern Europe · European Union

1 Introduction

Immigration policy can be regarded as one of the most challenging, ambivalent and relevant policy fields that governments in all regions of the world are faced with today. It is estimated that during the past two decades the total number of international migrants has grown faster than the global population (UN DESA 2017) and today migrants amount to almost 3.5% (272 million) of the world's population (UN DESA 2019). In addition, global processes, including climate change and various conflicts in the Middle-East and sub-Saharan African countries continue to force people to leave their homes and seek new places to stay. Currently, there are approximately 79.5 million forcibly displaced people worldwide (UNHCR 2020). These large-scale movements of people have created a plethora of issues and challenges that are multidimensional, cross-sectoral and uncertain (Meyers 2000; Alink et al. 2001;

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Givens and Luedtke 2004; Bjerre et al. 2018), influencing the economy, demography, culture, and politics of countries or even entire regions. Concurrently, in the European Union (EU), the topic of immigration has been one of the most salient issues already since the early 1980s (Lavenex 2001; Stalker 2002; Zaun 2018) and remains an area of policy where huge discrepancies of policy integration, implementation and monitoring occur (Pastore and Henry 2016; Scipioni 2017).

Immigration policy in the European Union has been widely researched (Stalker 2002; Givens and Luedtke 2004; Plender 2008; Schain 2009; Roos and Zaun 2014; Dahlvik 2018). Bjerre et al. (2018, p. 559) define immigration policy as “government’s statements of what it intends to do or not to do (including laws, regulations, decisions or orders) in regards to the selection, settlement and deportation of foreign citizens residing in the country”. As the definition indicates, immigration policy is multidimensional and affects different target groups. Based on the type of “migration flow”, the immigration policy in the EU is divided into subfields—legal labour migration (including seasonal workers), family reunification, students and researchers, asylum seekers and illegal migrants (European Council 2020). Policies related to these subfields can further be divided into their external (immigrant control related activities) and internal dimensions (immigrant integration related activities) (Meyers 2000) on both the supranational and national level. Despite decades long effort in communitarizing immigration policy in the EU (see e.g. Plender 2008), the sensitivity and salience of immigration issues continues to challenge cooperation between the EU Member States. This became especially evident during the events and aftermath of the European refugee crisis in 2015–2016. The inability to reach an agreement on how to tackle the sudden inflow of asylum seekers from the EU’s Southern border created tensions between the Member States and has even been seen as a “shock wave for the European Union in the 21st century”, posing an “existential threat for the integrity of the Union” (Dagi 2017, p. 7). Taking into account the aging population in Europe and the socio-economic differences between neighboring countries, the migration pressure towards the EU will only increase (Bagdonas 2015; Bordignon and Moriconi 2017). In this context, finding common solutions and ways of cooperation is vital in order to reduce the unequal burden between member states (Bordignon and Moriconi 2017) and, therefore, avoid “repetitive crises” situations in the EU (Bagdonas 2015, p. 7; Boswell 2000).

Many have claimed (Bagdonas 2015; Valdaru et al. 2017; Zaun 2018), that one of the most distinct divisions unveiled during the 2015 refugee crisis was that between the “old” Western European member states and the “new” Central and Eastern European (CEE) member states, which acceded to the EU in 2004. Calls for solidarity from the European Commission were met with open and strong opposition from Hungary, Poland, Czech Republic and Slovakia (Dagi 2017), but also the Baltic States (Zaun 2018). Stark differences in values, interests, attitudes towards immigrants and the framing of immigration politics became evident and “the trend towards national solutions intensified” (Lavenex 2018, p. 1203). As put by Scipioni (2017, p. 9) “The combination of low harmonization, weak monitoring, low solidarity and lack of strong institutions in EU migration policy became increasingly unsustainable during the 2015 crisis.” Although, the reasons and causes of discrepancies of

immigration policy and policy implementation, for example, of the Common European Asylum System (CEAS), in different member states have been analysed before (Dahlvik 2018; Lavenex 2018; Bonjour et al. 2017; Helbling and Kalkum 2018), less attention has been devoted to analysing immigration politics and its formation on the national level. This is especially the case for the CEE countries that share several similarities deriving from their Soviet past and similar historic experience with immigration (Gorny and Kaczmarczyk 2019). Although the development of post-soviet Central and Eastern European states has taken different paths (see e.g. Meyer-Sahling 2011), these states shared the “burden” of having to either build up a functioning state apparatus or conduct thorough state reforms. In addition, as immigration and asylum policy in the Soviet Union was based on closed borders and restrictions (Barnickel and Beichelt 2013), several new EU member states had to establish their immigration policy from the ground up together with the necessary regulations and administrative capacity to accept, proceed, monitor and integrate arriving foreigners. Finally, all of these developments took place at a time when the Western-European countries had already well-developed immigration and asylum policies that were rooted in the “liberal post-World War II tradition” and were continuously introducing more restrictive measures into their immigration policy framework (Lavenex 2002, p. 703). This created a different basis for new member states to formulate their immigration policy.

It is widely agreed, that despite the EU level policy and regulations, immigration policy, but also immigration politics, is very much dependant on the national context—immigration history, framing of immigration policy and the salience of immigration issues in the public discourse (Freeman 1995; Alink et al. 2001). Analysing the development of these dynamics helps to explain the institutionalization process of immigration policy and politics on the national level. Understanding these dynamics at the national level, however, is crucial to understanding immigration policy-making on the EU level (Zaun 2018, p. 45). This chapter aims to analyse how immigration policy has developed in a “new” EU member state to explain the more restrictive views towards immigration in CEE countries and the cleavage of values that have recently become evident. On the one hand, it can help explain the emerged differences and very critical opposition of some Eastern European member states and at the same time provide insight into how to find common ground and understand the different positions of member states better. The chapter takes Estonia as an example of a “new” EU member state. Estonia regained independence from the Soviet Union in 1991 and started formulating its immigration policy already in 1990. Since then, Estonia has had to integrate and try to adapt its immigration policy inside the framework of the EU, while at the same time protecting Estonia’s national interests and sovereignty (Alink et al. 2001).

The chapter is organized as follows. First, an overview of immigration policy development in Estonia during 1990–2019 is given. Special focus will be on establishing the asylum policy framework in Estonia, because asylum policy is often looked at separately from other subdivisions of migration policy due to the high level of conflict and salience in asylum policy (Freeman 2006). Second, the politics of immigration in Estonia is analysed in the wider context, focusing on how the

narrative and framework of Estonian immigration policy has changed and how this fits into the wider context inside the European Union. The case study uses a qualitative approach and data has been gathered through secondary sources. Documents analysed for this research include legal documents, national strategies, scientific reports, analyses, media coverage and the written transcripts of the Estonian Parliament recordings from 1990 to 2019.¹ The conducted research shows that immigration policy in Estonia has been mainly characterised as being “conservative” throughout the analysed period and the policy area has been mainly framed from the perspective of security and national sovereignty. It is interesting, that the conservative stance of Estonian immigration policy has been long accepted across the political parties in Estonia, with differences in values emerging visibly only during the 2015 refugee crisis, when the populist right-wing party in Estonia emerged as a political force. At the same time, the conservativeness has also been a result of a being mainly an emigration country since regaining independence. However, as Estonia is facing similar problems as other European countries, that is population aging and lack of workforce, Estonia is currently transitioning from an emigration to an immigration state (Tammur et al. 2018). This migration transformation is also visible in other CEE countries, where the increased level of welfare is turning the net migration rate positive (King and Okolski 2019). It is necessary, to take these processes and how they affect national immigration politics into account, in order to understand member states’ stances on the EU level.

2 Immigration Policy Formation in Estonia 1990–2019

2.1 Background

Estonia is a small member state on the Eastern border of the EU with a population of 1.3 million people and an area covering 43,465.38 m². Estonia became an independent state already in 1918, but after enjoying independent statehood for almost two decades, the Soviet Union occupied Estonia during the Second World War in 1940. Estonia regained its independence in 1991 and virtually had to build up a functioning democratic state together with an administrative system from scratch (Sarapuu 2012). Immigration policy was one of the first important policy areas for Estonia that needed to be established (Estonian Parliament verbatim record, 11.06.1990). The important reasons behind this were the migration wave and the concurrent population changes that took place during the Soviet occupation. The events of the Second World War

¹In order to follow the political discussions on the topic of immigration policy, a keyword search was conducted using the Estonian Parliament verbatim records database. Keywords included *immigration, immigration policy and migration policy*. All together 91 transcripts were analysed from 1990 to 2019. These included legislation proceedings, information sessions with government representatives, discussions of nationally important questions and other presentations.

and the repressive Soviet occupation that followed decreased the Estonian population heavily. It is estimated that in total 17.5% of the Estonian population was lost—around 80,000 people fled to the West from war and the Soviet occupation, many soldiers and civilians were killed in the war and around 30,000 Estonians were deported by the Soviet Union (Rahi-Tamm 2005). As a result, by 1945 the share of Estonians on the Estonian territory increased to around 97% (Tammur et al. 2018). During the Soviet occupation, especially in the 1960s and 70s, Estonia experienced an intensive flow of immigration from mainly Russia, but also other Republics of the Soviet Union. On the one hand, the immigration was related to the period of large-scale industrialization (Lagerspetz 2007, p. 87) and quick population growth of the Slavic population, but on the other hand, it was also a political decision to “tie the new territories more firmly to the Soviet Union with the help of the immigrants” (Tammur et al. 2018). Between 1945 and 1989, the share of Estonians in the total population decreased from 97 to 62% (Tammur et al. 2018).

With the end of the Soviet occupation and opening of the borders, Estonia’s migration turned from immigration to emigration—in 1989–2000 the population of Estonia decreased by 12.3%. People leaving Estonia re-migrated to their home countries (e.g. Soviet military personnel and their family members, workers) or left towards the West (Tammur et al. 2018). Emigration was further intensified when Estonia joined the EU and the Schengen area. There was no significant immigration to Estonia during the 1990s and 2000s. Instead in combination with the age structure and the decreasing fertility rate, the population of Estonia slowly started to decline since the 1990s (Lagerspetz 2007). The number of working-age persons has decreased continuously. In 2012–2013 the average decline was 9000 people a year, but since then it has slowed down and even decreased to 4000 persons per year in 2015–2017 (Tammur 2018). The latter process can be explained by the change in the net migration rate in Estonia, which has turned positive since 2015 and continues to increase (Fig. 1). But also as the socio-economic situation in Estonia has improved

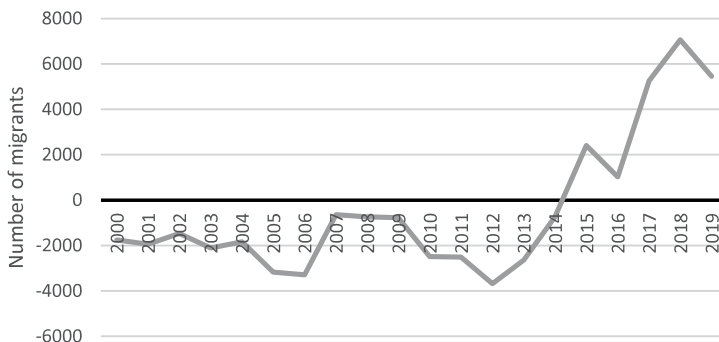


Fig. 1 Net migration rate in Estonia 2000–2019 (Source *Statistics Estonia 2020c*)

tremendously during the past 30 years, Estonia is becoming an attractive destination country (King and Okolski 2019). In addition, Estonia has become more open to immigrants, introducing several measures to attract high skilled specialists to the Estonian labour market (see e.g. OECD 2019, p. 52). It has been argued that these processes might indicate a “migration turnaround” taking place in Estonia (Tammur et al. 2018). Less Estonians emigrate and since 2017, more Estonians return than leave. Compared to the other CEE countries, that have experienced a certain level of “brain drain” during post-Soviet times, Estonians who emigrate are among the less-educated and less-skilled seeking for higher income (Tammur et al. 2018), indicating a level of welfare reached that is also attractive to young Estonian professionals.

People arriving to Estonia are mainly family migrants, labour migrants and students (National Audit Office of Estonia 2015; Luik 2019). Migrants travel to Estonia from neighboring EU member states (Finland, Latvia), but also from less-developed former Soviet Union countries (e.g. Russia, Ukraine, Belarus) (Tammur et al. 2018; Luik 2019). For the past few years, the number of short-term employment registrations among immigrants has quickly increased. In 2018 almost 80% of the overall immigration were short-term labour migrants among whom 80% were from Ukraine, Belarus or Russia (Luik 2019, p. 7). These people are usually employed in sectors with lower added value. At the same time, compared to the rest of Europe, the migration volumes in Estonia are still small—in 2019, the immigration rate was 18,259 persons and 12,801 persons emigrated (Statistics Estonia 2020c). In terms of illegal migrants, Estonia has one of the highest return rates in the European Union. In 2018, around 85% of illegal migrants were returned to their home country (Luik 2019, p. 7).

Although the positive net migration rate has slightly increased Estonian population during the past few years, the demographic predictions of Estonia are still rather bleak. The calculations of Statistics Estonia estimate that according to the baseline scenario, by 2080 the population of Estonia will decrease by 150,000 people and reach 1.17 million (Fig. 2). Because of low fertility rate and aging population, the need for labour force, and especially highly skilled experts is likely to increase in the future (National Audit Office of Estonia 2015). The top human geography researchers in Estonia have also voiced the need for more immigration, claiming that the further development of Estonia has become “migration-dependent” (Estonian Parliament verbatim record, 01.06.2017).

In 2020, other nationalities still form around 32% of the Estonian population (Statistics Estonia 2020a). Ethnic Russians account for 24% of the total population and form the largest minority in Estonia, followed by Ukrainians, Belarussians and Finnish. Hence, Soviet-era immigration still “affects the present as well as the future” (Tammur et al. 2018). The immigrant population in Estonia is unevenly distributed and is concentrated to the North and North-East of Estonia (Valk 2013, p. 47). Integration of foreigners into the Estonian society has been very much dependent on citizenship (Kaldur et al. 2018, p. 5). People living in Estonia without an Estonian citizenship and insufficient Estonian language skill are on average less educated and work on lower-income jobs (Kaldur et al. 2018). Integration policies have also focused more on culture and language than on economic matters (Valk 2013). Because of the historic experience and the perceived security threat from

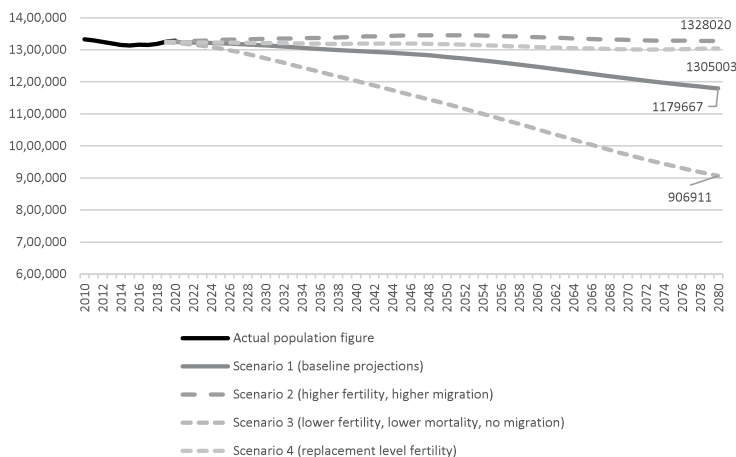


Fig. 2 Estonian population projection 2080 (Source *Statistics Estonia 2020b*)

Russia, Estonians feel threatened by possible large-scale inflow of foreigners and the topic of immigration remains highly conflictual and sensitive in public discussions.

2.2 *Establishing an Immigration Policy Framework*

The first legal document regulating immigration in the post-Soviet Estonia—the Immigration Act—was adopted in 1990 by the Supreme Soviet of the Estonian Soviet Socialist Republic (Parliament verbatim record, 26.06.1990). Although Estonia did not officially reclaim independence until 20 August 1991, the 1990 Supreme Soviet of the Estonian SSR was formed as a result of semi-free elections and the process of transitioning into an independent state was already underway. The Immigration Act regulated who were allowed to enter and stay in Estonia. It was stipulated in the Act that:

(2) The aim of this Act is to promote the preservation and development of the permanent population of the Republic of Estonia, protection of its economic and social rights, organization of settlement in Estonia of persons closely connected with Estonian culture, and the rational employment and decent living conditions for persons settling in Estonia under the current act, without harming the interests of Estonian permanent residents.²

Concurrently, the underlying idea guiding the Act was to stop the inflow of (Russian) immigrants and create legal mechanisms to regulate who and how many

²*Immigratsiooniseadus*, RT 1990, 2, 25.

were allowed to enter Estonia. During the parliamentary debates, the Minister of Social Affairs presenting the draft added that regulating the inflow of immigrants was important in order to tackle “problems linked with migration” and avoid the already visible “ethnic tensions” and “serious adaptation problems of arriving immigrants” (Parliament verbatim record, 11.06.1991: 7). The Act laid down the categories of people who were not allowed to enter (including people who had been diagnosed with alcoholism, drug addiction, mental illness or were otherwise not able to take care of themselves), detailed the basis for issuing living, working and studying permits, and even created instruments to support outmigration. An example of the latter was the creation of a Resettlement Fond to provide one-time financial allowance for people (mainly former Soviet military personnel and labour force) wanting to re-migrate back to their home country. In addition, the Immigration Act of 1990 introduced an important immigration control instrument that is an important part of Estonian immigration policy even today. Namely, a yearly immigration quota of maximum 0.1% (around 1300 people) of the Estonian permanent population was stipulated. This meant that if the immigration quota was filled, any additional applications for entering Estonia were denied for that year. It is interesting to note, that the size of the quota was a result of public discussions and that there were “no clear arguments for this concrete number” (Parliament verbatim record, 20.06.1990). Rather it was based on a perception of how many people a year would the Estonian society be able to accept without it posing a threat to the Estonian nation state. The Immigration Act also established The National Migration Agency that had the responsibility to control the issuing of permits and collect migration related information.

While the first piece of immigration legislation created the groundwork, the bulk of the framework on which Estonian immigration policy is founded on, was established in 1993 with the adoption of the Aliens Act.³ With the Aliens Act, the legislators aimed to fill in the blanks left by the Immigration Act, and follow how other European states had regulated the area of migration and foreign residents (Parliament verbatim record, 08.06.1993). Compared to the Immigration Act, the Aliens Act defined the status of a foreigner and constituted their obligations, but also their rights, which were not previously specified. Discussions over the act were quite intense and coincided with the debate over citizenship. The main question concerned which status should immigrants who arrived during the Soviet Union hold. This was a sensitive issue in all of the Baltic States, with foreign observers and consultants from the OSCE being a part of the discussions (Galbreath 2003). Despite suggestions from international organizations, Estonia defined the citizenship status of its inhabitants according to whether the person or their parents or grandparents had gained Estonian citizenship during 1918–1940, that is, before Estonia was occupied. With this decision, all inhabitants and their descendants who had arrived during the Soviet time were determined as non-citizens or illegal migrants (Parliament verbatim record, 15.06.1993, 21.06.1993). With the Aliens Act, all people who held Soviet passports were given an opportunity to apply for citizenship (knowledge of Estonian language needed) or permanent residency in the timeframe of two years. People who did not

³ *Välismaalaste seadus*, RT I 1993, 44, 637.

apply for citizenship or did not register as non-citizens were considered eligible for deportation. People who did register for residency right, received a temporary living permit and an Alien's passport which stripped these people from the rights enjoyed by citizens, e.g. the right to vote. The problem of people with undetermined citizenship or "statelessness" continues to be a controversial issue raised by human rights organizations and the Russian government as discrimination against the ethnic Russian minority. Since 1992, the population of undetermined citizens in Estonia has decreased from 32 to 5.7% in 2018 (Luik 2019) and several alleviations have been introduced for the descendants of non-citizens to claim Estonian citizenship.

The next phase in the Estonian immigration policy formulation came with the process of joining the European Union. The road towards becoming a member of the EU began shortly after regaining independence. Becoming a member of the Western part of the world was considered crucial in order to protect and secure the independence of the young democratic state. In 1997 Estonia began negotiations to join the European Union (Galbreath 2003, p. 12) and during the same year an exception into the immigration quote was introduced, removing citizens of EU member states, Iceland, Norway and Switzerland from under the immigration quota (Annus 2009, p. 4). The accession process brought additional changes into the Estonian immigration policy in terms of legislation and need to increase administrative capacity. Structural changes were also in order. The Migration and Citizenship Agency (MCA), which had merged in 1993, was reorganized due to low service quality and lack of control by the Ministry. It was mentioned, that until 2000, the MCA had existed in "a closed system, in which the drafts, regulations and laws that concerned the Agency were not developed in the Ministry, but in the MCA itself" and the Agency "interpreted every law in its operations with maximum severity, harmfully or suspiciously towards the client" (Parliament verbatim record, 19.01.2000: 6). The leader of the Agency was replaced and the organization moved more firmly under the control of the Ministry of the Interior.

During the first half of the 2000s, additional groups of people were removed from under the immigration quote. For example, citizens of the United States and Japan in 1999, foreign family members of Estonian citizens in 2002 (Pirits et al. 2018). In 2003, further restrictions were removed for high-skilled workers, professors and students wanting to stay in Estonia and the bureaucratic burden for applying for a short-term migrant status was reduced. These changes to legislation mostly derived from the EU *acquis* and were considered as further specifications rather than conceptual changes (Annus 2009). Bigger changes were related to joining the Schengen area in 2007, which allowed free movement of people inside the EU, but also made Estonia a border country for the European Union and brought with it additional responsibilities to ensure a well-protected border (Barnickel and Beichelt 2013). Older EU member states assisted new member states with the export of high standards of border control technology, communication systems and training of police and border guards (Lavenex 1998). Many researchers have claimed that the accession process of new member states proceeded in parallel with Western Europe introducing more restrictive immigration and asylum policies (Lavenex 2002; Givens and Luedtke 2004; Czaika and Hobolth 2016; Helbling and Kalkum 2018). For the Western European

member states, joining of the Eastern bloc brought with it a potential threat of large-scale immigration from the East (Lavenex 1998) and, therefore, more focus was turned towards increasing the capacity to control migration flows (Helbling and Kalkum 2018).

To date, the Aliens Act has been extensively modified and complemented since 1993, turning it into what has been called a “mammoth law” in the Estonian legislation (Parliament verbatim record, 15.06.2016: 56). Most recent changes into the Estonian immigration policy have dealt with mainly labour migration. The economic development of Estonia has continuously increased the need for labour force and high-skilled specialists for the ICT field. During 2013–2018 the pressure from the employers intensified to alleviate labour migration restrictions and ease the administrative burden related to applying for visas and residence-permits. In addition, EU level developments also aimed to introduce more open measures to support labour migration and mobility (European Commission 2010). Therefore, in 2016 and 2017, additional restrictions were removed to allow short-term workers to work without a residence-permit (Anniste 2018), and to support and even attract highly qualified ICT specialists into Estonia. For example, in 2013 a welcoming programme was developed to support the integration of foreigners and in 2018, top specialists were included into the list in the Aliens Act exempt from the immigration quota (Luik 2019). However, even with the introduction of a less restrictive immigration regulation, the core of the Estonian immigration policy framework has remained the same since 1993. Even though immigration and the need for labour mobility has been voiced more frequently (National Audit Office of Estonia 2015), Estonia currently lacks a coherent migration strategy. The need for high-skilled specialists has been mentioned in strategic documents, e.g. Estonia 2020, but at the same time migration related topics remain under the Ministry of the Interior, which frames migration mainly from the perspective of security.

2.3 Organizing the Asylum System in Estonia

During the first years of independence, a formal asylum regime was not a priority for the new Estonian government. Estonia lacked an institutional and a legal basis for accepting asylum seekers who were considered as illegal immigrants and, therefore, usually detained (Parliament verbatim record, 02.05.1994). However, as the prospect of new CEE countries joining the European Union and the Schengen area became more real, neighbouring member states swiftly stepped into offer aid to new member states. As mentioned above, the Western European member states perceived the fall of the iron curtain as a potential threat for large-scale flow of immigration from the East. Therefore, establishing a well-functioning asylum system was in the interest of the neighbouring Scandinavian countries, namely Finland and Sweden who became the “agents of [EU asylum] policy transfer in the Baltics” (Lavenex 2002, p. 714). Through aid programmes like Phare Horizontal Programme on Asylum and other smaller regional cooperation projects in the Baltic Sea region (Lavenex

2002), Finland, Sweden and Denmark assisted Estonia in creating the needed infrastructure and administrative capacity to join the international asylum system. The aid provided to Estonia was seen as a “preventive strategy” (Lavenex 1998, p. 227) in order to create a buffer zone on the migration route from the East towards the Scandinavian countries. In fact, the ratification of the international refugee treaties became a precondition to conclude visa-free travel agreements with Sweden and Finland (Potisepp 2002). From the Estonian perspective, asylum was not a priority and rather it was seen as an obligation. As put by the presenter of the first draft version of the Refugee Act in the Parliament “If Estonia wants to have a say in international life, it inevitably has to join these documents which means that we can prolong acceding them but we cannot exclude them” (Parliament verbatim record, 20.01.1997).

Estonia established a formal asylum system in 1997 when the Parliament ratified the United Nations’ 1951 Convention relating to the Status of Refugees and its New York Protocol of 1967,⁴ and simultaneously adopted the Act on Refugees.⁵ The responsibility for forming and implementing asylum policy mainly fell under the Estonian Ministry of the Interior that was made responsible for accepting and processing asylum applications. The Ministry of Social Affairs was responsible for the reception and integration of refugees. This division of functions has remained in effect today. In the process of joining the European Union, asylum policy formed one of the most important parts of the *acquis communautaire*. Estonia had to harmonize its legislation with the first phase of CEAS that had been agreed between the older member states between 1999 and 2005 (Ripoll Servent and Trauner 2014). In 2006, Estonia replaced the Act on Refugees with the Act of Granting International Protection to Aliens⁶ (AGIPA), which has remained the most important legal document in the Estonian asylum policy. After Estonia adopted the Dublin regulations and joined the Schengen area in 2007, the number of asylum applications slowly increased (Kallas 2011), but Estonia has remained merely a transit country for people trying to reach Scandinavian countries. During 1997–2019, a total of 1,275 asylum applications have been presented to Estonia and international protection has been granted to 531 applicants.⁷

In late 2000s, the topic of asylum seekers and refugees started to spark public discussions when the number of asylum applications increased from 14 in 2008 to 40 in 2009. As the number of asylum seekers and refugees grew, shortcomings of the asylum system began to show. Based on a number of studies procured by the Ministry of the Interior during 2010–2013 (Roots and Kallas 2011; Kaldur and Kallas 2011), it became evident that Estonia often failed to comply with the EU asylum standards and regulations due to either faulty adoption of the EU legislation, strict interpretation of the regulations or poor quality of the support services available to the asylum seekers. For example, NGOs provided examples from cases where asylum seekers were sent

⁴ *Pagulasseisundi konventsioon*, RT II 1997, 6, 26.

⁵ *Pagulaste seadus*, RT I 1997, 19, 306.

⁶ *Välismaalasele rahvusvahelise kaitse andmise seadus*, RT I 2006, 2, 3.

⁷ Data received from the Estonian Police and Border Guard Board in June 2020. This figure does not include refugees that were received through the European migration scheme in 2016.

back from the border without proper application processing or placed in detention centres without valid reason (Säär 2014). During 2009–2015, several institutional changes were made in the Estonian asylum system. First, in 2010 the Citizenship and Migration Agency was merged with the Police and the Border Guard Board, creating a new joint agency under the Ministry of the Interior—The Police and Border Guard Board (PBGB) (Sarapuu 2012). This structural change meant that migration related proceedings moved from a separate organization into the jurisdiction of the Police, making the proceeding of an asylum application into an investigative task from the perspective of guaranteeing internal security.

In 2013, Estonia began the process of amending the existing AGIPA as the CEAS directives were recast. Similarly to the immigration regulations, Estonia's stance in transferring directives into national legislation has been to "do what is needed, but not more". The core idea framing Estonian asylum policy has been to "prevent the entrance of foreigners to Estonia who threaten public order, internal safety or social and cultural activities" (The Ministry of the Interior 2014). Evidence of a very strict asylum policy can be noted by looking at the refugee recognition rate (i.e. the share of positive decisions from all applications), where Estonia has stayed below the EU average. In 2018, the refugee recognition rate for Estonia was 25% compared to the EU's average of 37% (Eurostat 2019). Humanitarian and human rights NGOs have criticised Estonian asylum policy of being too strict and not in accordance with international regulations (MTÜ Eesti Pagulasabi 2015). Policy-making in this field has been criticized as being guided by "decisions made in Brussels" (Kallas 2011) and made on an ad hoc basis without a clear strategy (National Audit Office of Estonia 2016). However, the war in Ukraine and the inflow of refugees into the EU in 2015, forced Estonia to react more constructively. In September 2015, Estonia agreed to voluntarily accept 570 refugees through the resettlement and relocation scheme of the European Agenda on Migration framework (Estonian Government 2015). Taking into account that during 1997–2015 Estonia had granted international protection to less than 94 people, the capacity to accept 550 refugees needed to be established and administrative resources to process applications needed to be increased (Trei and Sarapuu 2021). Despite the very low number of refugees reaching Estonia compared to the EU member states on the Southern border, the issue of refugees became extremely salient and was high on the agenda in public debates. According to the Eurobarometer survey, the perceived salience of immigration as one of the most important issue facing the country increased from 2.4% in 2007 to 24.3% in 2016 (Hatton 2017, p. 469). In fact, a survey conducted in early 2016 showed that two thirds of the Estonian citizens saw the refugee crisis as a bigger threat to Estonia than possible aggression by the Russia Federation (Postimees 2016). Negative sentiments towards asylum seekers and refugees gained ground and similarly to other European countries, anti-migration demonstrations took place and racist social media pages emerged (Säär 2017). This was further intensified by a highly opposing political debate that contributed in creating drift not only in the society, but also in the government (Parliament verbatim record, 26.11.2018). By 2019, less than half of the accepted limit of 550 had arrived to Estonia and the number of new asylum applications decreased back to the pre-crisis level.

3 The Politics of Immigration in Estonia

There have been three key topics in the Estonian immigration politics. First, the Soviet-era mass immigration of people into Estonia and its influence on the ethnic composition of the Estonian population was the leading theme during the initial phases of immigration policy development. The efforts to gain full control over migration and stop any further immigration from other parts of the Soviet Union were met with a great sense of urgency. It was said at the time by outside observers that for Estonia “independence was more than regaining sovereignty; it was a matter of cultural survival” (Barrington 1995, p. 136). This understanding was also evident in the parliamentary debates surrounding the adoption of the first immigration regulations. Debates around the Immigration Act and the Alien’s Act were filled with calls for caution and need to limit the possible inflow of “disloyal” people (Parliament verbatim record, 15.06.1993) as much as possible. Some members of the parliament called for “decolonization” of Estonia (ibid.) and did not think that strict restrictions for non-citizens could be considered discriminating, as it would be impossible for a “small nation” like Estonia to “discriminate against colonizing immigrants of a large nation” (Parliament verbatim record, 21.06.1993). The historic experience of mass immigration has also been highlighted during more recent discussions as a precaution to be remembered when talking about decisions that could bring about increased immigration. For example, during the 2015 European refugee crisis, the history of immigration to Estonia was brought out by the conservative political wing as a warning of what might happen if Estonia agrees to voluntarily accept refugees (e.g. Parliament verbatim record, 06.06.2015; 13.10.2015; 03.04.2017).

The second key topic has been the threat immigration poses for the preservation of Estonian people and their culture. Political arguments against allowing more immigrants to live and work in Estonia have often included examples of the difficulties the integration of the large minority of ethnic Russians in Estonia has faced and the necessity to protect the Estonian language. Therefore, when the need for additional workforce started to increase during the late 2000s, rather than to open up the Estonian immigration policy, efforts were turned towards reforming family policy and introducing, e.g. paid maternity leave and subsidies for young families, in order to support the fertility rate (Parliament verbatim record, 10.02.2011). Allowing increased immigration to alleviate the problems on the workforce was seen as a possible strain for the welfare system and an internal security risk, as the increase of ethnical minorities in Estonia could lead to tensions and extremism (Parliament verbatim record, 06.04.2006). The securitization of immigration is also a characteristic of Estonian immigration politics. As the topic of migration has institutionally been under the Ministry of the Interior and moved under the Police and the Border Guard Board in 2010, this has definitely contributed to framing the narrative of immigration from an internal security perspective. This is most evident in questions related to granting international protection to asylum seekers. Overwhelmingly the debate over refugees has evolved around how to “ensure solidarity and humanity as important European values while making no discounts for internal security of our people” (Parliament

verbatim record, 17.11.2015). For the conservative parties, the question of security has been the key argument against accepting refugees, claiming even that “Europe is faced with an ideology that wishes to destroy the open, caring and humane Europe” and joining the European Commission’s relocation scheme indicated that Estonia was no longer in control of its own internal security (ibid.).

This leads to the third key theme in the Estonian immigration policy—sovereignty and the ability to decide independently on migration related issues. Central and Eastern European countries established their immigration and asylum policy under the auspice of the European Union and neighbouring countries. Although in the early 2000s, the European asylum system was going through a reform (Ripoll Servent and Trauner 2014), the new member states were not included in these discussions (Lavenex 2002). From the perspective of Estonia, joining the EU was essential in order to guarantee the survival of a small state like Estonia. As famously said by the first president of Estonia, Lennart Meri, in 2004 on the day Estonia was accepted to NATO—“Estonia will never be alone again”. Therefore, even though immigration was a sensitive topic for Estonia and caused debates about the integrity of Estonia as a free nation state, adopting the EU’s *acquis* was considered a necessity in order to enter the “Western club” and avoid falling under an already familiar undemocratic regime from the East. However, this meant that while immigration policy touches the core of state’s sovereign discretion to decide who and on what terms is allowed to enter the state, “the exercise of such sovereignty by the countries undergoing transition, however, was significantly constrained by their dependency on western neighbours” (Byrne et al. 2002, p. 424). The political debates show that there was a constant tug-of-war between adhering to the joint rules of the European Union, while at the same time ensuring that it would not conceptually change the conservative stance of Estonian immigration policy. For example, during the proceeding of the Alien’s Act, there was a discussion if the restrictions implemented for non-citizens complied with European and international human rights regulations. Therefore, it was proposed in the Parliament that before voting on the draft, it should be sent to the European Council for commentary (Parliament verbatim record, 21.06.1993). Another example was during the 2015 refugee crisis, when the government emphasised the necessity to show solidarity with other EU member states, as this would mean member states would reciprocate Estonia when necessary in the future (Parliament verbatim record, 06.06.2015). The opposition, at the same time, perceived solidarity as a forced upon stance from the European Commission, that threatened the integrity of Estonian independence. In addition, while the political rhetoric on exemplary EU member states has traditionally highlighted either Scandinavian countries or Germany, for the conservative parties, the shift has moved more towards other CEE countries like Hungary and Poland. This indicates that the development stage of CEE countries combined with right-wing political parties being represented in the governments of these countries has given a stronger voice for CEE governments on the EU level, especially in matters related to migration.

An interesting characteristic of the Estonian immigration policy has been that until the early 2010s, all political parties across the spectre supported a conservative immigration policy and any diversions of reducing restrictions for entry always

required thorough analysis and debate. The importance of a conservative stance in immigration policy has been expressed in strategic documents and political debates, even without the conservative or nation-state supporting political parties belonging to the government (Parliament verbatim record, 13.10.2015; 05.04.2016). It was only until the events surrounding the refugee crisis, when a rift on immigration between the political forces emerged and widened and the populist style of argumentation eventually led to direct confrontations between the government and the opposition. The diametrical differences between political parties on the question of refugees, continues to influence the discussions on labour immigration. In the context of an aging society and labour market shortages, the opposition between political parties has made it difficult to introduce less restrictive measures to attract highly-skilled specialists. At the same time, the pressure from employers continues to increase and demand for labour immigration is present.

4 Conclusion

Since regaining independence, Estonian immigration policy has been guided by the historical experience of occupation era mass immigration and the desire to build a system that would protect the preservation of a small independent nation state. Due to migration processes that shaped the Estonian demographics during the twentieth century, Estonia has followed a rather restrictive and conservative line in immigration policy that would enable a firm control over migration. At the same time, the economic and social development have begun to turn the migration processes around in the region and attract people from less-developed countries. This has placed Estonia “on a path that European countries have walked on already since the Second World War” (Tammaru and Eamets 2017). A somewhat schizophrenic situation has emerged where, on the one hand, there is a need for high-skilled specialists and additional labour force, but on the other hand, the institutional setting of migration does not support these developments and immigration is seen by many as potentially harmful for the Estonian society.

Estonia and all the other CEE countries established their immigration and asylum policy frameworks during the period of transitioning from post-communist states into democratic states, while the EU level immigration system was based on their historic experience of the Second World War. This has created a discrepancy in the Estonian immigration politics, as immigration is considered an extremely sensitive issue and restrictive measures are preferred, while the EU’s policy derives from the ideological traditions that emphasize more the humanitarian side of the immigration coin. As said by Alink et al. (2001, p. 295), immigration and especially asylum policy in Europe has “many characteristics of a tragedy of the common situation: for at least some states /.../the incentives to maintain national sovereignty are greater than those to share the burden of the problem and develop a joint and mutually binding policy.” This summarization has been very characteristic to the Central and Eastern European

states during the events surrounding the 2015 European refugee crisis. With right-wing political parties gaining traction across Europe, this tendency has become even more visible. But the lack of adhering to common rules across the EU in order to find a common solution, can become harmful for the integrity of the EU.

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A Small Administration Facing a Complex Policy Challenge: Estonia and the 2015 Refugee Crisis

Mariliis Trei and Külli Sarapuu

Estonia is one of the smallest member states in the European Union (EU) together with Luxembourg, Malta and Cyprus. The country covers an area of 43,465 km² and has a population of 1.3 million. The year 2015 was politically significant for Estonia in a number of ways—the general elections resulted in six parties in the Parliament *Riigikogu* instead of the preceding four, the national aviation company Estonian Air went bankrupt, and the Estonian Internal Security Service officer Eston Kohver abducted a year earlier from the Estonian territory by Russia was returned home. Nevertheless, even more importantly, 2015 was a year when the European refugee crisis hit home. The crisis brought with it issues that had been ‘invisible’ in the Estonian society thus far and ‘engaged political processes that the public did not know how to talk about’ as they did not match the existing political narratives (Raag 2018). The matters

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of asylum seekers, refugees, multiculturalism, solidarity, hate-speech, etc., were suddenly at the centre of attention of a small nation that until 2015 had received altogether only 618 asylum applications since 1997 when the asylum procedure was established.

The crisis shook the Estonian society, politics as well as administrative organisations. Next to handling the societal anxiety, Estonian government had to get ready for receiving up to 550 refugees accepted through the EU relocation and resettlement scheme. The events unfolded on a complicated historical background and within a small administrative system with existing, but modest experience in managing the asylum issues. The goal of this chapter is to look at the 2015 European refugee crisis specifically from the perspective of governance and public administration. The chapter inquires how Estonia handled the domestic consequences of the European refugee crisis and the governance of the relocation and resettlement scheme. The chapter has two ambitions. First, to provide an in-depth description of how the Estonian politico-administrative system prepared for receiving the refugees, and secondly, to attempt to distil the constraints and opportunities presented by the small size of the country and to suggest how the small state context influenced governance of the issues.

The study relies on qualitative methods. Data for the empirical analysis was gathered through document analysis and interviews. Altogether 20 interviews have been conducted with policy-makers, NGO representatives and service-providing agencies in the field. The interviews took place in three rounds within two research projects—in the spring of 2016, in the spring of 2019 and in the autumn of 2019. The interviews focused on the evolution of the asylum policy field in Estonia, the role of different actors in the asylum system, and the governance of the 2015 crisis.

The chapter proceeds as follows: first, the potential implications of small size for the governance of complex policy problems are briefly examined; second, the development of asylum policy in Estonia is described; third, the details of the 2015 refugee crisis and its governance in Estonia are discussed; and, fourth, inferences from the perspective of small state studies are suggested.

SMALL STATES AND COMPLEX POLICY PROBLEMS

This edited collection started with an observation that European governments face increasingly complex policy problems deriving from changes in

their economic, political and social environments (Sarapuu et al. 2021). The complexity originates both from domestic developments as well as from the global trends manifesting in international interconnectedness, resource stress, shifting economic balances, the impact of digital technology, etc. (e.g. Governments of the Future 2013). The increasing movement of people and governments' need to deal with different types of migration, both the forced and voluntary movement of people, and their push and pull factors, is among them (see IOM 2018).

Consequently, it is argued that contemporary policy problems are increasingly 'wicked'—they are multifaceted, persistent and constantly evolving. Such complex problems span across organisational, sectoral and national borders, are characterised by a lack of consensus over their nature, and demand the management of perceptions and interaction of various actors (Klijn and Koppenjan 2016; Head 2008). Complex problems have substantial implications for government machinery and require new competencies, structural adaptation and innovative ways of collaboration from government and society (Pollitt 2016). However, responses vary country by country as internal and external pressures for change are significantly mediated by the existing structures, processes and cultures, and 'translated' by them for the specific context (Pollitt 2016). In short, the reaction to shared challenges differs in different 'politico-administrative houses' (Pollitt and Bouckaert 2017: 46).

Small states can be expected to constitute a specific type of 'house' in this regard, with special constraints and opportunities related to their size and capacities. The special characteristics of small states outlined in the introductory chapter of this volume (Sarapuu et al. 2021) shape how small states, as particular politico-administrative households, deal with emerging policy problems. From the perspective of politics, Baldacchino and Wivel (2020) describe three pressing dilemmas that are particularly acute for the smaller states: finding the balance between a national and an international focus in their policy choices, maintaining the plurality of opinions instead of falling to social conformism, and keeping national autonomy in the era of globalisation and international interdependence.

From the perspective of administration and domestic governance of policy problems, four further dilemmas appear (Randma-Liiv and Sarapuu 2019). First, the need to mobilise comparatively limited administrative resources to support the same functions as large states. Second, balancing the pressures towards multifunctionalism and generalist administrations with the need to develop in-depth policy expertise on complex

policy problems. Third, relying on flexibility, informality and higher personalism as the key advantages of small size, while also satisfying expectations towards transparency, predictability and neutrality of administration. Fourth, managing the pressures towards centralization and efficient use of limited resources at the same time as keeping up the principle of democratic decentralisation and supporting the healthy diffusion of decision-making power.

Crisis in the field of asylum policy is a specific type of a complex policy challenge, where major, disrupting and uncertainty creating events suddenly threaten the *status quo* in an area that is difficult to address in terms of policy and organisation even in peaceful times (Alink et al. 2001; Boin and 't Hart 2010: 358). The political leaders tend to be under more intense pressure for action and changes in the field of asylum policy as they have to deal with 'fundamentally different frames of problem definitions, policy norms and policy alternatives' put forward by public opinion, political groups and non-governmental organisations with humanitarian aims (Alink et al. 2001: 296–297; Christensen and Lægread 2009). The institutional structure dealing with asylum policy is usually multifaceted as different functional components engaged in granting asylum demand coordination of policy-makers and service organisations from different sectors, domains and governance levels. This starts with foreign affairs and border control and ends with social services and education, often provided by non-governmental and not-for-profit organisations.

The Estonian government faced the same kinds of complexities when facing the consequences of the 2015 European refugee crisis. The external pressures were mediated by the local historical context, culture, structure and processes. Estonia as a specific 'politico-administrative household' was struggling with complex choices that did not have easy answers and demanded balancing of contradictory pressures. Nevertheless, there has been little research on how complex policy challenges are handled within small administrations and how small state governments respond to and manage these matters. Policy-making and implementation within small administrations has been generally understudied (Sarapuu and Randma-Liiv 2020). The next pages will provide insight into the Estonian case of handling the domestic effects of 2015 European refugee crisis and its implications for the knowledge on small state governance.

DEVELOPMENT OF ASYLUM POLICY IN ESTONIA

The Republic of Estonia was established in 1918 and re-declared independence on 20 August 1991 after being annexed and occupied by the Soviet Union in 1940. Since 1991, the politico-administrative system of Estonia has been developed virtually from scratch (Sarapuu 2012). Next to reforming the existing institutions, in policy fields such as asylum policy which did not exist during the communist regime (Barnickel and Beichelt 2013), the efforts have focused on establishing the institutional structure and government capacity from the ground up.¹

During the first years of regained independence, a formal asylum regime was not an issue of priority for the new Estonian government. More acute problems of economic and political transformation demanded attention and, similar to other post-Soviet Central and Eastern European countries, Estonia merely served as a transit country for migrants trying to reach Scandinavia or Western Europe, which already had well-established asylum systems (Potisepp 2002; Barnickel and Beichelt 2013). Estonia did not have neither institutional nor legal basis for accepting asylum seekers who were considered as illegal immigrants and often detained (Parliament's verbatim report 02.05.1994). Thus, Estonia essentially violated the principles of the international asylum system that were a norm in established democracies. Although the number of asylum seekers who tried to pass through Estonia between 1991 to 1997 is estimated to be under 1000 people, the destination countries in Scandinavia together with international organisations soon began pressuring Estonia to establish a formal refugee policy (Potisepp 2002). The ratification of international asylum related treaties became in fact a stipulation to conclude visa-free agreements with the neighbouring Nordic countries Sweden and Finland, but was also a requirement for Estonia to go forward with joining the EU.

In 1997, Estonia acceded to the United Nations Convention relating to the Status of Refugees (1951) and the Protocol Relating to the Status of Refugees (1967). Parliament adopted the Estonian Refugees Act

¹There was very limited migration out from the USSR and to the USSR. The very few refugees accepted to the Soviet Union (USSR) were communist revolutionaries and the provision of asylum was mostly used as a foreign policy instrument (Cienski 1994). In addition, the Soviet Union was very critical towards UNHCR and latter's activities did not reach the areas under the Soviet Union's control (Afshar 2005). All former Soviet bloc countries (including the Russian Federation) ratified the Refugee Convention and Protocol only after the fall of the communist regime (Barnickel and Beichelt 2013).

on 18 February 1997. The drafting of the Act and the establishment of a formal asylum system in Estonia was supported by the office of United Nations High Commissioner for Refugees (UNHCR) Representation for Northern Europe and the Nordic states, especially Sweden and Finland, who provided independent experts but also material resources in order to implement the new regulations (Potisepp 2002: 284). For example, in 1998 a reception centre for asylum seekers was established by the Ministry of Social Affairs with monetary support from Finland (Parliament's verbatim report 15.06.1998).² The overall responsibility for developing and conducting asylum policy was assigned and still belongs to the Ministry of the Interior.

The next step in the development of the Estonian asylum policy came with the process of EU accession, as the adoption of the EU asylum *aquis* was an important element in the accession negotiations (Lavenex 2002). The further evolvement of Estonia's asylum policy was in line with the EU's asylum regulations and its changes (Parliament's verbatim report 19.01.2000). Estonia officially joined the EU in 2004 and the harmonisation of Estonian asylum policy with the EU's Common European Asylum System (CEAS) culminated in 2006 when Estonia replaced its Refugees Act with the Act of Granting International Protection to Aliens³ (AGIPA), which has since been the core legal document of Estonian asylum policy. Joining the EU made it possible for Estonia to apply for funding from the European Refugee Fund (established in 2000) in order to improve its asylum related services and infrastructure (Ministry of the Interior 2018), which till then had not been a priority for the government due to the small number of asylum seekers arriving in Estonia (see Fig. 1).

The number of asylum applications started to increase slowly but steadily in 2007 when Estonia joined the Schengen Area and adopted the Dublin regulation (Kallas 2011). This increase of asylum seekers for the first time sparked a public debate, which also shed light on the shortcomings of the reception process and asylum policy in general. As the volume of asylum applications was low, asylum policy was not on the agenda of the Estonian government. This made possible instances of not complying

²RTL 1998, 273, 1143. The reception centre was officially opened in 2000.

³RT I 2006, 2, 3

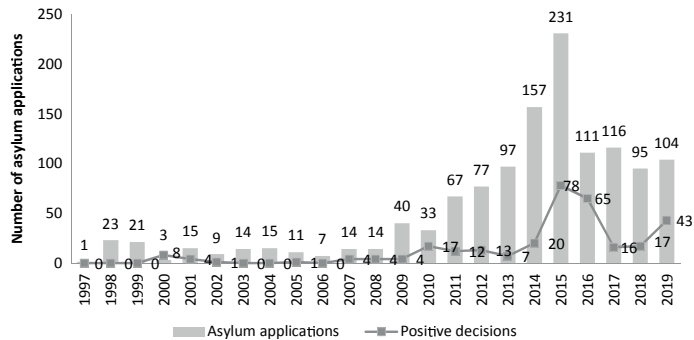


Fig. 1 Total number of asylum applications and positive decisions in Estonia, 1997–2019 (Source Estonian Police and Border Guard Board 2017; Ministry of Interior 2019)

with the EU asylum regulation due to slow adoption and strict interpretation of the regulations, which translated into poor quality of support services (Roots and Kallas 2011; Mätlik et al. 2013).

Together with the increasing number of asylum applications, valuable practical experience was gained and asylum regulations and procedures were constantly updated. The (relatively) higher number of refugees enabled service providers to develop certain standards for their services that was difficult when operating with only a few individual cases. In 2013, Estonia began the process of implementing the recast CEAS directives (see European Commission 2008; Peers 2013) into the Estonian legislation. This further complemented the Estonian asylum system even in a situation where only the minimum standards required by the CEAS were ensured. Reception conditions and the availability and diversity of services subsequently improved (Estonian Refugee Council 2015).

With regard to the institutional structure, the Ministry of the Interior has had the central position in the Estonian asylum system since 1997. The Ministry is responsible for policy-making, evaluating and proceeding the asylum applications and determining the status of international protection. The policies are implemented by the Police and Border Guard Board operating under the Ministry. The Ministry of Social Affairs is responsible for the reception services and integration of

refugees and other beneficiaries of international protection (e.g. receivers of temporary protection, family members). It oversees the provision of services by public organisations (for example, state-owned company Hoolekandeteenused that operates the reception centre) and by non-governmental organisations (for example, Estonian Refugee Council). Other stakeholders at the national level include the Ministry of Education and Research, responsible for integrating refugee children into the educational system, the Ministry of Culture dealing with societal integration issues, and the Ministry of Justice involved in developing the legal system. On the international level, the UNHCR supervises and tracks the Estonian asylum policy so that it complies with the international legal system and fulfils all the obligations. The International Organisation for Migration (IOM) assists UNHCR and individual states by offering different programmes (for example, voluntary return programme for asylum seekers and refugees), providing trainings and advice for officials and migrants. The European Union is an essential actor through CEAS and provision of resources through the Asylum, Migration and Integration Fund to enhance the infrastructure and delivery of services within the member states' asylum systems (Fig. 2).

Altogether, the volume of asylum seekers entering Estonia has been modest; since 1997 Estonia has only received a total of 1275 applications and international protection has been granted to 531⁴ applicants (Fig. 1). Compared to other EU member states, Estonia has been among the three countries with the lowest number of asylum applicants during the past decade (Eurostat 2019). At the same time, Estonia's formal position on asylum matters has remained conservative and has reflected the country's generally precautionous attitude towards immigration, shaped by historical experience and geographical position. During the Soviet occupation, Estonia experienced a massive flow of forced labour immigration from other parts of the Soviet Union (primarily the Russian Soviet Federative Socialist Republic), which drastically altered the ethnic composition of the country. The share of non-ethnic Estonians increased from 3% to 38% of the total population between 1945 and 1989 (Tammur et al. 2017). In 1989, a remarkable 26% of the Estonian population was foreign-born, one of the highest rates in Europe (Ainsaar 1997: 56). The latest figures

⁴Data from the Estonian Police and Border Guard as of January 2020. This figure does not include relocated and resettled refugees arriving through the European Commission's migration scheme adopted in 2016.



Fig. 2 Organizations in the Estonian asylum policy field in 2019 (Source Compiled by the authors)

from 2020 reveal that non-ethnic Estonian minorities still form around 32% of the total population (Statistics Estonia 2020).

This historical background has made all issues related to immigration extremely sensitive in the society. In addition, due to the geographical position as a border-state of the EU neighbouring Russia, concerns about security have influenced the institutional development of the Estonian asylum policy. By being located in the area of governance of the Ministry of the Interior, asylum has been framed as a security issue. International organisations and local NGOs have perceived this security-led policy perspective as ‘conservative’ and ‘strict’ (UN Committee Against Torture 2013; Estonian Refugee Council 2015; Maasing and Asari 2017).

The aforementioned considerations, combined with the small number of asylum-seekers and refugees, made asylum matters a problem of secondary nature for the Estonian government during the first two decades after regaining independence. Furthermore, in these years, the

main immigration issue the government needed to address was the management and processing of residence and citizenship applications of those third-country nationals who had moved to Estonia during the Soviet period (Jäärats 2009: 229). Consequently, the asylum issues were addressed mainly in an ad hoc manner without a clear strategy (Riigikontroll 2016a). The pressure to develop government capacity for the issues was limited, the applications were proceeded case by case, and government relied on NGOs to deal with the integration of a small number of refugees and their need for support services.

2015 EUROPEAN REFUGEE CRISIS

The 2015 European refugee crisis changed the situation drastically. Although the number of asylum seekers reaching Estonia made only a moderate jump upwards (see Fig. 1) and Estonia did not have to cope with masses arriving on the state's borders, the crisis was accompanied by high uncertainty and threatened the status quo of the national asylum policy. On the one hand, the societal reaction to the crisis was abrupt and anxious. The inflow of refugees into the EU and the war in Ukraine (2014 onwards) brought asylum issues to the societal attention in Estonia. The issue of refugees was high on the national news agenda and a key topic of political debates. Negative public opinion gained ground. Similar to other European countries, anti-migration demonstrations took place and racist social media pages emerged (Säär 2017). Based on the Eurobarometer survey, in 2015, the salience of immigration as a policy issue had increased by 21.5 percentage points for the Estonian people compared to 2013 (Hatton 2017).⁵ Although Estonia received a mere 231 applications in 2015 and 111 applications in 2016 (while over 2.5 million applications were submitted to the EU in total during 2015–2016; Eurostat 2019), the issue of refugees was seen as one of the most pressing problems by the public. Taking into consideration the low awareness and negative public opinion towards asylum seekers evident already before the crisis (Saar Poll OÜ 2010, 2014), the increased salience of asylum issues had the effect of magnifying the pre-existing inclinations (Hatton 2017).

⁵The Eurobarometer survey measured the salience of immigration policy as an issue by asking the respondent what were the two most important issues facing the country (Hatton 2017).

On the other hand, the need to have more concentrated capabilities for offering international protection struck home for the government. In May 2015, Estonia agreed to voluntarily accept refugees within the European Agenda on Migration framework (Estonian Government memorandum 06.08.2015), a decision that had been reached without much opposition among the coalition government partners, but still weighed carefully in light of the existing capacities and experiences in dealing with the asylum seekers. At the same time with societal hostility and lack of public trust, the government needed to negotiate the refugee quota on the EU level and prepare for its implementation at home. Eventually Estonia agreed to accept up to 550 refugees through the relocation and resettlement scheme. The pressure of the crisis was reflected in a quick strengthening of the existing asylum system. Whereas the basic structures were in place both in the field of internal security (processing of applications) and in social affairs (reception and support), there was almost no systemic experience in dealing with refugee children in education (only 1–2 children had to be dealt with in the previous years). Furthermore, the decision by the government to set preferred target groups for resettlement and relocation (families with children, orphans or unaccompanied minors), to carry out the screening of potential individuals and to conduct all the refugee status determination proceedings before the refugees physically entered Estonia, demanded a rapid formation of necessary procedures, new institutional capacities, and intense cooperation with the countries where the refugee camps were located.⁶

According to the interviewees, the late summer and autumn of 2015 were filled with concentrated efforts by government officials to prepare and modify the already existing Estonian asylum system to be able to receive more refugees than had been accepted during the preceding twenty years. One of the initial tasks was to evaluate the capabilities of the system and map the need for additional activities and resources. The first action plan for initiating and preparing implementation of the European Union's resettlement and relocation scheme was completed in August (Estonian Government memorandum 06.08.2015) and the second, a more detailed plan focusing only on implementation, was concluded in October 2015 (Estonian Government memorandum 08.10.2015).

⁶One of the core conditions for resettlement and relocation was that the people were volunteering to be resettled to Estonia.

The people participating in these processes described a feeling of joint effort, cooperation and coordination that had not been seen in the asylum policy field before. The cooperation between the Ministries and their agencies increased rapidly and information exchange took place almost daily. In September 2015, a formal Coordination Committee on Asylum Policy was established, that included officials from the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Education and Research, the Ministry of Culture, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Economic Affairs and Communications, the Ministry of Justice, the Police and Border Guard, the Estonian Internal Security Service, the Government Office, and the Office of the President. This circle of officials was mainly comprised of people who had already been dealing with, or had experience with, the topic of asylum in their respective areas for 10–15 years, and were therefore acquainted with each other. The bulk of the planning and drafting of the government action plan was done by key members of the Asylum Policy Coordination Committee, mainly the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Education and Research and the Government Office. Once a draft of the action plan together with the budgetary calculations was concluded, it was sent to the government cabinet for political discussions and eventual approval.

The main changes introduced to the refugee reception system concerned the procedure of determining the status of international protection and the accommodation and integration of refugees arriving in Estonia. It was agreed that Estonia would send a delegation of processing officers to the receiving countries to conduct the refugee status determination procedures (e.g. interviews with the asylum seekers). For that matter, immigration liaison officers from the Estonian Police and Border Guard Board were swiftly sent to Italy, Greece and Turkey in autumn 2015 to set up information exchange networks with local officials and prepare cooperation channels for the arriving processing officers. As the asylum applicants had the right to decide whether to agree with the relocation or not and the official aim was to relocate only refugees whose intention was to stay in Estonia, a thorough information on the country was given before the final interviews. The necessary documents and files of asylum applicants who wanted to relocate to Estonia were gathered by local officials, but the final interviews with applicants were conducted by the Estonian officers in Athens, Rome or Ankara. When the asylum status proceedings were concluded and a positive decision was made,

the refugees were transported to Estonia. It was decided that refugees would be dispersed across different regions in Estonia to avoid possible ghettoisation.

In order to settle in and start the integration process as smoothly as possible, support person services, language courses and a welcoming programme for refugees were offered. To coordinate the activities of all partners and service providers, the Ministry of the Interior and the Ministry of Social Affairs initiated monthly meetings for social partners and relevant government agencies in asylum policy, starting from early fall 2015. These meetings included a wide circle of stakeholders and became an important forum for open and constructive discussions and information exchange for both the government and the social partners. While some essential services, namely the support person service, had already been provided since 2008 and had reached a certain level of institutionalisation, the support model for the relocated refugees had to be developed from the ground up. Meetings between government officials and schools willing to receive refugee students took place on a case-by-case basis to prepare the school staff, offer up-to-date information and comprehensive support. According to the interviewees, finding suitable accommodation proved to be one of the most difficult practical obstacles because there was a lack of apartments that would accommodate larger families and negative sentiments towards refugees made landlords apprehensive to rent out their properties.

Important public actors, for whom the refugee crisis provided novel challenges, were local governments. In order to decrease uncertainty and offer support, officials from the Ministry of the Interior and the Ministry of Social Affairs together with the Ministers embarked on a two-week so-called '*tour d'Estonie*' to all the Estonian counties to create a common information forum with the local governments. The interviewees stated that while before 2015, local governments perceived matters relating to refugees as something detached from the local level, the European refugee crisis created a feeling of a mutual challenge and brought stakeholders closer together. This tendency was also characteristic for the relationship between the NGOs and the government, which generally was transformed from being confrontational to one of constructive cooperation.

The first refugees through the relocation and resettlement scheme arrived in 2016 from Greece and Turkey. The procedures for relocating refugees from Italy were initially stalled as the Italian government refused to allow Estonian officials to carry out screening interviews in the refugee

camps on the Italian ground (Riigikontroll 2016b). As of June 2020, 213 from the agreed 550 refugees have been moved to Estonia from Greece, Italy and Turkey (the Ministry of the Interior 2020). A number of the refugees have subsequently left for other European countries, mostly Germany. The arrival of fewer refugees than was expected and the swift accumulation of resources and cooperation activities resulted in avoiding a crisis on the practical level. There was a general agreement between the stakeholders that to be well prepared for the crisis and to ensure a well-working asylum system, cooperation and coordination was essential. Although, as the intensity of the crisis on the European Union level subsided and, therefore, intensity of the cooperation in Estonia also withered, the nature of the collaboration between stakeholders remained constructive and improved the functioning of the Estonian asylum system.

DISCUSSION

The preparations for receiving the relocated and re-settled refugees presented the Estonian politico-administrative system with several complex choices and conflicting pressures. The key political dilemma laid in the contradiction between the Estonian society's intense anxiety and fear for its autonomy on the one hand, and the political elite's understanding of the need to show solidarity towards the fellow struggling EU member states, on the other. The complicated historical experience, continuous concern with autonomy after regaining independence, and fear for the sustainability of Estonian national culture reinforced the conservative and securitized view towards immigrants, at least for a large segment of the society. Although humanitarian considerations and feelings of solidarity were also voiced in the public discussion (for example, by reminding the experience of the Estonian refugees fleeing from the Soviet occupation), several interviewees perceived the contribution to solving the crisis in the EU as a calculated expression of unity and need to cooperate with other member states during critical moments.

It was widely agreed among the interviewees that in Estonia, the 2015 European refugee crisis unfolded mainly as a crisis of values and solidarity, rather than an actual crisis threatening the functioning of the Estonian asylum system. The crisis in Estonia, therefore, can be conceptualised mostly as a 'mental crisis' having the biggest effect on public discussion, embedded ideas and understandings of the issue, not so much threatening the existing politico-administrative structure. The sensitivity of the issue

and tensions in the society were further amplified by the governments' poor communication of its decisions and an initial lack of a strategic communication plan, as the negotiations on the distribution quota on the EU level occupied politicians' full attention. Due to the issues of asylum having been largely 'invisible' for the Estonian society this far and not fitting with the existing simplified frames for discussing migration (Raag 2018), the initial reaction of government rather increased the societal anxiety than reduced it. It was stated during the interviews that the Estonian case is a good example of a crisis of communication and highlights the crucial importance of government communication in salient policy matters. Lack of communication caused a decrease in the transparency, credibility and legitimacy of the governments' actions at the beginning of the crisis (Veebel and Markus 2015). As has been bluntly argued by Raag (2018), at the time of the crisis, there was a 'huge, huge gap between what the state apparatus was doing and what a large part of the population was believing'. Only when the Government Office came up with a strategic communication concept and coordinated how to provide information in a comprehensive and clear manner, did the public stance towards refugees somewhat improve towards the end of 2016 (Voog 2016).

With regard to the administrative dilemmas, despite signs of the mental crisis of the Estonian society rolling out on the background, the challenge of preparing to resettle and relocate the refugees was addressed in a very practical way characteristic to small states relying on selectivity and prioritisation in their public policies—by swiftly mobilising the core team of individuals and granting additional resources to a function that had not been deemed previously a priority. Most of the engaged people had been working on the asylum-related issues for years, knew each other well, and could rely on trust and supportive informal relations in designing and implementing the resettlement scheme. As recalled by one of the interviewees, there was a strong team spirit between the officials whose work concerned the support to the refugees arriving to Estonia. The feeling of a joint undertaking assured prompt exchanges of information both inside and outside the working hours.

The Ministry of the Interior that obtained a coordinating role in the system opted for an open stance and involved a wide range of social partners and officials of other Ministries into finding an optimal solution to implementing the resettlement and relocation scheme. The mobilisation of knowledge and experience did not limit itself to the

sectoral borders, but engaged also non-governmental organisations and their individual leaders who had practical understanding of the issues to be resolved. Importantly, non-governmental organisations were the sole providers of the support person service, a key component in starting the integration process of refugees. The assembling of key individuals with expert knowledge and the willingness to put aside differences enabled to offer broad-based support also for local governments together with their schools and social workers who had limited experience with the target group before the crisis. The officials from the Ministries of Social Affairs, and Education and Research together with the Ministers, but also NGO representatives and refugee support persons jointly conducted information seminars and necessary trainings.

Although the Estonian ministries usually reserve themselves to policy design and policy implementation is the responsibility of their subordinate agencies, during the 2015 refugee crisis, ministries' officials had a very hands-on role in the implementation of the government action plan for resettlement and relocation. This reflected both the generalist nature of the civil service where multifunctionalism is a common phenomenon, as well as the under-institutionalised nature of the asylum policy. Furthermore, the extraordinary circumstances of the 2015 European refugee crisis forced a small group of individuals to work strenuously in a multifunctional manner on a much wider scale. For example, an official might have been involved in the negotiations occurring on the European level, developing an action plan on the governmental level, and at the same time constantly exchanging information with colleagues and social partners who needed input for implementing it.

Altogether, the need to cope with the domestic repercussions of the European refugee crisis was an important learning experience for the whole administrative system. By short-term mobilisation of people, financial resources and political attention, the existing semi-institutionalised asylum system made a considerable leap forward and important new competencies were established. As argued by an interviewee with a long-time experience in refugee support services, the crisis helped to advance the Estonian asylum policy into a 'normal' policy field integrated with the other fields and with a standing as one of the necessary state functions. Especially in the field of education, the acute pressure to deal with the arriving refugee children who were dispersed to different local governments, led to the demand for information, development of new

competencies, methodological materials, and support systems for educational institutions. The experience gained was an important incentive to develop and ensure the future readiness to act in case of mass influx of asylum seekers into Estonia.

Nevertheless, whereas the small state informality and flexibility helped to address the crisis in a quick and practical manner, the small scale of the state still presents challenges for the daily operation of the system after the crisis. As maintained by several interviewees, the policy field is very vulnerable to changes in personnel (especially in the proceeding of asylum applications that demands special expertise and authorisation) and there are several points in the asylum process where international expertise is needed (for example, in translation and interpretation). The core steps in the asylum process are managed by multifunctional public agencies, which leads to competition for resources and attention, as well as sometimes conflicting worldviews within and between the organisations. The latter tends to appear mostly in the situations where the security-based view, dominant in the Police and Border Guard Board, collides with a more humanitarian or even administrative perspectives on the asylum issues. The availability of resources is another key issue, as many of the basic services provided to asylum seekers and refugees are funded through the EU's AMIF fund, not nationally.

CONCLUSION

The 2015 European refugee crisis is a good example of a complex challenge that spans across organisational, sectoral and national borders, requires combined effort, resources and the ability to swiftly react and adapt in an already complicated policy field. The inherent characteristics of small administrations make the states more vulnerable when faced with complex problems, but as the case shows, also present several opportunities. Crisis management can be expected to have special characteristics in a small state context and a number of conclusions can be drawn from the perspective of small state governance based on the Estonian case.

First, small states are very permeable to the events happening on the global arena. Integration to the international structures allows small states to defend their interests and to seek 'shelter' from political and economic hazards (Thorhallsson 2019). However, the shelter comes with a cost and a potential loss of autonomy. International integration may bring home challenges that small state inhabitants perceive as imported to the country

and preferably addressed by someone else. Even in a situation where the material crisis is largely missing, like in Estonia during the European refugee crisis, and political dilemmas revolve around harmonising competing domestic frames or balancing national and international focus (Baldacchino and Wivel 2020), the domestic institutional impact may be abrupt and penetrate the small politico-administrative system to the very bottom. Nevertheless, the decision-makers in Estonia perceived the price of shelter provided by the European Union worth to be paid for voluntarily relocating and resettling a volume of refugees comparable to the total numbers accepted throughout the years of regained independence.

Second, small state institutional development is more probable to happen in the form of 'fire-fighting' and ad hoc solutions than in large states that have more sizeable administrative apparatus presuming formalisation and standardisation. As small states operate with constrained resources, are more selective in fulfilling the public functions and more probable to develop institutional loopholes (Sarapuu and Randma-Liiv 2020), there is also more room for chance events to develop into institutional crises and to change the system dynamic. The crises can lead to rapid institutional transformation and attempts to address acute problems via intensive short-term efforts, as was seen in the case above. Consequently, small state system development happens in the form of institutional leaps induced by specific challenges and incidents.

Third, for a real puzzle of small state governance, the same characteristics that make small states potentially under-institutionalised democracies and vulnerable to the ambitions of undemocratic or corrupt intentions and incompetence give them the ability to cope with the exposure to the outside impact and environmental instability. The institutions in a small administration are often based more on personal networks and trust than formal procedures. The group of people with the necessary experience and know-how for addressing a challenge is probably small and easy to mobilise. The informal relations between government officials, service providers and other key stakeholders support efficient exchanges of information and knowledge. All this leads to flexibility and agility. However, the same reliance on a small group of people that have a long experience of working together may make the decision-making less transparent, accessible and accountable. Such systems are also much more vulnerable to personnel turnover, staff burn-out, individual conflicts and information loss.

Last but not least, although small politico-administrative systems find their resilience in prioritisation and quick adaptation to the changing circumstances, they are still vulnerable in terms of constrained resources, most of all human resource, and lacking economies of scale. In Estonia, the lack of a ‘critical mass’ of the target group still sets limits to developing a more standardised asylum system compared to the existing mostly project- and case-based approach. Furthermore, overcoming turbulent times by rapid mobilising and institutional change may not be a sustainable approach in the long-term perspective. In a situation where the multifunctional agencies and officials address issues based on their acuteness, there is a good chance that a crisis in a neighbouring policy field may drain the policy area from attention, finances or people as they are needed elsewhere. Therefore, the question remains whether the small state agility is a genuine advantage of a small scale or simply a mechanism to cope with the vulnerability and to maintain the systemic stability.

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The Involvement of NGOs in Asylum Policy Decision-Making in Estonia

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Abstract

With the shift from government to governance and the increased demand for cooperation and coordination in public management during the past few decades, governments have made efforts to improve participatory policy-making. It can be tricky to involve stakeholders across sectors with different interests, resources, and perceptions, especially if the policy issue is controversial. The aim of this paper is to analyze the interaction dynamic of the government and non-governmental organizations (NGOs) in asylum policy decision-making. The paper looks into the case of amending the legislative framework of the Estonian asylum system that was interfered with by the European migration crisis in 2015. The case highlights how the increased salience of the issue and the changing context influenced political decision-making and the way NGOs were involved. The findings show that although the context of crisis increased collaboration between the ministries and the NGOs on the policy implementation level, the involvement of NGOs in political decision-making deteriorated. The paper argues that at times when public debate on asylum policy grows more divisive, the decision-making process becomes more political, and the ability of NGOs to influence policy decisions becomes more likely through service provision rather than political debate.

Keywords: non-governmental organizations; public participation; policy-making; asylum policy

Introduction

The shift from traditional policy-making to more collaborative or participatory policy-making has meant that policies are no longer only "the preserve of policy planners and top decision makers" (Bovaird 2007, 846), but are ideally seen as outcomes of interactions, negotiations, and compromises between stakeholders. According to Rowe and Frewer (2004, 215), public participation is "the practice of consulting and involving members of the public in the agenda-setting, decision-making, and policy-forming activities of organizations or institutions responsible for policy development." The value of public participation derives from two underlying assumptions – there are several alternative solutions to one policy problem and the authorized decision-makers possess insufficient knowledge, information, competence, resources, or legitimacy (Fung 2006, 67). Thus, public participation is expected to improve the quality and legitimacy of policy decisions by consulting a wide range of stakeholders or affected parties across sectors.

Although the value of participatory policy-making is widely acknowledged, it has also been argued that the process of public participation is difficult to "get right" (Ianniello et al. 2018). Participatory policy-making requires ways to foster collaborative interactions between actors that can have conflicting perceptions, interests, and power resources depending on the institutional and political context (Cornwall 2008; Halpin and Fraussen 2017). The process becomes even more complex if we consider that the values, interests, and positions of participating actors are not static, but rather "actively constructed or constrained" during the course of public participation (Harvey 2009, 140). Failure to work together can result in disagreements and coordination problems, leading to ineffective policy-making and implementation (Neshkova and Guo 2011), which can further escalate policy problems and have negative consequences for society.

Asylum policy represents a complex and controversial policy field with a wide range of actors with different interests across governments, sectors, and policy areas (Alink et al. 2001). The core contradiction of asylum policy lies in balancing national interests, international norms, and morality (Steiner 2000), insisting on trade-offs during the policy-making process. Different actors (e.g., the government, media, NGOs, international organizations) want to protect or advance different values and interests, leading to attempts to disqualify other opinions instead of reaching a common understanding (Geuijen et al. 2017, 626). This became evident, for example, during the 2015 European migration crisis, which intensified the trend toward national solutions among the European Union (EU) member states (Lavenex 2018, 1203) and polarized political debate.

The dynamics between various stakeholders in the asylum policy-making process have been researched on the EU level (e.g., Guiraudon 2000 and 2017; Givens and Luedtke 2004; Kaunert et al. 2015; Zaun 2017), but less emphasis has been on exploring the dynamics between stakeholders with different roles and considerations on the national level (few exceptions are, e.g., Szczepanikova 2011; Mayblin 2017), especially in the decision-making phase. In particular, the involvement of NGOs in asylum policy decision-making on the national level has thus far received little attention (Korneev and Kluczevska 2018; an exception is Menz 2011), although their important role in national asylum systems has been widely acknowledged. Research on NGOs in asylum policy has mainly looked into their function and activities (Kersch and Mishtal 2016; Simsa 2017; Roth et al. 2018; Mayblin and James 2018), but has not closely considered their involvement in the legislative process.

The aim of this paper is to address this gap and provide an in-depth account of the involvement of NGOs in asylum policy decision-making on the national level during a critical period – the height of the European migration crisis of 2015. More specifically, the case study follows the legislative process of amending the Estonian Act of Granting International Protection to Aliens (AGIPA) – the main act regulating the asylum system in Estonia. This process took place from 2014 until 2016. To analyze the engagement of NGOs, three core research questions were posed: (1) What was the role of NGOs in the Estonian asylum policy system before the 2015 EU migration crisis?; (2) How did the interaction dynamic between government actors and NGOs evolve during the proceeding of the AGIPA?; and (3) What was the impact of the 2015 European migration crisis on the involvement of NGOs in the proceeding process of the AGIPA?

To answer the research questions, the paper first outlines the characteristics of asylum policy and the role of NGOs in asylum policy from a theoretical perspective and lays out the criteria

for analyzing the involvement of NGOs in the asylum policy-making context. The term “policy-making” in this article will be used to refer to the process of determining policy options and deciding on the course of action (Howlett and Giest 2013). The theoretical part is followed by a description of the Estonian context and the research methodology. Finally, an analysis and discussion are provided. The data for the analysis was gathered through desk research and 17 semi-structured interviews conducted in 2016 and 2019 with NGO representatives, civil servants, and members of the Government and Parliament in office during the 2015 European migration crisis.

By deconstructing the decision-making process, the case of the AGIPA offers an opportunity to consider the dynamics of interaction between government actors and NGOs in a context of crisis where immediate decisions are required. Understanding this dynamic provides insights into the nature of the relationship between stakeholders, which is crucial to understanding asylum policy outcomes. Insights from the national level are especially important for understanding the processes on the EU level, as asylum policy remains an area where compromises between member states are difficult to reach (Zaun 2018, 45). Estonia offers a suitable context for the case study as volunteers and NGOs have been actors in the Estonian asylum system since it was established in 1997 and the 2015 European migration crisis can be considered as the first big challenge for the Estonian system (Trei and Sarapuu 2021). The paper also contributes to the knowledge on the specifics of the asylum system in Central and Eastern European countries, which have received limited attention in literature.

Characteristics of asylum policy-making

Asylum policy is a multifaceted, transnational, and institutionally complex policy field (Alink et al. 2001) that deals with the challenges stemming from the irregular movement of people (often forcibly) uprooted from their homes. Reasons for seeking shelter in another country vary and can range from fleeing armed conflicts, violence, and persecution in their home country to being forced to migrate due to natural disasters or climate change. In any case, the need for asylum arises when a state is unable to protect its citizens and provide them with their civil rights forcing people to seek protection elsewhere (Heuser 2007).

The formal right to seek asylum was instituted in 1951 when the UN Convention Relating the Status of Refugees¹ was adopted. The international asylum system lays out three interrelated functions of asylum policy for the contracting states of the Refugee Convention – the admission of asylum applications and the determination of the refugee status; the reception of asylum seekers; and the integration of people who have been granted the refugee status (Alink et al. 2001, 288–89). All these functions are performed by a plethora of actors from different domains (e.g., border control, law enforcement, and welfare), sectors (private and third sector), and governance levels (local, national, EU, and international levels) who need to cooperate to successfully execute their tasks.

The wide circle of actors and the complexity of asylum policy make the policy-making process challenging. Based on the literature, three defining characteristics of the asylum policy-making process stand out. First, asylum policy is controversial by nature. The inherent contradiction between the international right to seek asylum and the sovereign right of states to decide

¹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, vol. 189:137.

who enters their borders leads to the “political dilemma of law versus policy” (Alink et al. 2001, 297). It has been argued that in the European context, and especially in exceptional and emergency circumstances, the political interests of member states (mainly concerns related to security and the viability of the welfare state) have become superior to the legislative framework (Kjærum 2002; Lavenex 2018). Although the EU’s common asylum system obliges member states to fulfill their humanitarian commitments, there are discrepancies in how these regulations are implemented on the national level (Toshkov 2013; Scipioni 2017).

Second, asylum policy is highly value-based (Baldwin et al. 2018), and consequently, the decision-making process is more dependent on the prevailing policy frame and politics than on scientific or technical knowledge (Mayblin 2017). The political competition to change the dominating policy frame in such a sensitive policy field becomes central in the decision-making process, because often the dominant policy frame eventually leads to institutionalizing the interpretation of the policy issue (Erikson 2015). The prevailing policy frame, therefore, essentially affects how the policy field is governed – how decisions are made, who is involved in decision-making, and even which facts or knowledge is used (Mayblin 2017). In EU member states, the ministry dealing with internal affairs and security usually dominates asylum policy-making (Kauert et al. 2015). As security is traditionally a policy area that stays partly hidden from the public, asylum policy-making on the national level can become opaque (Zaun 2016).

Lastly, asylum policy-making is contingent on the fluctuation of the number of asylum seekers, which makes asylum policy-making reactive and *ad hoc* in nature (Dahvik 2018). As it is difficult to predict and control the fluctuations of migration flows, asylum policy-making tends to lack a long-term perspective (Böcker and Havinga 1998, 246). When the number of asylum seekers rises, the pressure on each part of the asylum system also increases and governments are urged to find quick solutions (Zaun 2017, 43). In moments of high pressure and crisis, the demands of the public can gain “political traction” (Hatton 2017, 468) and potentially lead to political change.

The role of NGOs in asylum policy

NGOs started to gain relevance in the asylum policy field during the early 1990s when the conflict between national refugee policies and human right laws increasingly emerged, creating an incentive for the establishment of several humanitarian and human rights organizations in the EU (Korneev and Kluczevska 2018; Kjærum 2002). In a short period of time, NGOs became engaged at “whatever level of governance, whether it be in the delivery of grassroots protection and assistance or in the formulation of policies, standards and norms and in monitoring their implementation” (Lester 2005, 125).

NGOs are not always defined uniformly in the third-sector literature. Nevertheless, five defining features seem universal (United Nations 2018): they need to be institutionalized to some extent (formally or informally); are limited in distributing their profits; are self-governing; membership is non-compulsory for members; and are not controlled by the government. Under this definition, a vast number of organizations with different missions, activities, and funding can be classified both on the international and national levels. However, regarding their categorization, the most customary basis is the function of NGOs. Most commonly three roles are recognized: service providers, watchdogs monitoring government actions, and

representation vehicles for different groups in society (Leroux and Goerdel 2009; Anheier 2009; Enjolras et al. 2018).

These three roles are also evident in the asylum policy context. NGOs as service providers can be engaged during the entire process of asylum provision by arranging reception-related services, like accommodation, legal advice, health care, psychological support, cultural orientation, and providing integration-related services, like housing, language courses, mentoring services, and help to access education or the work market for both asylum seekers and refugees (Garkisch, Heidingsfelder and Beckmann 2017, 1853–1857; Simsa 2017; Mayblin and James 2018). By working closely with asylum seekers and refugees at the grassroots level, service-providing NGOs acquire a unique knowledge base and expertise (Chin 2017). Crisis situations have shown that service-providing NGOs often step in as “gap-fillers” because they can be more agile and adaptable compared to governments in sudden critical situations (Milan 2018).

NGOs as watchdogs in asylum policy aim to ensure that states comply with their international obligations to accept asylum seekers and follow the principles of non-discrimination, non-penalization, and non-refoulement that are fundamental to the Refugee Convention. The international mandate of monitoring the fulfillment of the Refugee Convention belongs to the United Nations High Commissioner for Refugees (UNHCR), but as NGOs are often more familiar with the specific national situation, the UNHCR sometimes uses the help of local NGOs to act as national norm entrepreneurs (Betts and Loescher 2014, 217). By highlighting the omissions of the government, NGOs simultaneously raise awareness about local refugee-related issues and human rights in society in general. As the willingness of governments to improve the conditions for asylum claimants also depends on the views prevailing in society, NGOs have an important role in educating the public to counteract the increasingly negative perceptions of migration (Hatton 2005).

Arguably, the most important role of NGOs is to advocate for the rights of organized members, other groups in society, and the civil society in general. Asylum seekers and refugees often belong to politically marginalized groups in the receiving country and their ability to self-organize is limited to countries with an already existing community of refugees and, concurrently, enough social capital to advocate for themselves (Jacobsen 1996). Thus, advocating for asylum seekers’ rights in public debates, legal processes, and lobbying for a comprehensive asylum policy in formal policy-making processes is often the function of NGOs (Leroux and Goerdel 2009).

There are several types of advocacy activities (e.g., Cambridge and Williams 2004, 100–102), but more broadly, it is possible to distinguish between public advocacy, political advocacy, and legal advocacy in asylum policy (Garkisch et al. 2017, 1859–1860). Although public advocacy is similar to the role of maintaining universal democratic values and educating the public, political advocacy is intended to change existing policy. In political advocacy, local NGOs and the UNHCR often collaborate to steer government actions in their desired direction. Although governments can perceive the pressure from international human rights organizations as a “threat to its control over policymaking” (Jacobsen 1996, 663), national NGOs represent a more legitimate instrument for influencing the government. Local NGOs can act as “the extensions of the United Nations” on the national level (Gordenker and Weiss 1997, 447) or, on the contrary, try to find political support for anti-migration stances. Legal

advocacy is directed toward helping either individuals or a larger group to defend their rights in legal processes, for example, in determining the status of refugees or contesting these status decisions in court (Cambridge and Williams 2004).

In practice, the three functions of NGOs described above can overlap. The role of advocacy in particular can be very hard to separate from other functions (Young and Casey 2017). Increasingly, service provision and advocacy activities blend together and through the provision of services, NGOs can form their policy objectives and pursue changes in the existing policy or regulation (Hwang and Suarez 2019; Chin 2017).

Analyzing the involvement of NGOs in asylum policy-making

Several authors have argued that the more controversial an issue, the more important public participation becomes (Rowe and Watermeyer 2018; Moynihan 2003). Conflicting values, for example, between the government and civil society organizations, and unequal allocation of knowledge should arguably increase the need to discuss, share information, and negotiate to either agree on a compromise or on a lack thereof (Rowe and Watermeyer 2018). However, the discrepancy of interests, different understandings of what participation should entail, and a stark conflict in values in particular can create an incentive for the more powerful stakeholders to undermine the genuineness of public involvement to sustain control over the final decision (Wang and Wan Wart 2007). Neglecting the position of other stakeholders through an ostensible process of public participation creates additional tension and frustration between stakeholders, threatening their future collaboration as partners (Edelenbos and Klijn 2005). Considering the important role of NGOs in asylum policy systems, cooperation is necessary for the system to function properly, and failing to involve NGOs in decision-making increases the potential of uninformed or unbalanced asylum policy.

The literature on public participation is clear on the participation process being dependent on the specifics of the problem and the surrounding context (Ianniello et al. 2018). To determine why some collaborations succeed and others turn into conflicts, four important analytical variables have been suggested (Hardy and Phillips 1998; Ansell and Gash 2008): the (im) balance of formal power and critical resources between actors; the perceived discursive legitimacy of an actor; the motive to participate; and past history of interactions between stakeholders. These aspects influence whether and how NGOs are involved, but also which strategies NGOs might use to participate in decision-making (Casey 2002).

The allocation of power and resources is arguably the most important aspect of determining the relationship between stakeholders (Hardy and Phillips 1998). In the asylum policy context, the government is by default the dominant stakeholders as they are in charge of processing asylum requests and responsible for the functioning of national asylum reception systems. Even though NGOs in asylum policy often possess considerable expertise and knowledge, the trend of securitization of asylum policy in the EU has made NGO access to decision-making more difficult (Boswell et al. 2011). The distribution of power and resources is closely connected to how the policy issue is framed and which organizations have discursive legitimacy (Hardy and Phillips 1998; Mosley 2013). Discursive legitimacy refers to the ability to influence the narrative by possessing specific knowledge or skills that are perceived valuable by other stakeholders.

From the perspective of NGOs, the process of opposing policymakers to the extent of confronting the government with, for example, critical reports or demonstrations, requires resources, a supporting network, but also a certain level of autonomy (Casey 2002; Leroux and Goerdel 2009). If the NGOs are dependent on government resources (e.g., government funding for service provision), this can hinder their ability to use confrontational tactics and ultimately result in complying with the government (Casey 2002). When the imbalance of power and resources is perceived by the non-governmental actors to be perpetual, a strategy of conflict is more likely to be employed by the NGOs with the aim of significantly altering existing policy or power dynamics (Casey 2002).

The motive and incentive to participate depend on how the stakeholders perceive their ability to influence the participatory process (Ansell and Gash 2008). For example, the institutional and legislative framework around public participation processes can be a factor that either enables or hinders NGOs in having a say in decision-making. If public participation is not legally regulated or considered as a norm, policymakers can use political manoeuvring to restrict access for NGOs (Wang and Wan Wart 2007). Asylum policy ranks high on the agenda in most EU countries and the influence of right-wing populist movements has affected public opinion across Europe. Governments being under political pressure to satisfy public opinion makes it harder for NGOs advocating for refugee rights to influence decision-making. NGOs can choose not to participate if they do not perceive the participation process as genuine and might try to assert influence through other means. Service-providing NGOs can use “day-to-day” advocacy and “client-level concerns and frustrations to develop policy advocacy objectives” on the policy implementation rather than the political decision-making level (Chin 2017, 28).

Finally, the success of collaboration also depends on the previous relationship between stakeholders. Although conflicts are not necessarily a barrier to collaboration, it does affect the level of trust needed to cooperate. “A prehistory of conflict creates a vicious circle of suspicion, distrust and stereotyping.” (Ansell and Gash 2008, 553). Therefore, if policymakers have previously collaborated with NGOs or perceive NGOs to be significant or trustworthy actors, they are more likely to involve NGOs in decision-making (West 2004; Halpin and Fraussen 2017; Nicholson-Crotty and Nicholson-Crotty 2004).

The Estonian context

Estonia is a small state on the eastern border of the EU, which officially regained independence from the Soviet Union in 1991. Faced with the task of building its politico-administrative system virtually from scratch after more than 50 years of Soviet occupation (Sarapuu 2012), Estonia made rapid steps toward political and economic integration with Europe. During this transformative phase, establishing a formal asylum regime was by no means a priority for the young state, but rather one of the prerequisites for becoming a member of the EU. Asylum policy regulations were included in the EU’s *acquis* for new candidate countries and cooperation projects were shortly initiated to support Estonia in establishing the necessary legal framework and institutions.

Asylum policy as a separate policy field in Estonia was formally established in 1997, when the Parliament of Estonia adopted the first Refugees Act and ratified the UN Refugee Convention

(1951) and the Protocol Relating to the Status of Refugees (1967). The first refugee reception center was opened in 2000. During the same year, three people were granted refugee status for the first time. The next important juncture in the Estonian asylum policy was in 2004 when Estonia became an EU member state and, concurrently, had to adapt its asylum system to the requirements of the EU Common European Asylum System (CEAS). For this reason, the Estonian Refugees Act was replaced with the AGIPA, which continues to regulate the Estonian asylum system.

Estonia’s experience with asylum seekers and refugees during the first 10 years since establishing a formal asylum regime was limited (Annex 1). Rather than becoming a popular destination country for asylum seekers, Estonia mainly served as a transit country for people trying to reach Scandinavia (Kallas 2011). The number of asylum applications only slowly started increasing after Estonia adopted the Dublin Regulation and joined the Schengen area in 2007. A steeper rise of asylum applications came in 2009 and an upward trend continued until the end of the 2015 EU migration crisis. Until 2022, Estonia remained among the three EU countries with the lowest number of asylum applicants. The Russian invasion of Ukraine in February 2022 caused an influx of Ukrainian refugees into Estonia and marked the beginning of a new chapter in the functioning of the Estonian asylum system. The long-term ramifications of the arrival of thousands of Ukrainian refugees to Estonia are still unfolding.

Estonian asylum policy-making before the 2015 EU migration crisis can be characterized as *ad hoc* without any long-term strategy (National Audit Office 2016). Because of the small number of asylum seekers, asylum policy was not a priority and, therefore, complying with the minimal requirements of the CEAS was one of the guiding principles for Estonia (Kallas 2011). Another reason behind Estonia’s rather conservative line in asylum policy was the historical context of forced labor immigration during the Soviet occupation. Between 1945 and 1989, the share of immigrants in the total population increased from 3% to 38%, and in the early 1990s only two other European countries had a higher percentage of immigrants (Tammur et al. 2017). Therefore, migration policy choices stemmed from this background.

Asylum policy in Estonia primarily falls under the jurisdiction of the Ministry of the Interior (Moi) and to a lesser extent under the Ministry of Social Affairs (MoSA). The Moi, together with the Police and Border Guard Board and the Estonian Internal Security Service, is responsible for asylum policy-making and administration of the asylum applications admission and processing system. The MoSA, together with the Estonian National Social Insurance Board, is responsible for the reception and integration of asylum seekers and refugees.

The provision of everyday services for asylum seekers and refugees has mainly been delegated to the state-owned company AS Hoolekandeteenus (responsible for managing the refugee reception center since 2000), international organizations (e.g., the International Organization for Migrants), and a few NGOs. In addition to state-funded projects, the NGOs also offer voluntary support services for asylum seekers and refugees and are also the main advocates of refugee rights. To a lesser extent, local governments provide general social services for refugees after they have found a permanent living space. On the international level, the UNHCR and the EU are the most important actors. Although the UNHCR monitors the compliance of Estonian asylum policy with the international legal system, the EU provides a policy framework through the CEAS and grants resources through the Asylum, Migration, and Integration Fund.

Methodology

The case study follows the involvement of NGOs in the decision-making process during the amendment of the AGIPA – the framework document of the Estonian asylum system. More specifically, the proceedings of the *Law Proposal 81SE amending the Act on Granting International Protection to Aliens and Associated Acts* is analyzed from drafting the document in December 2014 until it was enacted in March 2016.

The analysis is based on qualitative data. The data were gathered through document analysis and stakeholder interviews. Document analysis was used to recreate the timeline and the formal proceedings of the AGIPA 81SE process, relying on memorandums, protocols of the parliamentary standing committee, transcripts of the plenary sessions of the Parliament, and media coverage. Documents were also used to gain detailed information about the structure, function, and activities of NGOs in asylum policy.

Documentary data was complemented with 17 semi-structured interviews that were conducted in two rounds within two separate research projects. In April 2016, right after the AGIPA 81SE had been enacted, 10 interviews were conducted with the stakeholders involved in the proceedings, including representatives of NGOs, civil servants from the MoI and the MoSA, and members of the Constitutional Committee of the Parliament (see Annex 2). Anonymity was promised to all interviewees to allow them to express their opinions freely. Interviewees were first asked about how they perceived the role and importance of different stakeholders in the Estonian asylum policy field. After that, the proceedings of the AGIPA were discussed in detail. Interviewees were asked to describe and assess the participation process, including the relationship between the actors, differences in views, and perceptions on the outcome of the process.

Another round of interviews was conducted in 2019, which involved the representatives of the same organizations and additionally two members of the Government in office during the 2015 crisis as well as a representative of the UNHCR. This time, the interviews centered more on how the 2015 EU migration crisis unfolded in Estonia. The interviewees were asked how the events of the crisis changed collaboration practices and the roles of stakeholders. The possibility of analyzing the relationship dynamics in hindsight gave the interviewees a wider perspective on the topic. Data gathered from the interviews in 2016 and 2019 was used to analyze the role of NGOs in the Estonian asylum policy system and helped to dissect the process of policymaking during a critical period.

NGOs in the Estonian asylum system

Because of the small scale of the Estonian asylum system, there were mainly three NGOs that were either primarily or partly focused on assisting asylum seekers and refugees until the 2015 EU migration crisis (the Estonian Refugee Council, Johannes Mihkelson Center, and the Estonian Human Rights Centre; see Table 1). In fact, the first volunteers emerged right after the first asylum seekers arrived in Estonia in the late 1990s to help applicants with legal advice. As the number of asylum seekers increased and resources from the EU’s Refugee Fund became available for Estonia in 2009, formal organizations began their activities. For example, the founders of the Estonian Refugee Council first came together in 2000, but the organization was revived and its statute renewed in 2010 (*Interview E*).

Table 1. NGOs in the Estonian asylum policy field

NGO	Founding year/active in asylum policy	Employees/volunteers	Role in the Estonian asylum system	Main funders as of 2016
Johannes Mihkelson Centre (JMC)	1993/2009	Only contractual employees	1) Service provision 2) Advocacy	Ministry of the Interior, Ministry of Social Affairs, AMIF
Estonian Refugee Council (ERC)	2000/2010	Employees + network of volunteers, including voluntary support persons	1-2) Advocacy and service provision 3) Monitoring	Ministry of Foreign Affairs, U.S. Embassy, National Foundation of Civil Society + donations
Estonian Human Rights Centre (EHRC)	2007/2010	Employees + volunteers	1) Monitoring 2) Advocacy 3) Service provision	UNHCR, Ministry of Social Affairs + donations

Source: Organisations’ websites, interviews. Compiled by the author.

The three NGOs have had different roles throughout their existence offering legal counsel to asylum seekers (ERC, EHRC), providing support person services for refugees (JMC, ERC), or advocating for the rights of asylum seekers and refugees (ERC, EHRC). Although at times some activities overlapped (e.g., the support person service), the NGOs were constantly in touch with each other and coordinated their work with the target group. All the NGOs financed their activities through project-based funding, but this did not lead to much competition between them at the time. In 2013, the three NGOs and the UNHCR Northern European Office jointly established an official cooperation network – the Roundtable of Refugee Organizations (RRO). The aim of the RRO was to share information and to amplify their voices when advocating for the interests of asylum seekers and refugees (*Interviews A, B, and E*).

The NGO representatives interpreted their role in the Estonian asylum system primarily through their functions, which also affected how they cooperated with the government. The JMC representatives saw their organization mainly as a service-providing partner for the government and tried to influence policy decisions by arguing their position through client cases (*Interviews A and J*). The ERC and EHRC representatives, on the other hand, saw their NGOs first and foremost as advocators for the target group, but also for human rights in general (*Interviews B and E*). This was expressed by one NGO representative: “We also represent the human rights perspective in legislative processes. The Ministry of the Interior represents an internal security perspective. We must be there to balance the scale” (*Interview E*). For this reason, ERC and EHRC were more active in openly and publicly criticizing the government and contesting policy choices. Government actors mainly perceived the NGOs as partners in service provision and sources of expert knowledge (*Interviews C, I, and O*). Because civil servants from the ministries did not have any direct contact with the target group, NGOs were perceived as an important source of knowledge about the experience of refugees in Estonia.

The case of the amendment of AGIPA

In the late 2000s, the second phase of the EU CEAS was initiated to further harmonize common standards in asylum policy and increase solidarity between member states (European Commission 2008). The reform entailed recasting the existing legislative framework. Between 2011 and 2013, five recast directives were adopted by the European Parliament and a 2-year deadline was set for member states to harmonize their legislation with the new directives. Estonia started this process in 2013 and by 2014 had two recast directives (the asylum procedures (2013/32/EU) and the reception (2013/33/EU) directive) left to integrate into Estonian legislation.

The Estonian MoI saw the harmonization process mainly as a technical change to existing legal framework (Siseministeerium 2015a). The Ministry prepared the draft document (AGIPA8ISE) that consisted of the required amendments of the two directives. The MoSA, especially in relation to the reception directive, provided input and the draft law was circulated for coordination and feedback with other ministries, agencies and NGOs in December 2014. The NGOs presented their amendment proposals jointly through the RRO (Pagulasorganisatsioonide Ümarlaud 2015).

From the NGO’s perspective, the recast directives were a positive development because they further clarified and improved the procedures and regulations of application processing and reception of asylum seekers (*Interview E*). Because the directives were minimum standard directives, the suggestions of the NGOs only targeted the parts where Estonia had to choose whether to implement the minimum requirements or opt for higher standards. According to the interviewed ministry official, the feedback gained from the NGOs was very “thankworthy” and was incorporated as much as possible (*Interview I*).

A few months later, the proceedings of the AGIPA 8ISE took a turn. Reports of the inflow of refugees to the EU made asylum-related matters politically highly salient in Estonia.² In May 2015, the Estonian government decided to accept 550 refugees through the EU’s resettlement and relocation program (Siseministeerium 2015b). This decision was a major deviation from the traditionally conservative line of Estonian asylum policy. The government’s poor communication of its decisions created tensions in society (Veebel and Markus 2015). Asylum policy became an important topic in national news and political debates. Similarly to other European states, populist political forces used the momentum to gain popularity, leading to anti-migration demonstrations and the spread of negative opinions about asylum seekers among the Estonian population (Säär 2017).

Agreeing to accept 550 refugees – more than double the number of refugees received since 1997 – forced the Estonian government not only to improve the existing capacity of its asylum system, but also to construct a new model for determining the status and integration of refugees arriving under the EU’s migration scheme (Trei and Sarapuu 2021). As a result, in the fall of 2015, the MoI launched a regular meeting for all government actors and NGOs to share information and find solutions to practical issues with regard to the relocated refugees. One of the ministry officials said: “We saw that we needed the knowledge from the NGOs and their contribution because we do not have enough resources to do it alone.” (*Interview I*). The openness of the government to cooperate with other stakeholders did not go unnoticed by

2 Based on Eurobarometer surveys, the salience of immigration as a policy issue increased by 21.5% in 2015 compared to 2013. The Eurobarometer survey measured the salience of immigration policy as an issue by asking the respondents what were the two most important issues facing the country (Hatton 2017).

the NGOs. “Starting from the year 2015, we sat at the table more like partners” (*Interview M*). It was expressed that the relations between the NGOs and the ministries became more informal and constructive on issues relating to service provision and service design for refugees.

In parallel with the practical changes to the asylum system, the legislative framework also had to be adapted. As the proceedings of the AGIPA 8ISE were ongoing, the necessary changes relating to the resettlement and relocation scheme were simply added by the MoI to the existing draft document in the Fall of 2015. The deadline for adopting the CEAS recast directives had already passed in July 2015 and the government was under pressure to pass the AGIPA 8ISE in the Parliament. Therefore, several changes were added by the political leadership in ministries and even though the need to involve the NGOs in these discussions was felt by the civil servants, the time constraints and political pressure did not allow it (*Interview C*). In September 2015, the proceeding of the AGIPA 8ISE moved to the Parliament and the Parliament’s Constitutional Committee continued with the proceeding process.³

Aware of the new version of the AGIPA 8ISE, the NGOs and the UNHCR provided additional comments and amendment proposals to the Constitutional Committee and were invited to present their arguments at a Committee meeting. According to the NGOs, the meeting was merely an opportunity to introduce their suggestions, but not a place for substantive debates as the expectation of the Committee was that the formal public participation process had already been completed (*Interview E*). The attitude of the Committee members toward the NGOs was somewhat critical. One ministry official explained: “I wouldn’t say that the criticism was targeted towards the organisations, but rather towards the fact that we had a migration crisis and we did not want to introduce any favourable conditions for refugees” (*Interview I*). The views of the interviewed Committee members concurred with this sentiment. One of them even explicitly stated that the “NGOs’ representatives did not correspond with the mood of the political parties, the Parliament and the public opinion. They did not seem trustworthy” and that the overall motivation of NGOs in asylum policy was to increase their work opportunities (*Interview G*).

In addition, the Committee heard the input from other stakeholders (e.g., the ministries, courts, the Chancellor of Justice) and all political parties represented in the Parliament were able to suggest changes to the draft law. Altogether, nearly 80 amendment proposals were made during the period from October until December 2015. Only after the Committee had received all suggestions from stakeholders did political deliberations begin. For the next three months, the government coalition parties met in workgroups to find an ideological compromise before continuing with the deliberations of the AGIPA 8ISE in the Constitutional Committee. The main points of discussions concerned where and how to process asylum applications received through the relocation and resettlement schemes (in the initial host country or in Estonia); how to stipulate the obligation to learn the Estonian language; and what level of social aid was necessary for refugees to start their new life in Estonia (Constitutional Committee, Protocols No. 27 and No. 29). An agreement on the final version of AGIPA8ISE was concluded between political parties in late February 2016.

Compared to the first draft, the final version had gone through significant changes, especially during political discussions in the Parliament (*Interviews I and F*). The draft law passed the

³ The Estonian legislative process determines that once the draft law reaches the Parliament, one of the parliamentary committees is assigned to deliberate on the document. The assigned committee has discretion to involve any expert or stakeholder. The draft law must pass through three rounds of voting in the plenary meetings of the Parliament. If the law proposal passes, the President of the Republic of Estonia finally signs and proclaims the act.

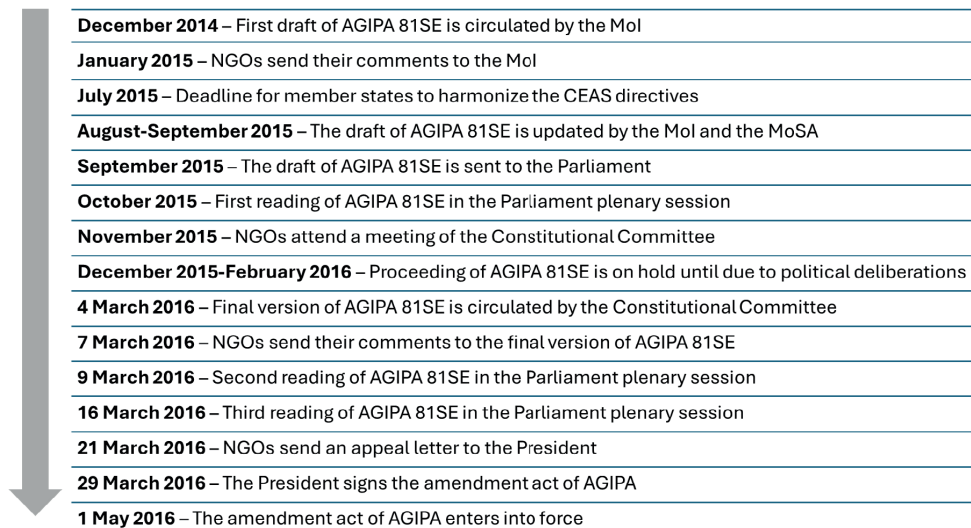
second reading in the plenary session of the Parliament on 9th of March 2016. The legislative amendment was eventually supported by five out of the six political parties represented in the Parliament at the time (Parliamentary proceedings 16.03.2016). The Constitutional Committee representative even stated at the plenary session that the AGIPA 8ISE was “a good example of co-operation” and the final version of the draft law was “in the best possible form we could achieve with our current knowledge” (Parliamentary proceedings 09.03.2016).

But not everyone was satisfied. The bulk of the political compromises were reached in working groups behind closed doors, which made it impossible for outside stakeholders to follow the discussions and to participate. Representatives of the NGOs claimed that the political compromises reached by the Committee were “the most problematic part of the whole amendment process” and several changes were not in accordance with the international asylum regulation (*Interview E*). One of the main criticisms of the NGOs targeted the added obligation for refugees to take Estonian language courses and a clause that stipulated Estonian language proficiency as a requirement for extending the refugee status in the future. From the perspective of the NGOs, the right to receive international protection should only be decided based on the actual need for protection rather than individual language skills. Because NGOs received the final version of the AGIPA 8ISE only two days before the final vote in the Parliament, there was no time left to discuss any further comments by the NGOs.

This was the reason why NGOs decided to go public and criticized the Constitutional Committee of the Parliament in the media for “bad legislative practices” and “no involvement or public debate about the important changes made during the second reading in the Parliament” (EIK 2016, 3). From the perspective of the Committee, this claim was considered an overstatement because the NGOs were given an opportunity to present their suggestions and, therefore, were nominally involved in the decision-making process. Most of the interviewees from the Committee expressed that making the final decision was the prerogative of politicians and constantly informing the NGOs about political decisions was not necessary (*Interviews H, D, and F*). One of the Committee members stated: “If someone thinks public participation means that they get to sit in on all Committee meetings and decide what the Constitutional Committee decides, then I cannot agree with that. Drafting a law is still a democratic process that has to happen through voting” (*Interview D*).

As a final option, the NGOs sent an appeal letter to the President to prevent the AGIPA 8ISE from being enacted and continue discussions in the Parliament (Pagulasorganisatsioonide Ümarlaud 2016). The President did not accept their appeal and the AGIPA 8ISE entered into force in March 2016. The full timeline of proceedings of the AGIPA 8ISE is summarized in Figure 1.

Figure 1. Timeline of the proceedings of AGIPA 81SE



Source: compiled by the author.

Discussion

The case study of the amendment process of the AGIPA in Estonia offers crucial insights about how a change in context can influence the relationship dynamic and involvement of NGOs in asylum policy-making. First, the 2015 EU migration crisis and the Estonian Government's decision to accept refugees through the European migration scheme altered the power dynamics between the stakeholders in the Estonian asylum system. Right from the beginning of the crisis in 2015, Estonian Government members took a clear position, seeing the crisis as a shared European problem where Estonia must give a helping hand. This position was maintained throughout the crisis and led to important developments in the asylum system. The decision to accept 550 refugees meant that Estonia was facing a practical problem of unforeseen magnitude and NGOs had the resources (knowledge, employees) needed to find the solutions. As NGOs became to be seen as indispensable partners, the decision to accept refugees legitimized the NGOs and their expertise in the eyes of civil servants. Instead of having total control over matters relating to migration, NGOs became a necessary partner to ensure the reception and integration of relocated persons. Concurrently, the collaboration between civil servants and NGOs improved.

Second, several interviews highlighted that a change had occurred in how administrative actors, especially officials in national security organizations (the MoI, the Police and Border Guard Board) perceived refugees and asylum seekers as a policy problem. Instead of the restricted focus on asylum as mostly an internal security issue, the social aspects and the need for social support of asylum seekers became more recognized. One ministry official said: "There was increasing awareness that if an asylum seeker has nowhere to live while his/her application is being processed, or we do not have a reception center where people could

feel safe or satisfied, then the same person is not going to cooperate with the police. These two aspects need to go hand in hand" (*Interview O*). The migration crisis, therefore, had an effect on how the issue of asylum policy was perceived on the policy implementation level.

Third, the shift in perception on the policy implementation level was more immediate than on the policy-making level. The political discussions in the Parliament during the proceedings of the AGIPA 81SE largely followed old patterns and frames. The public's negative reaction toward being "forced" to accept refugees solidified the existing narrative of asylum seekers as a threat to security and burdensome for the welfare system. Therefore, for parliamentarians and politicians, the decision-making process during the proceedings of the AGIPA revolved more around finding a political compromise that would "calm down society" (Parliamentary proceedings 09.03.2016) rather than solving a practical problem in cooperation with all stakeholders. It was important for the politicians to prove to the Estonian public that no special treatment would be given to refugees. For example, the final text of the AGIPA 81SE included a declarative clause that asylum seekers and refugees are "required to observe the constitutional order of Estonia and to comply with the legislation of Estonia"⁴ although this is required from all people residing in Estonia regardless of their status. It was important for political decision-makers to display continued governmental control over matters related to migration, which was the reason why the involvement of NGOs in the legislative process remained mere tokenism.

Fourth, before the 2015 EU migration crisis, NGOs described their relationship with the MoI as merely symbolic and at times even prone to conflict or antagonistic. Because asylum policy followed the "minimum program" and the policy issue was not considered a priority (*Interview Q*), cooperation with NGOs was symbolic. As the need for cooperation on the policy implementation level increased during the crisis, the relationship with NGOs improved and, consequently, changed the incentive of NGOs to engage in policy-making. One NGO representative explained:

"The fact that government agencies listen more and seek solutions is a change. Advocacy is always a question of strategies. Now that the relationship is more constructive, we haven't used the more extreme or more public methods, because there is another way, an easier way. Dissecting problems publicly is not our first choice. And now that we have other options on the table, we use these options more." (Interview M)

This sentiment shows that as the perspectives of government agencies and NGOs started to converge, the dynamic between the actors on the policy implementation level became less antagonistic. At the same time, the political sensitivity of asylum matters meant that on the policy-making level, which is more public, the dynamic remained confrontational.

Finally, the findings of this study demonstrate that even though Estonia's asylum policy ensued from and was heavily influenced by the Soviet legacy of forced migration, the Estonia's stance of adhering to the principle of EU-solidarity was considered more important by the Estonian Government at the time. One interviewed Government member stated: "There were no questions or doubts in the Government coalition whether we should participate [in the EU's resettlement scheme] or not. Of course, you can try to fight back and, for example, Slovakia fought back for a very long time, but what good does it do? What good does it do?" (*Interview*

4 Act on Granting International Protection to Aliens. RTI 2006, 2, 3. §11 and §74¹.

P). The Estonian political parties that formed the Government considered the potential risk of not being perceived as legitimate partners for other EU member states more important than following decade-long conservative principles in Estonia's asylum policy-making.

Conclusion

Analyzing the involvement of NGOs in asylum policy-making by focusing on a specific decision process offers an in-depth understanding of the relationship dynamics between stakeholders. Several conclusions can be made based on the case of the AGIPA proceedings during the 2015 EU migration crisis. First of all, the context of crisis changed the power dynamics between the government and NGOs. Before the 2015 migration crisis, the relationship between NGOs and government actors was symbolic and at times even antagonistic, because of Estonia's conservative migration policy. The Estonian Government's decision to accept refugees through the EU's resettlement scheme forced policy implementers to cooperate with NGOs to tackle the upcoming challenge. The discursive legitimacy of NGOs increased and civil servants began to perceive NGOs as partners rather than mere sources of information.

Despite these shifts in the Estonian asylum policy system, the power dynamics on the political decision-making level remained the same. The 2015 migration crisis exacerbated the existing collectively perceived vulnerability of the Estonian society. Therefore, addressing the fears of society and sending the right messages to the public was one of the primary motives for parliamentary politicians. NGOs were perceived as an interest group rather than significant actors and legitimate sources of information. As a result, a kind of ambivalent situation emerged during the proceedings of the AGIPA where NGOs became important partners on the policy implementation level, but were only nominally involved on the legislative level.

These findings indicate that even when the need for cooperation and coordination is theoretically vital to tackling multidimensional and complex policy problems, then when the salience of the issue increases, it is less likely that a wide circle of stakeholders will be involved in the rule-making process. From the perspective of NGOs, the possibility of engaging in and influencing asylum policy becomes more likely through service provision and on the policy implementation level, rather than through political debates. As put by Maynard-Moody and Herbert (1989, 139) "administrative policy making is less public" and because asylum policy is usually a publicly sensitive issue, it is more likely that NGOs will have better access to asylum policy decision-making through the policy implementation level.

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ANNEX 1

The number of asylum applications and positive decisions between 1997 and 2023. The data include both refugees and receivers of temporary protection.

Year	Asylum applications	Positive decisions
1997	1	0
1998	23	0
1999	21	0
2000	3	8
2001	15	4
2002	9	1
2003	14	0
2004	15	0
2005	11	1
2006	7	0
2007	14	4
2008	14	4
2009	40	4
2010	33	17
2011	67	11
2012	77	13
2013	97	7
2014	157	20
2015	231	78
2016	260	154
2017	487	120
2018	107	35
2019	127	50
2020	49	26
2021	80	46
2022	2941	2106
2023	3984	3917

Source: The Estonian Police and Border Guard Board, 2024.

ANNEX 2

List of interviewees

Interview	Institution	Date of interview
Interview A	Johannes Mihkelson Center	5 April 2016
Interview B	Estonian Human Rights Centre	7 April 2016
Interview C	Ministry official	7 April 2016
Interview D	Member of Parliament, Constitutional Committee	7 April 2016
Interview E	Estonian Refugee Council	8 April 2016
Interview F	Civil servant, Constitutional Committee	13 April 2016
Interview G	Member of Parliament, Constitutional Committee	13 April 2016
Interview H	Member of Parliament, Constitutional Committee	13 April 2016
Interview I	Ministry official	19 April 2016
Interview J	Johannes Mihkelson Center	21 March 2019
Interview K	Estonian Human Rights Centre	22 March 2019
Interview L	UNHCR Northern Europe	26 March 2019
Interview M	Estonian Refugee Council	28 March 2019
Interview N	Member of Government during 2015–2016	11 October 2019
Interview O	Ministry official	11 October 2019
Interview P	Member of Government during 2015–2016	16 October 2019
Interview Q	Ministry official	25 October 2019

Appendix

Publication IV

Sarapuu, K., **Trei, M.** (2025) Task Forces for Complex Policy Problems: Lessons from Estonia. In Behnke, N., Petershon, B. (Eds.). *Horizontal Intergovernmental Coordination at Local and Regional Levels. Evidence from Europe and Beyond* (pp. 377–388). Palgrave Macmillan. doi:10.1007/978-3-031-83567-4_19.



Task Forces for Complex Policy Problems: Lessons from Estonia

Küllli Sarapuu and Mariliis Trei

INTRODUCTION

The politico-administrative structure of the Estonian Republic has undergone considerable changes during the past 30 years. After regaining independence from the Soviet Union in 1991, the whole system of governance was de-institutionalised and needed major reforms. The desire to overthrow the Soviet legacy and the urgency of the changes led to the introduction of a decentralised problem-solving approach (Sarapuu, 2012). Local government as an autonomous level of governance was restored. At the level of central government, responsibility for public policies and programmes was incrementally accumulated by individual ministries overseeing policymaking in their respective fields. Although such a system promoted clear accountability and the accumulation of professional knowledge within individual institutions, difficulties emerged in solving problems that affected several areas of government. The accession to the

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European Union (EU) in 2004 further prompted the need to address the problems of a fragmented public administration.

In 2011, the OECD published its Public Governance Review of Estonia, which concluded that ‘Estonian public administration needs to learn to work as a single government to design, implement and sustain the government’s policy priorities and to help meet new challenges on the horizon’ (OECD, 2011, p. 5). Among several other suggestions, the use of temporary task forces was proposed to address ‘complex or urgent developments in policy or service delivery that cut across many parts of government’ (OECD, 2011, p. 31). In the eight years from 2012 to 2019, the Estonian government established nine temporary task forces for addressing complex policy problems with financial support from the European Social Fund (ESF). The task forces had a wide range of aims from preparing a sectoral development plan for e-health and formulating a unified concept for civil protection to developing solutions for reducing the burden of care. The ambition was to create a new policy coordination instrument encouraging public, private, and not-for-profit stakeholders to collaborate in complex policy areas, coordinate their activities, and agree on concrete plans for further activities.

The novel format created high expectations for improved coordination and renewed strategic vision for the addressed policy fields. The implementation of task forces led to several lessons that are discussed below. The analysis is based on a comprehensive survey carried out among the task forces’ members in 2019. Despite the Estonian government task forces being established at the central government level, the study provides insight into using this kind of coordination instrument in general, and the lessons are also applicable in horizontal intergovernmental coordination.

KEY CHARACTERISTICS OF ESTONIAN GOVERNMENT TASK FORCES

Although the task forces tackled very different topics (see Table 19.1 for an overview), their shared core aim was to direct a concerted effort towards finding solutions for complex societal issues that spanned across ministries, government levels, and societal sectors (Ministry of Finance, 2014, p. 168). By bringing together relevant central government institutions, local authorities, experts, non-governmental, and private sector

Table 19.1 Estonian government task forces 2012–2019

<i>Year</i>	<i>Task force established and its duration</i>
2012	Task force on skills development (22 months)
2013	Task force on injuries and premature deaths (15 months)
2014	Task force on e-health (17 months)
2015	Task force on reducing the burden of care (23 months)
2016	Task force on civil protection (25 months)
2016	Task force on public sector and social innovation (21 months)
2016	Task force on reducing bureaucracy and administrative burden (23 months)
2016	Task force on funding higher education and research (30 months)
2019	Task force on accessibility (22 months)

organisations, the task forces aimed to solve horizontal policy problems ‘without getting tangled in established, rigid areas of responsibility and funding arrangements’ (Government Office, 2017b, p. 6). The first two task forces were financed by the ESF within the framework of the Operational Programme for Human Resource Development 2007–2013 as pilots. As these experiences were encouraging, the 2014–2020 Operational Programme for Cohesion Policy Funds already contained a separate task force activity under the Priority Axis ‘Administrative capacity’ (Ministry of Finance, 2014; see Sarapuu & Trei, 2019, for more information). Task forces were assigned a separate budget, and the funding instrument was designed to give individual task forces a high level of flexibility regarding the organisation of their work.

Compared to the conventional instruments of coordination thus far used by the ministries (e.g. consultations on draft regulations, ministerial-level committees), the task forces were characterised by a combination of five traits that were novel for the Estonian governance system:

1. The aim to bring together all relevant stakeholders to secure a comprehensive view of the issue. Altogether, more than 300 people from public, private, and non-profit sectors were involved in the task forces.
2. A fixed deadline for concluding the work. Task forces were designed to be strictly temporary with a maximum duration limited to 36 months.
3. A separate budget to fulfil the tasks. The assigned budget covered financing the task force management (the leaders could be compen-

sated financially), the commissioning of relevant analyses, impact assessments, international comparisons, the creation of new methodologies, surveys, and other relevant information, organisation of study trips, seminars, and consulting with international experts.

4. A capable leader whose commitment was ensured by financial compensation. The aim was to ensure that the leaders devoted themselves to the management of the task forces and to avoid a superficial performance of the function as one of many side activities.
5. A political mandate of the Government. Task forces were established by the decision of the Government, coordinated by the Government Office, and had a duty to present the final results of their work to the Government for approval.

Essentially, the task forces represented mandated networks where the Government enforced collaboration to deal with multifaceted policy problems. As such, the task forces offered a way to reduce complexity stemming from the nature of stakeholder relations surrounding complex policy problems. Klijn and Koppenjan (2016) have outlined three types of complexity that need to be addressed in networks. First, dealing with *substantive complexity* demands managing varying knowledge and perceptions by making the parties aware of various problem definitions and enhancing cross-frame learning in order to build joint ‘images’ and develop ‘common grounds’. Second, *strategic complexity* requires managing interaction processes by connecting or disconnecting actors and (re)designing the rules of interaction in order to bring parties together for common interests and mutual agreements. Third, *institutional complexity* demands managing network structuring by changing the institutional rules of the network, influencing patterns of perceptions, and building trust between stakeholders. Effective management of the complexities leads to learning and opportunities for substantial change.

THE EXPERIENCE IN PRACTICE

In 2019, the authors of the chapter conducted a comprehensive survey among the participants of the eight task forces established in 2012–2018. The survey provided an in-depth look into the experiences and views of the individuals who represented their institutions in the task forces or participated as experts. The perception of stakeholder groups has been argued

to be an important measure of network outcomes, as the effectiveness of networks depends on the relationships they create between the members (see, e.g. Mandell & Keast, 2008). The survey gathered the respondents' perceptions of the operation, management, results, and outcomes of the task forces.

The survey was conducted online and comprised of 7-point Likert-scale questions, single or multiple selection questions, and open-ended questions after each main topic, offering a chance to comment or explain responses. In total, 115 responses were received (response rate 41%), and all eight task forces were covered. The respondents were mainly from different public sector organisations (68%) and fewer from non-profit (17%) and private sector organisations (15%).

In general, the respondents thought that the task forces were indeed a novel coordination instrument, allowing to engage a wide range of stakeholders and expert knowledge in the policymaking process (see Fig. 19.1). The majority agreed that the task forces had included all the stakeholders relevant to the addressed topic and were characterised by a good balance

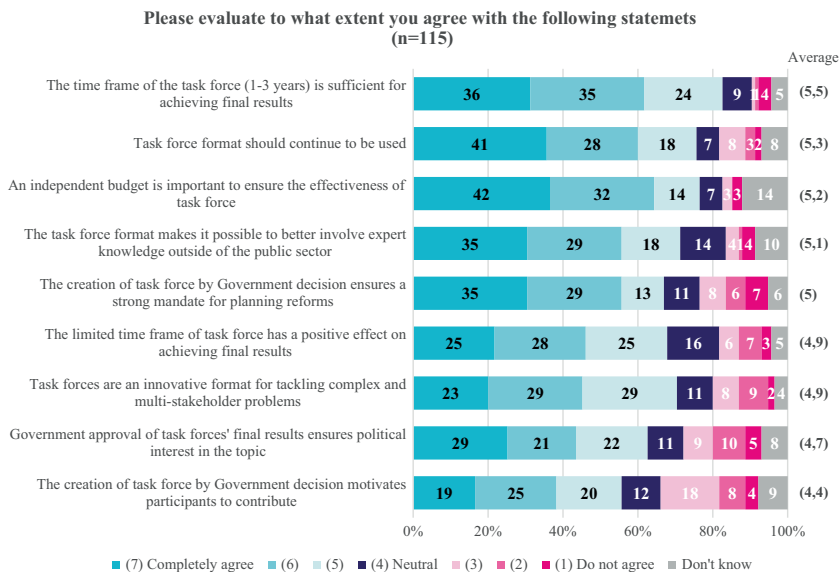


Fig. 19.1 Participants' assessments regarding the format of task forces (average score on a 7-point scale from 1 = strongly disagree to 7 = strongly agree)

of interests (average score 5.3 on a 7-point scale). The assessments of the contribution of the members to the task forces' work and of the existence of a shared understanding of the problem to be solved were a bit lower, but still positive (4.2 for both issues). It was pointed out several times in the open answers that the task forces provided an opportunity for an extended group of stakeholders to gather, who might not usually find the time or opportunity to meet and share their views. For example, one respondent stated: *'Usually interest groups meet bilaterally, which means that it is harder for others to understand what different groups intend to achieve'*. Another wrote that *'instead of heads of organisations, task forces convened specialists'*, which arguably improved the quality of the discussions.

The characteristics of the task force format that were assessed most positively by the participants were the existence of an independent budget (5.2), the improved opportunity to include expertise from outside the public sector (5.1), and the suitability of the time frame (5.5). The respondents were in favour of setting a specific deadline for work and found that the limited time frame helped to achieve results. For instance, when answering the question about what made the task forces different from the more common coordination instruments, a respondent argued: *'The time focus and financial leverage to deal with the given topic. We probably wouldn't have reached the same result in other formats. Or it would have been achieved in a much longer time and in a more hectic manner'*.

From among the five novel characteristics of the Estonian task forces, the political mandate of the Government was perceived to be slightly less relevant for success. Nevertheless, the respondents' answers to open questions revealed that the creation of task forces beyond line ministries and their affiliation to the Government Office contributed towards more impartiality and flexibility than the usual *modus operandi*. For example, one respondent stated that *'The ministry was only one member as opposed to being the leader like usual. This allowed a more impartial and less rigid approach compared to the ministry'*. According to the respondents, the establishment of task forces by the decision of the Government of the Republic gave the task forces a strong mandate to plan reforms (5.0) but did not necessarily ensure continued political interest in the topic (4.7) or the motivation of the participants to contribute (4.4).

The existence of the separate budget allocated from the ESF, however, was deemed to be vital by the participants, as it contributed to the flexibility and effectiveness of the task force format. Regarding the different

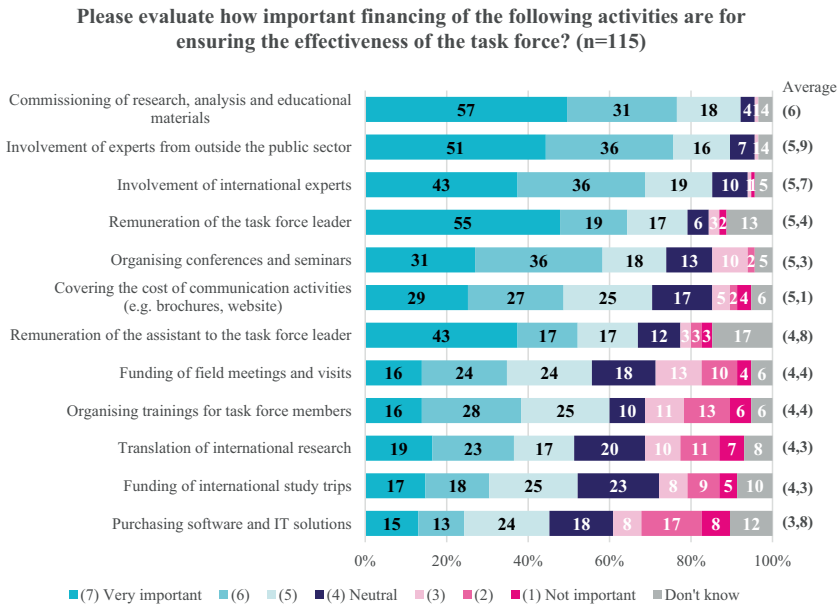


Fig. 19.2 Participants’ assessments regarding the budget of task forces (average score on a 7-point scale from 1 = strongly disagree to 7 = strongly agree)

activities financed, the commissioning of research, analyses, and educational materials was evaluated most highly by the respondents (6.0). Similarly, engaging national experts (5.9), international experts (5.7), and remuneration of the task force leaders’ work (5.4) were deemed very important for achieving results (see Fig. 19.2). One respondent aptly noted that in order to avoid ‘*the same persons meeting behind a different desk*’, the ability to assemble new knowledge was necessary to unveil new approaches to problem-solving.

Based on the survey, the decisive success factor in the operation of the task forces was also the task force leadership. As many as 96% of the task force participants considered the role of the manager to be very important or important in achieving the results, even though the profile of the task force leaders varied significantly from external project-manager-type leaders to secondments from within the civil service. The respondents were also asked to select the most important characteristics of an ideal leader from among various leadership qualities. Overwhelmingly, the

respondents picked the ability to see a wider and cross-disciplinary picture, good knowledge of the policy field, goal orientation, and openness to different viewpoints as the most important qualities of a task force leader. It was mentioned in the open answers that *'the task force leader needs to ensure that knowledge is consolidated, and no one outshines the others'*.

A HIGHLY APPRECIATED FORMAT, BUT CONTROVERSIAL RESULTS

Once the task forces finished their work, it was anticipated that their recommendations would be integrated into the daily work of relevant public institutions and, where necessary, would lead to changes in legislation, strategic development plans, and procedures. As the study indicated, this emerged as the main challenge related to the task forces. Although the mandate of the Government was essential in giving weight to the tasks, it was not sufficient to ensure the implementation of the results of task forces in practice.

The study showed that the highest ratings were given to the knowledge base of the results (5.3), becoming more aware of each other's interests (5.2), and creating a unified understanding (4.7). However, the respondents were much more critical about the 'hard results' of the task forces. Respondents did not perceive any significant legislative or institutional changes to be happening (average scores 3.2 and 3.1, respectively), thought that the responsibility for implementing the task forces' results was unclear (3.4), and did not find that the required tasks had been executed (2.8). The task force on reducing the burden of care was an example of this tendency towards achieving mostly 'soft results'. The topic of how to tackle the increased demand for long-term care and the burden of the people taking care of their family members had already been acute for some time before the creation of the task force. The format allowed to procure a World Bank report on the topic, which helped to offer short- and long-term solutions and aided in creating a mutual understanding of the issue and a way forward among the stakeholders. At the same time, the final report of the task force remained in general terms, and the process of preparing the reform of the policy was left to the Ministry of Social Affairs. Much of the detailed implementation plan had to be created from scratch. However, as brought out by the task force participants, the general agreements made and the process of engaging stakeholders in formulating them

proved invaluable in the preparation of substantive reforms. This supports the notion that the ‘soft side’ is very important in achieving coordination, and the experience of working together should not be underestimated.

This example also highlights an important factor revealed in the survey that is necessary for the task forces to have concrete results—the importance of assuring ownership of the results of such horizontal coordination instruments. It means that the establishment of task forces should be driven by tangible policy problems and by the ownership of politico-administrative leaders. As put by a respondent, *‘if there is no political will to really tackle an issue, there is no point in establishing a task force’*. Another one argued that *‘task forces can be effective only in topics where there is actual potential to change something, and ministries will not block cooperation’*. Concrete agreements on the responsibilities and further division of labour in the policy field must be reached before the conclusion of the task forces’ work. Furthermore, it is necessary to maintain contact with the political level in the preparation of the task force, during its work process, and afterwards. There is a need for politico-administrative decision-makers who would take the problem and results of the task force and make an effort to implement the results in a situation where many issues are competing for their attention and money.

LESSONS

The study and the feedback of the task force members demonstrate that it was the combination of the characteristics of the task forces that was crucial, not one or other aspect in isolation. One of the main advantages of the format was its ability to gather the best available knowledge to deal with strategically important policy topics. The advantage stemmed from both the comprehensive membership of the task forces as well as the funding arrangement. With the help of funding, the creation of new knowledge was closely related to the collaboration process and reduced the risk of so-called ‘report wars’ where stakeholders submit competing analyses furthering their own cause. Having an assigned budget was also important for communication and informing the public, which helped to raise awareness of the problem, increase the legitimacy of the output, and ensure political willingness to implement the results.

Among other things, the funding allowed to hire task force leaders who steered the task forces’ activities and took charge of achieving the expected outputs. The remuneration ensured that the leaders had time to focus on

the role and increased their sense of responsibility. Having a dedicated leader was an important factor in ensuring that the work process was effective and that potential frictions between the competing interests of the stakeholders were duly addressed. A leader of such a horizontal format must understand the big picture and, based on this, must help to connect the views of the stakeholders, reframe problems, and look for common ground. This requires substantive competence.

Altogether, the experience illustrates how smartly targeted funding can be used to create opportunities for change and innovation through mandating networks of actors to collaborate in complex policy fields (see Sarapuu & Trei, 2023). The format was very successful in reducing the substantial complexity of the problems (Klijn & Koppenjan, 2016) by supporting the exchange of views and engaging scientific knowledge. The format also created an arena where the stakeholders could meet and agree on the rules for dealing with the problems, thereby reducing strategic complexity. The participants were more sceptical about the achievements with respect to reducing institutional complexity. However, in this regard, more time may also be needed for providing a definitive evaluation.

The introduction of the Estonian task forces was primarily possible because of the ESF funding, and after the funding instrument ended, new task forces have not been created to the same extent, even though the undertaking can be considered a success in several respects. Experimenting with new collaboration formats that offer flexibility and new ways of working together should be encouraged. For that, several insights can be drawn regarding the experience with the task force format.

The lessons are summarised under six keywords:

- Financing—targeted funding can be used strategically for enforcing horizontal coordination and finding innovative solutions to complex policy problems.
- Stakeholders—addressing complex policy issues requires engagement of various stakeholders, who may have differing interests.
- Leadership—collaboration between the stakeholders does not happen by itself. It needs to be led and facilitated by a capable and committed leader with good knowledge of the policy field in focus.
- Time—a limited time frame helps counterparts to focus on the goal and to pool effort.

- Ownership—responsibility for the policy problem must be explicitly discussed before, during, and after the work of a task force and its implementation mechanisms designed.
- Politicians—in complex policy fields, reforms are always compromises legitimised by political decisions and require keeping the politicians ‘on board’ throughout the journey.

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Organizational dilemmas of EU-funded policy development: the case of Estonian government task forces

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IMPACT

Public sectors are characterized by the increasing role of temporary policy development initiatives—often the result of targeted development funding like the EU structural funds. This article provides insight into the opportunities and constraints of temporary organizational arrangements enabled by central funding. Complex policy issues can be tackled outside of existing policy frameworks and problem-solving routines, but the practicalities of implementation and ownership after the end of the interventions need to be considered. Understanding the trade-offs means that public sector managers will be able to make the new arrangements more effective and sustainable. The authors draw out the lessons for international practice from an Estonian case study.

ABSTRACT

This article focuses on the organizational issues related to the use of temporary policy development initiatives enabled by targeted funding. The issues are discussed in the light of the experience of the Estonian government task forces: network-type co-ordination bodies that were created with the aim of changing existing institutional regimes and policy frameworks. The case reveals the trade-offs incurred in combining centrally-funded and administered policy development with ministerial responsibility for public policies. The study provides insight into the management of temporary organizations, especially into transition mechanisms needed to ensure the sustainability of the organizations' results.

KEYWORDS

Co-ordination; development funding; Estonia; European Structural and Investment Funds (ESIF); public sector task forces; temporary organizations

Introduction

This article casts light on the tensions between the opportunities offered by centrally-funded temporary policy development arrangements and the challenges of assuring their effectiveness and sustainability through maintaining long-term ownership of the results. The topic is especially relevant in the context of the European Structural and Investment Funds (ESIF): the five EU funds channelling investments to the European economy and environment. ESIF mainly support development in temporary formats, creating a whole new 'project world' with distinctive rules and conventions (Büttner & Leopold, 2016). The analysis focuses on the lessons learned from the experience of establishing government task forces in Estonia—a novel arrangement for addressing complex policy issues, initiated by the government for improving the quality of policy-making, and financed from the European Social Fund (ESF) that supports development of Europe's human capital. The experience with the task forces exemplifies a dilemma related to the central funding of policy development in the public sector:

How can we combine departmental logic presuming ministerial responsibility for public policies with centrally-funded temporary arrangements specifically aiming to take the problems out of their usual institutional context in order to facilitate innovation and to transform the existing policy frameworks and institutional routines?

The dilemma has been discussed in the academic literature on temporary organizations and projectification (see, for example, Büttner & Leopold, 2016; Gödenhjelm et al., 2015; Kenis et al., 2009). The task forces can be conceptualized as temporary network-type co-ordination instruments that rely

on collaboration and joint problem-solving (Mandell & Steelmann, 2003; Bouckaert et al., 2010, p. 50). The success of task forces depends on their ability to bring about change in permanent institutions and in the established interaction processes of policy stakeholders (Gödenhjelm et al., 2015; Jacobsson et al., 2013). In other words, the challenge lies in assuring the 'transition' of the results produced by temporary organizations to the permanent structures already in place (Jacobsson et al., 2013). Despite increasing projectification of public policy and the growth in temporary arrangements as a form of organizing in contemporary society (Kenis et al., 2009), there is still very limited knowledge on the implications of introducing institutional changes through such arrangements in the public sector.

In the following sections, we explain the case of the Estonian government task forces; the implications of centrally-funded and administered temporary arrangements; and the lessons that can be learned from the Estonian case. The analysis relies on document analysis and a comprehensive survey of task force participants conducted in 2019.

ESIF funding for the development of the policy-making system in Estonia

The ESIF have had a crucial role in the evolution and professionalization of the Estonian public sector. The ESF, more specifically, has been a significant donor for administrative capacity building and a financier of development activities that cross siloed government ministries (Pesti & Randma-Liiv, 2016). Since the introduction of ESIF in Estonia in 2004, the focus of the ESF support has moved from the capacity of individual

public organizations to the capacity of the administrative system as a whole. During the 2014–2020 programming period, a conscious shift was made in the emphasis of the interventions towards breaking down administrative silos. This was embodied in measures targeted at improving the policy-making process and financing horizontal instruments contributing to system-level harmonization and collaboration (Sarapuu & Trei, 2019). Funding of the measures for improving the policy-making process were pulled together to the Estonian Government Office (the Riigikantselei), which is the core executive body charged with preparing the work of the government, supporting the Prime Minister, co-ordinating EU affairs and the implementation of government strategies, but otherwise performing only a limited policy co-ordination role in the Estonian governance system.

The shift in the focus of the measures reflected the challenges of the existing system. The Estonian politico-administrative structure was characterised by strong ministries responsible for supervising their areas of governance with regard to policies and organization (Sarapuu, 2012). Despite promoting clear accountability and allowing accumulation of professional knowledge, difficulties emerged in ensuring the coherence of different policies, solving problems spanning several areas of governance and agreeing on joint solutions to complex policy issues. In order to make policy-making more 'holistic, inclusive and knowledge-based', the Operational Programme for Cohesion Policy Funds 2014–2020 set out, among other activities, the establishment of government task forces 'to solve strategic challenges requiring the cooperation of several ministries, government levels and/or sectors' (Ministry of Finance, 2014, pp. 167–168). This built on the experience of two initial task forces established as pilots in 2012 and 2013 in the framework of the Operational Programme for Human Resource Development 2007–2013. The task forces were financed from the ESF measure managed by the Government Office and co-ordinated by its Strategy Unit that administered the funds and was responsible for assuring the eligibility of the activities.

Government task forces

From 2012 to 2019, nine government task forces were established with a wide range of responsibilities (see Table 1). The aim was to create a new policy co-ordination instrument encouraging stakeholders within complex policy areas of strategic importance to collaborate, co-ordinate their activities, agree on concrete plans for further activities and determine the responsibilities of relevant actors. The task

Table 1. Estonian government task forces.

Task force	Year	
	established	Duration
Task force on skills development	2012	22 months
Task force on injuries and premature deaths	2013	15 months
Task force on e-health	2014	17 months
Task force on reducing the burden of care	2015	23 months
Task force on civil protection	2016	25 months
Task force on public sector and social innovation	2016	21 months
Task force on reducing bureaucracy and administrative burden	2016	23 months
Task force on funding higher education and research	2016	30 months
Task force on accessibility	2019	22 months

forces were expected to improve policy-making 'without getting tangled in established, rigid areas of responsibility and funding arrangements' (Estonian Government Office, 2017b). The topics of the task forces were selected and formulated in collaboration with line ministries, experts and the government coalition while the Government Office took the lead. Similarly, the lists of task force participants were jointly compiled to achieve a wide stakeholder engagement for each topic. Altogether, more than 300 people from public, private and non-profit sectors were involved in the task forces.

The task forces were formally established by the government and therefore had a government mandate and a duty to present the results of their work to the government for approval. The directive regulating the implementation of the activity gave the task forces a high level of flexibility. The task forces were assigned a separate budget and the Government Office's Strategy Unit assisted task force leaders in conducting procurements and following the requirements of the ESF funding. The directive covered financing the task force management (the leaders could be compensated financially), the commissioning of relevant analyses, impact assessments, international comparisons, the creation of new methodologies, surveys and other relevant information, organization of study trips, seminars and consulting with international experts (Estonian Government Office, 2017a, pp. 5–8).

The task forces were designed to be temporary with a fixed deadline for concluding their work (maximum duration limited to 36 months). Except for the task force on reducing the administrative burden, the task forces were affiliated to the Government Office. Once the task forces finished, it was anticipated that their recommendations would be integrated into the daily work of relevant ministries and agencies and, where necessary, to lead to relevant changes in legislation, strategic development plans and procedures (Estonian Government Office, 2017b). For the Government Office, the responsibility for the policy problems ended with the conclusion of the task forces' activities financed from the ESF.

Contradictory results

In 2019, we conducted a comprehensive survey of the participants of eight task forces established in 2012–2018. We gathered respondents' perceptions on the operation, results, management and outcomes of the task forces; 115 responses were received (response rate 41%) and all the task forces were represented. The survey revealed the trade-offs incurred in the attempt to introduce new policy development arrangements into a politico-administrative system characterized by ministerial responsibility for public policies.

The survey respondents thought that the task forces had succeeded as a novel co-ordination instrument improving the engagement of stakeholders and the use of expert knowledge in the policy-making process. The majority of the respondents (78%) agreed that the task forces had included all stakeholders relevant to the addressed topic. The respondents also supported the argument that the task forces were an innovative format for addressing complex policy problems (average score 4.9 on a 7-point scale) and that the format should be continued in the future (5.3). The separate budget allocated from ESF was deemed to be very important in terms of the task forces completing their work (5.2).



Figure 1. Participants' assessment of task forces' (TF) results (average score on a 7-point scale from 1 = strongly disagree to 7 = strongly agree) ($N = 115$).

However, with regard to the results of the task forces, the responses were much more controversial (see Figure 1). On the one hand, the respondents commended that the results were 'based on the best professional knowledge in Estonia' (average score 5.3). They agreed that the collaboration process improved mutual understandings of the participants (5.2) and that the achieved results represented a holistic perspective to the issues they were dealing with (4.7).

On the other hand, the assessments regarding the implementation of the task forces' results were unfavourable. The respondents did not perceive any significant legislative or institutional changes happening after the conclusion of their task forces (average scores 3.2 and 3.1 respectively). They thought that the responsibility for implementing the task forces' results was unclear (3.4). In addition, the participants generally did not agree that the required tasks had been executed (2.8). While the central role taken by the Government Office concluded after the end of the task forces on the assumption that individual government line ministries would take responsibility for the results and their implementation, the respondents said this was not taking place in practice.

Discussion

The survey signalled the high legitimacy of the task force format and reflected the perceived value of the task forces operating outside the usual institutional framework. As explained by one of the respondents: 'the ministry was only one of the participants in the task force and it allowed more neutral and out-of-box approach to the policy problem'. Despite the central role of line ministries as owners of policy problems, only a quarter of the respondents supported the idea of task forces being affiliated to line ministries (average score 2.6).

At the same time, the survey highlighted the difficulty of ensuring long-term impact. The participants saw the main solution for the implementation problem as strengthening the monitoring role of the Government Office once the task forces had finished. However, this role was difficult for the Government Office to take because of its narrow functions in the politico-administrative system, as well as its limited resources beyond the ESF. The Government Office has no leverage over specific public policies in Estonia and the respective resources and responsibilities are in the hands of the line ministries. While the Government Office was a logical place for managing the funds aiming at system-wide development of policy-making and making sure that the funds were used according to EU rules (Büttner & Leopold, 2016), it was not equipped to carry out the necessary follow-up activities.

Consequently, the experience of establishing the government task forces indicated that temporary arrangements for systemic change that are enabled by development funding have both considerable benefits as well as challenges. Although the affiliation of the task forces to the Government Office provided them with funding, prestige and flexibility, implementation of the task forces' results was a problem. According to the academic debate on temporary organizations, 'the transition mechanisms' assuring that permanent organizations adopted the changes devised by temporary ones were not strong enough in Estonia's case to ensure the sustainability of the results (Gödenhjelm et al., 2015; Jacobsson et al., 2013).

Lessons learned

The Estonian experience provides three important policy lessons for task forces supported by ESF and other temporary funding mechanisms. These lessons are especially

relevant for states with decentralized administrative systems and strong central government ministries.

- First, the targeted funding of temporary arrangements such as provided through ESIF creates substantial opportunities for change and innovation that would otherwise be neutralized by the existing policy frameworks, problem-solving methods and/or budgetary competition. In a system with strong ministerial responsibility, there is a reason to consider taking a substantial policy issue temporarily 'out' of the existing institutional structure if the problem is complex, strategically important for the government, does not have a clear ownership or is in a need of novel conceptualization and has political will behind it. Temporary collaborative arrangements build new networks and trust that facilitate further policy development.
- Second, centralized management of targeted development funding has several benefits. Funding that stretches over several years and is isolated from annual budgetary competition (like ESIF) means that the focus can be on long-term goals. In addition, a system-level view to the development needs can be taken; critical changes can be made; horizontal collaboration can be encouraged; it is possible to reduce administrative and co-ordination costs; and the funds will be used as intended. However, centralizing the administration of funds and guiding development through temporary project-type interventions affiliated to the central agency comes with trade-offs in terms of accountability, ownership and long-term impact.
- Third, the trade-offs of temporary funding need to be properly understood and their relative benefits must be compared with the potential costs. Especially in the public sector context, where policies are born and become implemented in complex institutional frameworks, development projects supported by targeted funding need to consider the practicalities of implementation and accountability from the very start of their design, i.e. before any new initiatives are launched. With regard to the transition mechanism for temporary organizational arrangements, the solutions lie in assuring continuity in people, maintaining links with the core policy processes, upholding continuous political interest and determining the formal accountability for the follow-up activities and monitoring.

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