

Article

## Policy Entrepreneurs of European Disintegration? The Case of Austrian Asylum Governance After 2015

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Submitted: 31 January 2023 | Accepted: 20 April 2023 | Published: 5 July 2023

### Abstract

The re-establishment of border controls in the Schengen Area since 2015 and repeated contestation of the Common European Asylum System have made the policy sector of migration and asylum a topic of growing importance for European (dis)integration research. This article investigates differentiated disintegration and the factors that facilitate member states' counter-projects to core-EU integration trajectories. Drawing on the concept of policy entrepreneurship and based on an analysis of policy documents, we use the case of Austria to examine how the government coalition, the Austrian People's Party, and their chairman, Sebastian Kurz, have shaped European governance of asylum and borders in the aftermath of the 2015–2016 crisis. We first show how the Austrian government performed a shift towards bilateralism and multilateralism outside the EU framework by using transnational party alliances. Second, we outline a policy discourse that justified Schengen-internal bordering based on asylum politics, which eventually served to delegitimize Schengen's enlargement in 2022. The article contributes conceptually to understanding differentiated disintegration in the sector of migration and asylum, and points to potential drivers of this development.

### Keywords

Austria; border control; Common European Asylum System; European disintegration; policy entrepreneurship

### Issue

This article is part of the issue “The Causes and Modes of European Disintegration” edited by Martijn Huysmans (Utrecht University) and Sven Van Kerckhoven (Vrije Universiteit Brussel).

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### 1. Introduction

The establishment of a border-free Schengen Area is often considered a milestone of European integration. Originally initiated by five member states of the European Community in 1985, the Schengen Treaty on the free movement of goods and people was later incorporated into primary and secondary EU law, marking a key sector of integration during the 1990s and 2000s and urging leaders of the EU member states to foster cooperation on matters of external immigration and a Common European Asylum System (CEAS; Webber, 2019; Zaiotti, 2011).

Although member states had always been reluctant to share sovereignty and competences in the policy area of immigration and asylum (Brack et al., 2019), the 2015–2016 crisis of refugee governance is consid-

ered a critical juncture in the communitization of this policy field (Webber, 2019). The repeated renewal of intra-Schengen border controls by numerous member states, a de facto transferral of EU policy competences to member states, and the lack of policy reform in the face of deficiencies of the CEAS have been viewed as a sign of sectoral disintegration (Schramm, 2020, p. 3). Whereas the Russian war on Ukraine might suggest that member states are moving closer together and acting in an ever-united way, concerns over migration and asylum continue to divide the EU. This became particularly evident when Austria and the Netherlands blocked the accession of Romania and Bulgaria to the Schengen Area in 2022. Repeated interruptions and vetoes illustrate the fragility of the Schengen Area and call into question the assumption that crises are catalysts for the

further development of the European integration project (Vollaard, 2014).

Besides vertical disintegration in terms of treaty changes and horizontal disintegration in terms of member state exits, sectoral disintegration has been conceptualized as the collapse of common policies through the renationalization of specific issues (Webber, 2019, p. 14). For example, scholars have argued that member states of the CEAS and the Schengen Area have returned to increased national control over their borders (Brekke & Staver, 2018; Gülzau et al., 2021). The EU has thus been seen as losing its power to exert supranational authority in the aftermath of the 2015–2016 crisis (Lavenex, 2018).

Against this theoretical and empirical background, the present article studies differentiated disintegration in the sector of migration and asylum, as well as the factors that can facilitate the establishment of counter-projects to core-EU integration trajectories in individual member states. Our analysis sheds light on two key dimensions of differentiated disintegration in migration and asylum. First, we emphasize how sidestepping the EU institutions is not only achieved by unilateral means but also through bilateralism and multilateralism. Second, our case study stresses internal boundary formation and re-bordering as a policy dimension of disintegration in the Schengen Area (Schimmelfennig, 2021). Drawing on the case of the Austrian government, which has acted especially against EU-wide integration trajectories such as refugee relocation and distribution schemes, we trace both dimensions of disintegration in the aftermath of the crisis of 2015–2016. We adopt the concept of policy entrepreneurship (Mintrom & Norman, 2009) to analyse the divergent course of action by a governmental actor who has played a prolific role in establishing himself nationally and Europe-wide as an anti-immigrant advocate (Hadj Abdou & Ruedin, 2022): the former Minister for Europe, Integration, and Foreign Affairs, later Federal Chancellor, and leader of the Austrian People's Party (ÖVP) Sebastian Kurz.

Based on the analysis of policy documents and newspaper articles from 2015 to 2021, we show that Austria's decision on temporary intra-Schengen border controls and a unilateral asylum cap in early 2016 only marked the beginning of a disintegrative course of action in the sector of immigration and asylum. Persistent intra-Schengen bordering practices against the criticized malfunctioning of the CEAS continues to the present day (2023), despite a limiting ruling of the European Court of Justice. Austria also sought to evade EU institutions through a shift to new decision-making arenas and the bilateral engagement with governments from the Western Balkans, which was largely facilitated by transnational right-wing party alliances within the European People's Party (EPP). We demonstrate further how the issues of irregular migration and asylum were linked to Schengen policies on a discursive level, shaping Austrian arguments for the veto against the enlargement of the Schengen Area in 2022.

The structure of the article follows first a revisit of the literature on European (dis)integration in the wake of the crisis of refugee governance in 2015–2016. Secondly, it proposes a two-dimensional conceptualization of differentiated European disintegration. Thirdly, before introducing the Austrian case (in Section 4), we discuss the analytical approach of policy entrepreneurs to contextualize our analysis. In Section 5, we trace the strategic solo efforts by Kurz and the ÖVP, analysing how they shifted their activities to new forms and arenas of decision-making and established new discourses that linked irregular migration and asylum to Schengen policies. We close with a discussion of the implications of our findings for European disintegration, pointing to party politics and policy learning as drivers of disintegrative counter-projects.

## **2. European (Dis)Integration: Schengen and the Common European Asylum System in the Wake of the 2015 Crisis**

Crises have often been referred to as engines of European integration that function as cyclical processes, revealing policy failures (Pollack, 2003) that have resulted from incomplete regulatory frameworks, and which lead to consecutive re-adjustments (Jones et al., 2016). Yet the crisis of refugee governance in 2015–2016 has raised concerns over disintegrative tendencies in the sector of migration and asylum governance. It fuelled scholarly engagement with questions of centralization level, policy scope, and membership configuration of the EU in this sector (Kriesi et al., 2021). Although research findings on the political responses to the crisis have been far from unanimous, many scholars agree that no substantial deepening of European integration could be observed—neither in terms of treaty changes nor in terms of durable policy trajectories (Scipioni, 2018; Trauner, 2016). Instead, the crisis has put both pillars, the CEAS and Schengen, under unprecedented pressure in the face of some member states' claims to re-assert nation-state sovereignty over issues of asylum and borders.

### *2.1. Core State Powers and the Lack of Integration After 2015*

The CEAS is no stranger to policy failure. In fact, it has been described as less of a system than a “bric-a-brac” (Chetail, 2016) of policy instruments that emerged as compensatory measures for the development of the Schengen Area. In addition, the Schengen Area itself has always been characterized by internal and external differentiations (Schimmelfennig et al., 2015, p. 767). The EU regulations of asylum and borders touch upon core state powers that are considered classic domains of national sovereignty (Genschel & Jachtenfuchs, 2018). The policy area is thus characterized by regulatory integration, where member states have preserved authority over the

implementation of core powers, while EU directives dominate the legal landscape (Asderaki & Markozani, 2022). At the same time, the governance of asylum protection is particularly susceptible to party politics and politicization (Rittberger et al., 2014, p. 196) because the matter is linked to aspects of national sovereignty and collective identity. In the past, this has led to differentiated constitutional integration, notably with opt-outs from Denmark, the UK, and Ireland.

In the aftermath of 2015, the question was whether political conflicts and divergent actions due to the heterogeneity of preferences, dependencies, and capacities among member states had led to more flexibility in the CEAS or to irreconcilable divergences on legal orders and policy values. As the exceptional position of the UK within the CEAS and its opt-out from 35 asylum measures in 2014 (Adam et al., 2016) has shown, facilitating national preferences does not necessarily lead to European integration in the long term. In that case, it encouraged the precursor to the politicization of immigration by Eurosceptics, which had fuelled the vote on Brexit (Dennison & Geddes, 2018).

As early as 2016, Trauner (2016) pointed out that EU policymakers could not agree on paradigmatic changes and thus merely added another layer of policy instruments to sustain the malfunctioning core of the CEAS. These measures primarily included more financial and operational support for Southern EU countries. Even though these steps testify to a joint European action, the European Council's decision on relocation schemes for refugees from Italy and Greece was later met with wilful non-compliance by some member states (Sciocluna, 2021). Similarly, Scipioni (2018) argued that European integration after 2015 was largely confined to incremental changes, such as the upgrading of EU agencies like Frontex or the former EASO, which constitute a conferral of powers to supranational entities. For Schramm (2020), the political reactions to the crisis of 2015–2016 constitute a more clear-cut instance of European disintegration due to a de-facto transferral of EU policy competences to the member state level within the scope of Schengen and the lack of policy innovation in the face of the breakdown of the CEAS. More specifically, he points out the shift of policy arenas based on internal failures (such as the EU–Turkey deal), confrontation over bargaining (conflicts in the adoption of relocation schemes), an uneven change of opportunity structures leading to unilateral action (i.e., highly affected countries like Austria had stronger incentives for national border controls), and a side-lining of supranational agents (i.e., the EU Commission's unsuccessful attempt at relocation quotas and its limited role in the EU–Turkey deal).

Besides research on European integration and differentiation, studies on Schengen (Gülzau et al., 2021) and individual member state reactions (i.e., Brekke & Staver, 2018), while not explicitly addressing developments of (dis)integration, share the diagnosis of renationalization of competences and issues. Arguably, member

states sought to reassert national sovereignty over matters of asylum and borders through systematic controls, exemption clauses, and the non-implementation of EU law in the aftermath of the crisis. Yet Kriesi et al. (2021) have referred to bordering practices in the face of the 2015–2016 crisis as “defensive integration.” They classify the political reactions to 2015 as a form of European integration where both internal and external borders were reinforced, creating not only a stronger differentiation from the non-EU periphery but also between member states. Other than intra-Schengen boundary formation, the authors point to the “closure of the Western Balkan route,” together with the EU–Turkey deal and the deal with Libya, as part of a European integration trajectory.

## 2.2. *Towards the Study of Differentiated Disintegration*

As our literature review demonstrates, scholars have drawn on a variety of theories and concepts to address policy outcomes of European differentiation in the sector of migration and asylum after 2015, in terms of diverging objectives, different levels of compliance, and the adoption of new formal and informal arrangements (Dyson & Sepos, 2010). However, more research is required to understand what Schimmelfennig and Winzen (2020) refer to as the “demand side” of differentiation, namely some national governments' opposition to an integrationist path taken by an inner core of the EU (Schimmelfennig & Winzen, 2020, p. 192). In particular, we need to develop a better understanding of the factors that structure the emergence of member-state-driven counter-projects within the EU. Illuminating these factors is particularly relevant for explaining differentiated disintegration, namely a member state's reduction of the level or scope of European integration, while the rest of the EU maintains the status quo (Schimmelfennig, 2022, p. 619).

We argue that the process of differentiated disintegration is not necessarily confined to non-compliance, opt-outs, the renationalization of policies or other forms of “temporal” or “territorial” differentiation (Leruth et al., 2019, p. 1017). Instead, we propose considering the phenomenon along two dimensions. First, EU policy issues are often part of European competences precisely because they address problems that require inter- or transnational intervention, with migration and asylum as prime examples. For this reason, it appears critical to consider not only national but also international modes of political decision-making that are at odds with joint EU action. In this regard, Schramm (2020) has pointed to a set of exit mechanisms amidst EU decision-making deadlocks that become particularly relevant in crises. He argues that, instead of sticking to a “treaty-based game,” policymakers can shift to political arenas that involve different actors and decision rules (Schramm, 2020, p. 20). This can lead to the erosion of the political authority of supranational institutions and European legal framework but it opens up new spaces for national agency and negotiations.

Second, EU policies do not only seek to solve substantive issues, but they also try to do so in a coordinated manner, which maintains the status quo of cohesiveness of the EU's socio-political system or which further dissolves institutional, functional, and territorial boundaries between member states (Schimmelfennig, 2021). The theory of boundary-making has recently been developed in European (dis)integration research (Kriesi et al., 2021; Schimmelfennig, 2021) and essentially posits that European integration results from internal de-bordering and external re-bordering, while disintegration implies internal re-bordering and external de-bordering. As reasons for internal re-bordering (i.e., intra-Schengen controls), Schimmelfennig (2021) points to widening gaps between different territories, exogenous shocks, and community deficits that impair the political performance of member states and, consequently, call for a reconfiguration of boundaries.

To understand how these two (dis)integration dimensions materialize in the asylum sector and what drives differentiated disintegration within a member state, we will apply the concept of policy entrepreneurship, tracing the Austrian government's responses to the crisis of refugee governance. The EU's complex and fragmented governance structure (van Esch & Swinkels, 2015) has been deemed inefficient in times of crisis because of the lack of clear leadership and converging beliefs as well as common sense-making (Kamkhaji & Radaelli, 2017, p. 717). We argue that national policy entrepreneurs seize these issues to establish counter-projects that facilitate differentiated (dis)integration processes.

### 3. Conceptual and Methodical Approach

The concept of policy entrepreneurship is inspired by economics but has become firmly established in organizational and policy studies. It denotes the transformative agency of political actors who induce change in the public and political sphere by drawing on qualities that are immanent to entrepreneurs in the economic sphere (Roberts & King, 1991, p. 149). Although the literature on policy entrepreneurship has largely focused on individual actors at the political or administrative level of government, the concept can also be extended to institutions and organizations (Perkmann, 2007; Zeilinger, 2021) and can thus be helpful for the study of governments and individual actors nested within these governments (Garcés-Masareñas & Gebhardt, 2020; Zeilinger, 2021). While we are critical of the normative undertone inherent to the notion of entrepreneurs as self-reliant creators of surplus value and champions of positive change, we recognize the analytical benefits of the concept for studying the establishment of political counter-projects driven by political agents who seek to advance their interests during institutional crises.

We will now focus on the nested responsibility and power over European and asylum-related agendas within the Austrian government, inquiring specifi-

cally into the actions of the ÖVP and the Minister for Europe, Integration, and Foreign Affairs (March 2014–December 2017) and later Chancellor (December 2017–May 2019 and January 2020–October 2021) Sebastian Kurz. In terms of method, we base our study on a content analysis of systematically collected policy documents related to federal immigration and border-control measures in Austria. The document search was conducted in the Federal Legal Information System, collecting data from 1995–2021 based on the terms *Grenz* (border), *Grenzraum* (border area), *Grenzraumüberwachung* (border area surveillance), *Grenzkontrolle* (border control), *Grenzübergang* (border crossing), *Schleierfahndung* (dragnet control), *Assistenzeinsatz* (assistance mission), *Schlepperei* (people smuggling), and *Einreise* (entrance). We have identified 166 national laws, bilateral and multilateral agreements, and treaties (1995–2021) and an additional 41 notifications to the European Commission on temporary border closures. For this article, we have only considered documents dated between 2015 and 2022 as primary sources and complemented our material with secondary sources, such as newspaper articles and press releases, that referred to the content of the primary sources (Westle, 2018). Each document was initially coded by the regulatory type of the policy, the implementing government actor, the (sub)-area of policy, the policy target group, and the key objectives.

Analytically, we considered the politics and policy dimensions of policy entrepreneurs. Mintrom and Norman (2009) have characterized policy entrepreneurs as highly capable of both acting strategically and shaping policy beliefs. In terms of strategic action, policy entrepreneurs can be considered flexible on the time and place of policy making. It is assumed that they seize windows of opportunity and even exploit notions of crisis (Mintrom & Vergari, 1996, p. 425) to pursue their winning strategies and networks. Rather than operating on their own, they mobilize personal and professional networks that may reach across jurisdictions and policy sectors. Thereby, according to Mintrom and Norman (2009), policy entrepreneurs tend to act outside of established institutional settings or create new coalitions. The concept emphasizes the embedded agency of member state governments and helps to shed light on how they pursue solutions to decision deadlocks at the EU level (Schramm, 2020), shifting between arenas and including/excluding particular actors. Consequently, we have identified unilateral, bilateral, and multilateral political decisions, agreements, and declarations related to migration, borders, and asylum. Here, we have analysed the political actors' stated objectives and the organizational and institutional ties that facilitate their cooperation. The findings were embedded within the established context of EU policy-making in the area of asylum since 2015.

Considering the dimension of policy beliefs and values, policy entrepreneurs have been described as compelling storytellers who shape public perceptions of what

constitutes a policy problem and who provides corresponding solutions (Cairney, 2018, p. 203). This process is less about offering rational evidence than about telling persuasive stories that help others make sense of a policy issue. Policy entrepreneurs thus seek to reduce ambiguity and alter perceptions of risk by using discursive links and frames. Here, the concept guides our analysis to focus on ways in which internal and external bordering is conceptualized and legitimized in the suggested policy solutions. To study this dimension, we have combined the analysis above with newspaper articles and press releases that included direct statements from ÖVP politicians. These were used to identify public representations of policy issues and the reasoning behind the solutions, all of which are embedded in wider policy narratives and discourses. We have considered four major categories of analysis: the substantive policy issue at hand, related solutions, policy instruments, as well as the legitimization/delegitimization of certain political authorities within European multi-level governance.

#### 4. Establishing the Austrian Context

The veto of the Austrian government against the Schengen accession of Bulgaria and Romania (2022) has made Austria an interesting case for examining how member states shape differentiated (dis)integration in the sector of border and asylum. Without being a frontline state at the EU's external borders and without notable immigration pressure from asylum seekers arriving from the Eastern Balkans, it has recently blocked a major step towards horizontal integration of the Schengen Area. The prominence of the topic of migration and asylum in Austria's argumentation for the veto is embedded in a long history of high-level domestic politicization of migration in the European context, making the country a notable candidate for the study of differentiated disintegration in the sector.

##### 4.1. The Austrian Political Context

Austria has long been an immigration country against its will (Gruber & Rosenberger, 2021), yet it fully adopted the Schengen Acquis and set up an asylum system that has accommodated a considerable number of refugees over the past two decades. This is owed largely to supranational dynamics at the EU level, starting from the early 2000s, when a series of directives, as well as the Dublin Regulation, were introduced to allocate responsibility for asylum procedures and facilitate the reception and status determination of asylum seekers within the CEAS of the EU (Webber, 2019).

While legal competences on asylum gradually moved to the supranational and intergovernmental level throughout the 1990s and early 2000s through the adoption of the Schengen Acquis and the establishment of the CEAS, the topic of immigration domestically became a more politically salient issue. Navigating between immi-

gration and EU-sceptic attitudes in society and increasing pressure of supranational norms, Austria's main government parties, the Social Democratic Party of Austria (SPÖ) and the ÖVP, were also confronted with electoral pressure and populist anti-migration politicization from the far-right Freedom Party Austria (FPÖ), which has held issue ownership on the immigration problem since the 1990s (Hadj Abdou & Ruedin, 2022; Bodlos & Plescia, 2018; Gruber & Rosenberger, 2021).

From 2010 onwards, the ÖVP has included a more pronounced migration profile in its electoral manifestos, expanding its institutional portfolio through the political newcomer Sebastian Kurz, who held the position of State Secretary for Immigrant Integration in 2011. Kurz became minister of European and foreign affairs in 2013 and minister of Europe, Integration, and Foreign Affairs in 2014, before serving as chairman of the ÖVP and Federal Chancellor in 2017. The success of the ÖVP in the general elections of 2017 was particularly affected by debates about and responses to the events of 2015–2016 (Bodlos & Plescia, 2018), not only in terms of issue saliency but also in framing the crisis as a failure of EU leadership. In this phase, the ÖVP adopted the demands of the far-right FPÖ on border control as its own (Gruber & Rosenberger, 2021; Heinisch et al., 2020). Eventually, it became an anti-immigrant party that played a decisive role in domestic and inner-European asylum governance during four government coalitions between 2013 and 2022 (Hadj Abdou & Ruedin, 2022).

##### 4.2. Initial Pragmatic Reactions to the Crisis

Following the arrival of refugees in Europe in 2015–2016, the Austrian government initially adopted a highly pragmatic approach without any pronounced policy entrepreneurship on the part of the ÖVP and Kurz, who at the time were the junior partners in a coalition with the SPÖ. Even though the federal government introduced temporary Schengen border controls at its main border crossings to Slovenia (Spielfeld) and Hungary (Nickelsdorf) on 9 September 2015, it tolerated onward journeys of thousands of refugees when the Hungarian authorities opened their borders. Given this situation, Austria opted for the principle of proportionality, waving through new arrivals without registration, in coordination with German Federal Chancellor Angela Merkel (Ultsch et al., 2017). The coalition government even organized public transportation for refugees' onward journeys (Issig, 2015) and, thereby, informally suspended the Dublin Regulation, which proved to be dysfunctional in this situation.

At the time, the Austrian government still prioritized EU cooperation, which became evident during the Justice and Home Affairs Council on 22 September 2015, when the Austrian minister of the interior, together with her European counterparts, agreed on the relocation of 15,600 people from Italy, and 50,400 from Greece, despite votes against the proposals by



Hungary, the Czech Republic, Slovakia, and Romania. Austria committed itself to admit 1,953 asylum seekers (“Flüchtlingsumverteilung,” 2017) and thereby pursued a core-EU integrationist trajectory based on the idea of establishing long-term distribution quotas across the EU out of solidarity with frontier member states. In light of the ongoing refugee influx from the Western Balkans, Austrian policymakers also attended a meeting, hosted by the President of the European Commission, Jean-Claude Juncker, where a 17-point plan for joint migration management in the Western Balkans was agreed in Brussels in October 2015 (European Commission, 2015).

However, as discontent over European asylum governance started to grow among the ranks of the ÖVP, Kurz began to change his strategy, adopting a policy entrepreneurial role as minister for Europe, Integration, and Foreign Affairs from early 2016. In the next section, we will trace his political actions and policy discourses (summarized in Figure 1).

## 5. Towards Sectoral Disintegration: The Austrian Policy Entrepreneur

### 5.1. New Forms and Arenas of Decision-Making

By early 2016, Kurz and the ÖVP gradually began to dissociate from institutional pathways of the EU through unilateral action and the use of non-EU arenas and networks. First, Austria unilaterally introduced an annual cap on asylum applications. This was heavily criticized by the EU Commissioner for Migration and Home Affairs Dimitris Avramopoulos, who argued that “such a policy would clearly be incompatible with Austria’s obligations under European and international law” (Christidis et al., 2016). Furthermore, the Austrian government urged member states, such as Slovenia and Croatia, to follow the so-called domino effect, according to which national border controls should be intensified and daily passage quotas implemented. Secondly, the relocation quota that Austria had initially agreed upon proved to be a false promise. When it came to implementing the

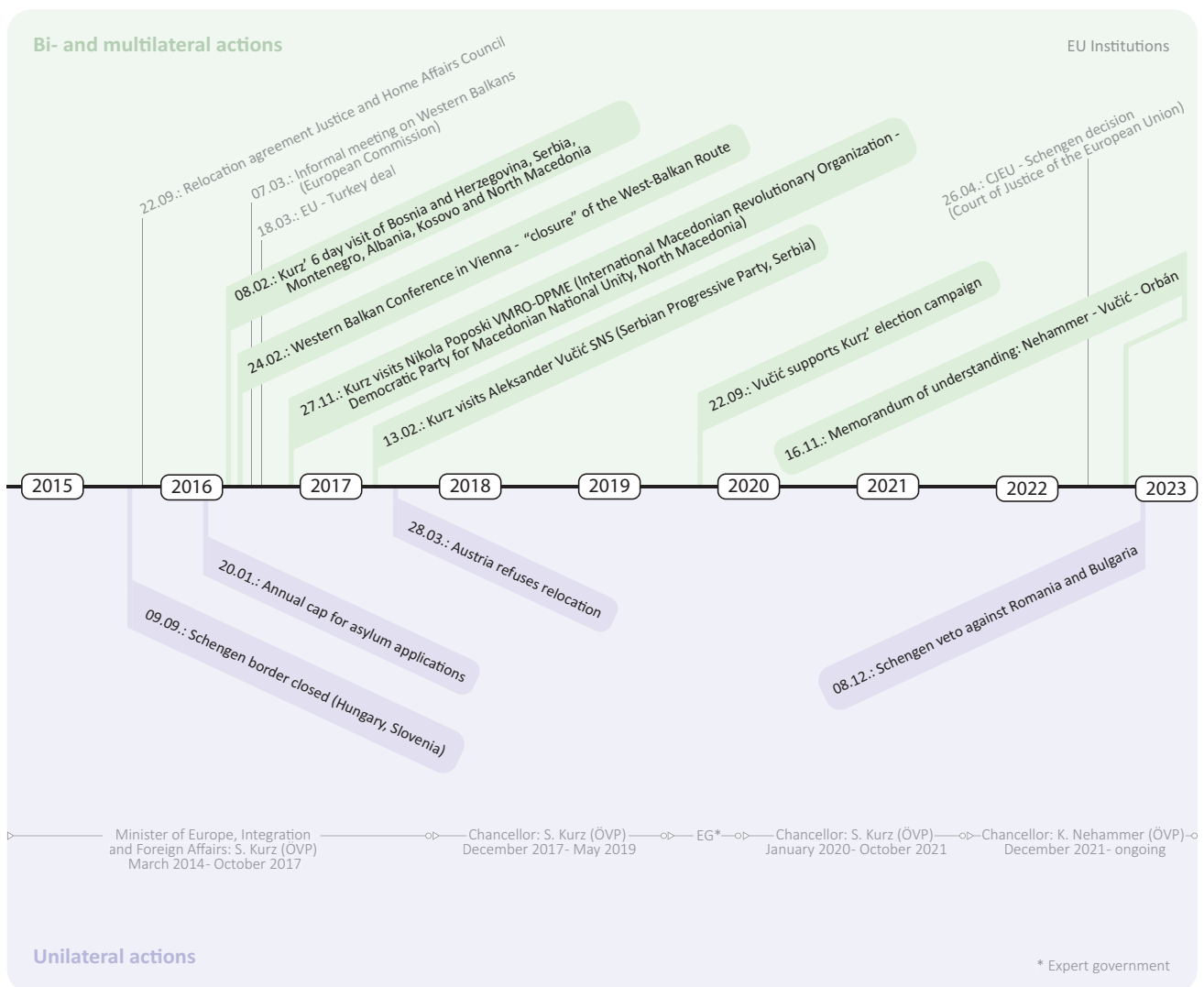


Figure 1. Timeline of the Austrian course of action 2015–2022.

instrument, the government sided with Poland, Hungary, and the Czech Republic by refusing to accept any further asylum seekers (“Flüchtlingsumverteilung,” 2017).

However, the responses of the Austrian government cannot be reduced to unilateral instruments. Far from acting alone, ÖVP ministers made use of formerly established opportunity structures to foster new forms of cooperation beyond institutional EU settings. In February 2016, the Minister of the Interior, Johanna Mikl-Leitner, together with the Minister for Europe, Integration, and Foreign Affairs, Sebastian Kurz, took advantage of the existing format of the Western Balkans Conference to talk with representatives of EU candidate countries to foster their restrictive migration agenda. These members of the government did not confine themselves to taking sides within an EU setting—by supporting policy proposals by the Visegrád states and criticizing Germany and Greece. They exacerbated political divisions further by pursuing policies within multilateral settings that they coordinated. Notably, Austrian officials neither invited EU representatives nor government officials from Greece—which had been most affected—nor from Germany—which had traditionally participated in the conference. Instead, the conference only included members of the Salzburg Forum, a security politics arena for interior ministers from Central-Eastern European countries formed in 2000, as well as members of the Western Balkans EU candidate countries. In response to these activities, Greek officials called the Austrian move towards an exclusive policy arena “unilateral and non-friendly” (“Greece files,” 2016). The European Commissioner for Migration and Home Affairs expressed concerns “about the developments along the Balkan route and the humanitarian crisis that might unfold in certain countries, especially in Greece” (European Commission, 2016). The creation of the improvised Idomeni refugee camp between North Macedonia and Greece a few weeks later would reveal that these concerns were not unfounded.

Starting from a six-day Balkan trip across six countries in February 2016, the Minister for Europe, Integration, and Foreign Affairs Sebastian Kurz, would simultaneously enter into intensified bilateral talks with government officials from the Western Balkans. Despite their intergovernmental character, these bilateral talks were strongly facilitated by common transnational ties between parties. The ÖVP and Kurz specifically drew on party alliances of the EPP to establish a policy network with their EPP governmental counterparts—the Serbian Progressive Party (SNS) in Serbia, the Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity in North Macedonia (VMRO-DPMNE), among others. While bilateral action plans developed during Kurz’s Balkan trip to Serbia and North Macedonia testify to the role of joint migration governance as a key topic pertinent to the rapprochement between the EU and the Western Balkan countries (Federal Ministry for Europe,

Integration, and Foreign Affairs, 2016), later encounters with respective government officials illustrate the links of this meeting with electoral politics.

In November 2016, for example, Kurz held talks with the North Macedonian Minister of Foreign Affairs, Nikola Poposki (VMRO-DPMNE), calling the country one of the most important partners for Austria during the migration crisis. On the same visit, Kurz participated in an election rally of the VMRO-DPMNE. On stage, he thanked a cheering crowd of party supporters for helping with “the Western Balkan closure” (Wölfel, 2016). Following criticism from opposition parties and journalists in Austria, the Ministry for Europe, Integration, and Foreign Affairs stressed that Kurz had visited the event merely as a representative of the EPP and not in his role as minister.

Similarly, the ÖVP fostered party ties with the SNS regarding migration governance. In February 2017, one month before the presidential elections in Serbia, Kurz paid a visit to Belgrade, where he argued that “the Western Balkan countries have made tremendous efforts to protect the borders. Only coordinated action and joint action can ensure that illegal migration and smuggling are successfully combated” (Federal Ministry for Europe, Integration, and Foreign Affairs, 2017). In return, in September 2019, Kurz enjoyed electoral support from Serbian President Aleksandar Vučić, who addressed Austrian citizens of Serbian origin when recommending Kurz as “an honest, responsible, serious young politician who will improve relations in the Western Balkans region and throughout Europe” (Hochmuth, 2019).

While the relations of the Austrian government with Viktor Orbán have remained comparatively strained for years, not least due to the suspension of the Fidesz from EPP membership, the fight against “illegal migration” remains common ground between the two governments. Thus, when the number of asylum applications was on the rise again in 2022, Austrian Federal Chancellor Karl Nehammer (ÖVP) once more declared that the European asylum system had failed and mobilized his ties with Orbán and Vučić. These high-level politicians claimed that the EU had abandoned them in the fight against irregular arrivals and eventually signed a memorandum of understanding, which included joint measures for border protection and against “asylum à la carte” (Mayer et al., 2022).

### *5.2. Establishing the Discursive Schengen-Asylum-Nexus and the “Closure of the Western Balkan Route” Narrative*

At the level of policy discourse, starting in 2016, Kurz and the ÖVP legitimized solo efforts by encouraging a security-oriented immigration discourse, which to a certain extent challenged the EU’s policy legacy. On the one hand, this policy discourse stressed the reform of the CEAS as a precondition for the return to Schengen (Schengen-asylum nexus). On the other, it sought to externalize border controls to a non-EU

periphery by promoting the narrative of “closing the Western Balkan route.”

Considering the re-introduction of intra-Schengen border controls, the Austrian government justified the initial decision of September 2015 as a temporary measure aimed at managing an emergency that had resulted from the high influx of people seeking international protection. While the reintroduction of border controls can conform to the Schengen Border Code (SBC), which includes several exemption provisions (SBC, articles 27–29), such measures are always legally confined to temporary periods. However, a total of 41 notifications sent to the EU Commission between 2015 and 2022 evidence how Austria turned border controls into a state of de-facto permanent exception.

The formal justification letters show how immigration via the asylum system, often framed in terms of irregular migration, had been used as the reason for the partial suspension of Schengen. For example, in 2017, the Minister of the Interior Wolfgang Sobotka said that intra-Schengen border controls were “without alternative” (“Sobotka: Grenzkontrollen,” 2017) because of the incapacity of EU authorities to protect its external borders. The interior minister further intervened with the European Commission for a change in the SBC to extend the deadlines for border controls. During a meeting of the Council of the EU in Brussels, he argued in favour of internal border controls, stating: “Although there is no acute terrorist threat in Austria, we are not an island of the blessed and must be prepared for all eventualities...issues of migration, integration, and extremism are closely linked” (“Sobotka: Fristen,” 2017). So, it comes as no surprise that national borders were increasingly politicized at the domestic level, especially by the ÖVP and the FPÖ, who called for new measures to protect the national territory. In June 2018, for example, the federal government promoted border fortifications under the label “Pro Borders” by publicly staging a mass-migration simulation with 200 background actors and several hundred policemen (Rosenberger & Müller, 2020).

However, the ÖVP’s discursive prioritization of security concerns over humanitarian aid was not confined to the legitimization of national intervention but also projected visions of control to the EU’s external borders. The so-called “closure of the Western Balkan route” narrative emerged as a key rhetorical device for an Austrian counter-discourse to Merkel’s “We can manage this!” (*Wir schaffen das!*) and against European relocation plans. It served as a narrative that presented externalization measures and closed borders as a necessary and effective response to the challenges posed by irregular migration. Notably, it sought to challenge the lack of implementation of external border controls by other member states and the moral standards put forward by the Commission. Kurz, in his position as minister for Europe, Integration, and Foreign Affairs, criticized individual member states like Greece for their

inaction on addressing immigration and enforcing border control, arguing that “it [effective border control] won’t work without pressure on Greece” (Mülherr, 2016). Furthermore, he criticized the German-led plan for an EU–Turkey deal, arguing that it would create dependence on Turkish President Recep Tayyip Erdogan. In this context, he famously stated that “it cannot be that we delegate this job to Turkey because we don’t want to get our hands dirty. It will not work without ugly images” (Mülherr, 2016). Anticipating human suffering at European borders, he legitimized the risk of human rights violations by referring to the threat to national borders posed by uncontrolled immigration.

More than half a decade after the crisis, the repercussions of the discursive nexus between Schengen and European asylum management seem to be deepening. In April 2022, the European Court of Justice ruled that Austria’s continued border controls at the Slovenian and the Hungarian borders was a breach of EU Law. However, the Austrian government insisted on extending border controls for another six months until November 2022, arguing that “if it is necessary to protect the population and the borders, then we will continue to do so” (“Schengen-Veto,” 2022). During the Justice and Home Affairs Council in Brussels in December 2022, Austria cast its veto against the accession of Bulgaria and Romania to the Schengen Area. Again, the government drew on the discursive Schengen-asylum nexus to legitimize its decision. According to Federal Chancellor Nehammer (ÖVP), “there will be no enlargement as long as the external border is not effectively protected. The EU’s failed asylum policy has caused this situation” (“Schengen-Veto,” 2022). Similarly, another ÖVP official stated that “an expansion of the Schengen system, which is no longer functioning anyway, makes no sense” (“Schengen-Veto,” 2022).

## 6. Discussion and Conclusion

Our analysis has considered the disintegration trajectory of the Austrian government in the sector of migration and asylum by examining modes of decision-making as well as the boundary-making inherent to policies after 2015. We have conceptualized the ÖVP and, in particular, the Minister for Europe, Integration, and Foreign Affairs and later Federal Chancellor, Sebastian Kurz, as policy entrepreneurs who applied strategic actions and discourses to develop a political counter-project to EU cooperation frameworks. Revisiting the findings presented above, the case study highlights potential drivers of differentiated disintegration, which we want to identify in the next subsection.

### 6.1. Disintegrative Strategies in the Face of Joint-Decision Deadlocks

Our findings on new forms and arenas of political decision-making illustrate how member states’ solo



efforts during crises must not necessarily be confined to renationalization in terms of unilateral action. Instead, they depict a variety of political strategies that have been described by Schramm (2020) as exit strategies from joint-decision problems at the EU level. Initially, Austria's response consisted of national measures aimed at increasing immigration control via intra-Schengen border controls and a unilaterally decreed asylum cap. However, the Western Balkans Conference of 2016 marked a critical moment of arena shifting and exclusion of supranational actors from negotiating and decision-making. This does not imply that treaty-based rules of decision-making did not prevail; however, they were eroded through parallel bilateralism and multilateralism with Hungary and Western-Balkan countries (and continued in 2022). Such a disintegrative approach was also characterized by a confrontational decision-making style towards the European Commission (i.e., exclusion from the Western Balkans conference, intra-Schengen controls) and the European Court of Justice (i.e., continuing intra-Schengen border controls) as well as to other member states (i.e., Germany and Greece, who were blamed for their permissive approach in 2015 and the failure to protect the EU's external borders).

These findings underscore the importance of considering the formation of transnational advocacy coalitions amidst crises and EU decision-making deadlocks. We have consequently pointed out the role of party politics (see Hooghe & Marks, 2009) and how transnational party alliances can bind member state and non-member state governments to engage bilaterally in the management of borders. These newly formed advocacy coalitions, however, must not necessarily be purely functional in seeking to advance policies that are based on shared values and goals that are difficult to realize within the EU. Rather, they can become opportunities for politicizing national and European leadership, promoting national identities, and enhancing government parties' migration profiles for domestic electoral campaigns.

## 6.2. *Re-Bordering Austria and Beyond*

The analysis of the policy discourse has demonstrated an ambivalent (dis)integration trajectory. As has been illustrated with the Schengen-asylum nexus and the narrative on the "closure of the Western Balkan route," the discourse of Kurz mirrors the trajectory of defensive integration as described by Schimmelfennig (2021) and Kriesi et al. (2021). In the context of the Schengen-asylum nexus, the problem as conceived by the ÖVP was not one of distribution and humanitarian aid but of security, national sovereignty, and the loss of capability to control particular types of cross-border movements. Thus, instead of choosing coordinated support from member states and allocation quotas, the Austrian government opted for more intensive border controls (at first only nationally, and later extended towards the periphery of the EU). The "closure of the Western Balkan

route" narrative pointed to external boundary formation, but not in terms of the fortification of the EU's external borders in Greece or Bulgaria. Instead, the claim was that of transnational policing of external borders across the non-EU periphery under the initiative and coordination of Austria as a central EU member state. While this approach was initially at odds with the EU Commission and some member states who feared a humanitarian disaster in the early months of 2016, it did not contradict the EU's paradigm of border control. Quite to the contrary, it fed into externalization efforts that have been pursued since 2004. Likewise, it is important to highlight that Austria's bilateral efforts in Serbia and North Macedonia were also framed in terms of EU enlargement with border control becoming a subject of mutual support.

However, even though the investigated Austrian policy entrepreneurs also pursued external boundary formation, the discursive nexus between Schengen and the CEAS proved to have major consequences for the future of European integration when Austria blocked the accession of Romania and Bulgaria to the Schengen Area in 2022. The policy entrepreneurs quote the collocated failure of the CEAS and Schengen as the reason behind the objection to further integrative steps.

These findings echo policy-learning literature, which has drawn attention to how crises constitute failures of existing policy principles and create opportunities for inferential or contingent learning. Such learning entails evidence or stimulus-based reassessments of a certain public as well as elitist beliefs and values (Radaelli, 2022, p. 15). Ultimately, concepts of internal/external boundaries that are initially inherent to policy lessons drawn from crises can transcend into particular (dis)integrative positions towards an EU polity.

Overall, the article has illustrated the relational character of differentiated disintegration, which, although driven by national leaders, relies on coalition-forming to substantively address policy issues that can at the same time serve the public display of national agency for the establishment of a political counter-project. Likewise, it has been shown how immigration-related asylum policies necessarily touch upon internal or external EU boundaries. Beyond insights into the Austrian case, the paper has enriched conceptual debates on differentiated disintegration by focusing on the role of domestic actors in challenging integrationist paths, demonstrating how domestic policy choices like Schengen border controls can later on call into question common decisions, such as the Schengen enlargement. As became evident, today's policy choices made by member state governments may well structure tomorrow's conditions of European integration.

## **Acknowledgments**

We are grateful to the three anonymous reviewers and the journal editors for their constructive feedback and

many thoughtful remarks. We also thank Magdalena Übleis-Lang and the Jean Monnet New European Borderlands' Network team. Open access funding was provided by the University of Vienna.

### Conflict of Interests

The authors declare no conflict of interests.

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