REPORT

MAKING MULTILEVEL GOVERNANCE WORK:
HELPING TO OVERCOME THE DEMOCRATIC DEFICIT

Jean Monnet Project - 620951-EPP-1-2020-1 AU-EPPJMO-PROJECT

EU Centre of Excellence RMIT University

CONTENTS

CHAPTER 1: INTRODUCTION

This project explored conditions under which the multilevel governance (MLG) might appear to be more effective, permit decision-making, encourages engagement and might be helpful in the democratic process. The project established that MLG relationships have been of important consequence for European integration but equally applicable for a country such as Australia. Similar to the larger EU Member States, Australia has 3 levels of national and sub-national governance, to which the various processes of decision-making have added additional layers. Typically, the responsibilities of different layers have been determined through formal elaboration of scope of powers, supplemented by the principle of subsidiarity. Nevertheless, there is overlap and confusion if only because of the increasing complexity of government and the ambiguity of boundaries, especially in relation to resource collection and allocation.

Ambiguity also surrounds the belief that MLG will at the same time improve the democratic engagement of citizens, such as the case of Europe where according to Treaty of Lisbon, democracy has been an important element of European integration. However there continue to be significant issues of legitimacy and effectiveness of existing democratic arrangements. These have been addressed in various ways, not least through campaigns to demonstrate how the EU contributes to community and national well-being. The value of this was evident when more than 50% of Europeans voted in the elections for the European Parliament in 2019, even though this varied significantly across Member States. This project has sought to test the effectiveness of MLG and democratic engagement/deficit hypotheses in regional Australia.

Since 2014, the implementation of Smart Specialisation *ex ante* conditionality has given regional authorities a more important role, drawing on local expertise, strengthening local ownership of plans, and recognising how local context affects implementation. This has been especially the case with the implementation of Regional Policy in Australia and in the management of federal and state funds. Some regions in Australia have struggled to use the new instruments and processes properly, especially in peripheral regions. Not only has this prompted significant learning about the issues that arise in working across different levels of MLG, but it is also now recognised that improving the quality of regional governance is essential for the achievement of the objectives of Regional Policy. The Australian federal system provides constitutional parameters for the Federal and state governments but is entirely silent on the role and functioning of local and regional authorities. Unclear responsibilities at all levels mean that various institutional arrangements with varying authority and capability has been established, often weakest in peripheral regions in Australia.

OBJECTIVES OF THE PROJECT

This project analysed the comparative experience of regional governance in Europe and Australia, focusing on several key questions:

1. How to assess the effectiveness of multilevel governance in different jurisdictions, particularly in reducing inequalities between nations and regions?

2. Is multilevel governance more or less effective depending on the scope and clarity of allocation of powers to different levels of government? Is the principle of subsidiarity helpful in clarifying areas of ambiguity?

3. Are there examples of multilevel governance which strengthen trust in democratic institutions? In particular, how can governance arrangements remedy the gap between citizens and their governments at local, regional, provincial and national level?

4. Do societal challenges relating to climate, ageing populations, and education with disproportionate effects in peripheral regions require new thinking about multilevel governance?

5. Are particular governance arrangements and levels more or less inclusive of women and minority groups of citizens?

The project has provided three types of outcomes:

a. new knowledge about MLG, particularly about the appropriate roles and capabilities at different levels for various purposes, that can contribute to policy and program development in Europe and Australia;

b. resources to support learning in formal settings such as tertiary courses (in a variety of disciplines) and in various public learning environments. Videos of extensive debate and analyses with regard to four case studies from European and Australian regions and detailed analysis bring issues alive to students and enable them to make connections with their own circumstances in, for example, *Regional Development and International Business: Europe and Asia*; and

c. practical engagement with citizens and government representatives on strategies to improve effective governance at different levels.

METHODOLOGY

The methodology for this project is grounded in four hybrid webinars and finalised by an exhaustive analyses in a 2-day workshop which took place in Melbourne in September 2023.

Webinar 1: MLG – issues faced in regional Australia;

Webinar 2: Governance and decision making in the Waste management crisis in Campania (Italy);

Webinar 3: Decision making in the German Higher Education system vs the Bologna system;

Webinar 4: MLG and private actors, effectiveness and democratic legitimacy.

Each of the four webinars consisted of a case study from either Europe or Australia. Considerable time and resources were dedicated to identifying and investigating the case study themes in the first phase of the project. This was then extended into the project activities, where new knowledge was generated and translated into a special scholarly publication issue, which will be published by the *Australian New Zealand Journal of European Studies* in early 2024. This output will support students, scholars and policy makers.

The methodology used for this project aligns closely with the proposal to bring about new knowledge, engagement, activities and deliverables, which consisted of:

1. Research that is based on a detailed and exhaustive review of relevant literature. As a multidisciplinary team with expertise in regional governance, innovation, law, urban studies, and with government itself, the researchers were well-positioned to conduct this review and address existing case studies and literature related to the key questions of the project.

2. Consultation and project activities that brought about a variety of perspectives to bear on the key questions. Activities were designed to enable both wide participation through the webinars, and more critical, focused engagement through the Peer Review meetings.

3. These activities were instrumental to the research and led to the production of the MLG special issue, which is designed for scholarly, policy, and student audiences. Again, the case study approach has been reflected in these materials, which draws theoretical insights, new knowledge, and policy recommendations.

The breadth of activities and commitment to wide engagement was deliberately designed to draw interest and participation from relevant stakeholders, including civil society.

AUDIENCE

The target groups for this project are students, policymakers, government and civil society. The project addresses governance, decision making, contemporary, critical issues for regions, and are also relevant to global debates about the future of democracy. Through its activities, case studies, and dissemination strategy, the project team customised the case for its direct relevance to stakeholders, encouraging their continued participation in the project. The

comparative framework of the project, comparing both EU and Australian governance systems, and their consequences in individual regions, directed the project to the audience, who benefited not only from theoretical understanding of multi-level governance but also, case studies participants exchanged ideas of how it works in practice. In particular, by facilitating interaction between regional representatives, the project supported their developing a nuanced and practical understanding of multi-level governance and its implications for regional development.

The project's attention to governance in Europe, in particular is having strong implications for understanding in Australia, where university studies of the EU and Europe are in decline. The activities and the videos produced by the project are promoted within RMIT itself. As open access resources, these are also made widely available to institutions in Australia and globally, with the support of key staff on the project and their institutional networks.

DISSEMINATION AND EXPLOITATION STRATEGY

The project objectives have implications well beyond the host institution, RMIT, and Australia. As such, the dissemination and exploitation strategy of the project were designed to maximise international participation in the project, especially from case study examples.

The central point of dissemination is the Project website. This will provide the dissemination of information about the project and its outcomes and publicity for public events. The project team used all existing connections and networks, in particular with the Joint Research Centre (JRC) and existing S3 initiatives, such as the Gippsland Smart Specialisation strategy, in order to engage with policy audiences in Europe and Australasia. The project has been successful in cooperating with Australian scholars' who have researched and published on MLG, using their websites, and social media to publicise research findings and activities.

The research team is also using social media and opportunities in print and broadcast news services to publicise research activities and outcomes. Having excellent working relationships with RMIT Media and Communications, and frequently providing commentary to national and international news services, researchers in the EU Centre at RMIT are constantly promoting the MLG project. Another example is the EU Centre of Excellence Twitter account, which is the second most followed EU-related account located in Asia Pacific, behind the EU Delegation itself.

The Peer Review Meetings are also crucial in the form of the Meeting Report and videos. The former is made available on the Project website and will be disseminated to targeted audiences of researchers and policymakers with the help of associated agencies. The videos produced by the Network are made available and distributed among these agencies, as well as the local networks of the research team and their institutions.

QUALITY CONTROL AND MONITORING

This was a complex and wide field of investigation, which at the initial stages of the project, a framework was developed to monitor the quality of research, based on the key research questions outlined above. This framework formed the basis for the review and monitoring of research and research outputs.

The activities, including webinars and the Peer Review meeting, were evaluated on the following basis, using metrics gleaned from online platforms and feedback solicited from participants:

1) the geographical breadth of participation, i.e. representation from at least two regions in Australia and Europe

2) the balance of representation from diverse groups in society, including research, government and private policies, industry, and civil society

3) participants assessment of the relevance of the project to their regions and issues

4) the likelihood of participants returning for further events, ie future webinars and the Peer Review Meeting.

The Project's success is ultimately measured against its described outcomes, as follows:

1) The new knowledge generated by the project, and its relevance to policy and program development in Europe and Australia, which is measured by academic outputs, feedback from stakeholders at the conclusion of the project.

2) the quality and breadth of resources produced by the project, and their use in institutional and public learning environments. Feedback from learners will contribute to ongoing refinement of the materials and resources, as they are used in various learning environments.

CHAPTER 2: MULTILEVEL GOVERNANCE & DEMOCRACY – A BRIEF OVERVIEW

The concept of multilevel governance (MLG) emerged as a means to make sense of policy-making in the European Union (EU) and its member states, each with its own unique way of governance.

Governance within Europe is generally a product of the origins of the particular nation-state and the governing model introduced. Most member states have a three or four tier government structure – comprising of a federal/national level, a subnational level, that is a state or regional structure, in some cases a provincial level, and a local government/communal level. The systems of governance of the various EU member states depend largely on their central model of government which include constitutional monarchies, centralised and federal republics.

By far the most common governance structure in the EU is that of centralised republic. Countries that are a centralised republic, found in Bulgaria, Cyprus, Malta, the Czech Republic, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia and Slovenia. The next common form is that of constitutional monarchy in Belgium, Denmark, Spain, the Netherlands, Sweden and Luxemburg. There are only two federal republics: Germany and Austria.

The head of state in constitutional monarchies, the monarch, has few or no political powers. Their main function is to represent the state. In republics on the other hand, the head of state is chosen by the citizens, either directly or through the parliament. The difference between the centralised and federal republics lies in the level of political decentralisation. In the former, the regions have only limited competences, thus it is the central government that decides on the majority of issues. In contrast, in the federal republics, the regions have a larger number of competences and can influence governance matters via legislative assemblies.

THE ORIGINS OF THE CONCEPT OF MULTI-LEVEL GOVERNANCE

MLG developed out of the uniquely European Union, then the European Community, circumstances of enlargement and integration in the context of the goal of a single market, requiring mitigation of regional economic disequilibria.

Even though economic disequilibria between the member states and various regions of within, had been noted and its alleviation earmarked as a necessity for the development of the Union as early as the Treaty of Rome, it wasn't until the 1970s and in the context of the accession of Denmark, the UK and Ireland, that measures to address the imbalances between the regions in the EU were addressed via the European Regional Development Fund.

The 1986 Single European Act, (SEA) elevated regional policy to a Community competence, and social and economic cohesion to a Community goal, with the structural funds as one measure to support achievement of goals.

In 1988, a further step in European Union integration saw the integration of the structural funds into an overarching cohesion policy, which can be conceptualised as a tool governing the various funding instruments to address regional imbalances. These reforms also included a considerable increase in regional funding, doubling the Structural Funds commitments.

The reforms aimed to improve the efficiency of regional policy, 'from an essentially budgetary transfer to … a genuine regional development tool with the potential to provide effective solutions to the problems faced by the Community's regions' (Manzella & Mendez 2009, p. 13). This included the following four basic principles for EU assistance:

- Concentration: focus on a limited number of objectives in the least-developed regions.
- Programming: multi-annual programs based on analysis, strategic planning and evaluation
- Additionality: addition not substitution of EU funds to MSs expenditure.

- Partnership: close consultations between Commission, MSs concerned and competent authorities designated by MSs at national, regional, local or other level, each acting as partner in pursuit of common goal.

The policy thus shifted the focus from a purely economic approach to one with a political dimension. It 'was based on an 'integrated approach': a reduction in territorial disparity was possible only if subnational institutions, especially regional authorities, were involved in decision-making and implementation processes' (Brunazzo 2018, p. 24).

Finally in 1993, the Maastricht Treaty introduced the Cohesion Fund to provide support to MSs with gross national income (GNI) per capita below 90% of EU MS average to strengthen the economic, social and territorial cohesion of the EU. The Treaty also created the Committee of the Regions and added the principle of subsidiarity, inclusive of setting out the roles of national governments, subnational institutions and the European Commission in relation to the subsidiarity principle, that is the multilevel dimension of MLG, and broadened the concept of partnership to include not only subnational governments but also economic and social partners, the governance dimension of MLG.

This was the context in which MLG was developed. The term 'multilevel governance' made its first appearance in print in a 1992 article by Gary Marks stating that he had adopted a 'multilevel perspective' (Marks 1992, p. 192) in his exploration of structural policy in the EU in the wake of the introduction of the EU's cohesion policy. The publication of a more fully developed concept followed in 1993: "Multilevel governance, a system of continuous negotiation among nested governments at several territorial tiers–supranational, national, regional and local– … in which supranational, national, regional and local governments are enmeshed in territorially overarching policy networks" (Marks, 1993, p. 404).

Multi-level Governance (MLG) acquired greater prominence in the decision-making processes after the Maastricht Treaty, signed in 1992 and entering into force in 1993. Besides ever-growing level of European integration, the treaty fostered an awareness that regions throughout many member states played a key role in decision making, yet within the EU they were without a formal voice. The Maastricht Treaty provided the regions with access to the Council of Ministers and most importantly the Treaty established the Committee of the Regions which was to be consulted by the European Union on a range of policies and areas of interest (Schakel 2020). According to Schakel (2020, p. 768) "MLG was introduced [in the EU] as an original concept to understand this new mode of EU governance which involved a third regional tier alongside member states and EU institutions".

As set out above, the EU, and its predecessors, had for decades acknowledged the significance of member states' regions in and for domestic decision making but had not recognised or possibly accepted the necessity for a similar role for the regions at the EU level.

Marks (1992) initial theorising of multilevel governance emerged after the Maastricht Treaty precisely because of the new component of regional consultation. The Treaty also provided

the regions with greater visibility, access to decision making and even at times representation of member states. It should not come as a surprise that the greater focus on regional engagement not only provided greater democratic legitimacy but also sought to downplay the key role of sovereignty of member states as sole decision-makers and to allow for a voice from below. While the power of the regions was essentially soft power in the form of provision of advice, it was nonetheless innovative and potentially ground-breaking.

The on the part of the EU this greater role of the regions was welcomed as it provided greater access to information for European policy makers. Equally, the 1990s saw the rise of regional lobbies emerging in the Brussels "waiting room" which had no formal role in EU decision making but which were present to gather intelligence and to capture some of the action and the funding. The literature on the growing involvement of regions in EU decision making noted that this engagement was most pronounced and effective in the area of EU cohesion policy. Schakel (2020) noted that in six member states— Austria, Belgium, France, Germany, Italy and Poland— the Cohesion policy was managed by the regions of the member states.

THEORISING MULTI-LEVEL GOVERNANCE

Since its origins in the early 1990s, "MLG has travelled far from its origins in EU structural policy. As well as making a significant contribution to the understanding of EU governance, it has been deployed in the analysis of many international and non-European national settings across the world" (Bache, Bartle & Flinders 2022, p. 536).

As noted earlier, MLG grew out of a conviction by a number of scholars of European integration that theories of governance and integration as current at the time were no longer fit for purpose[1], however, it is useful to revisit the building blocks of the concept.

The world is changing rapidly and, in some instances, seems to be reverting to ideologies and ways of thinking once believed to have been consigned to history. Resurgent nationalism has shown that the power of the nation state and its imagined community has not vanished as predicted. Brexit has shown that European integration is not necessarily a linear process. The pandemic and the war in Ukraine have shown the potential fragility of the rules-based world order. Climate change has the potential to bring further turmoil and crises can fracture old and produce new, and unforeseen alliances.

Revisiting theories of European integration can provide a solid base of building blocks to understand the evolution of sophisticated approaches to multi-level governance. Therefore, the next section will provide a brief overview of theories of European integration.

THEORISING EU INTEGRATION

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[1] It is also fair to say that MLG has undergone changes in the course of its three-decade existence as evidenced in the works of its two most prominent scholars Gary Marks and Liesbet Hooghe.

The European Steel and Coal Community established by the Paris Treaty of 1951 has been described variously as an international organisation, an administrative authority and also highlighted the fact that it included a number of institutions. Founded on principles of supranationalism, a transfer of negotiated powers from member state governments to the newly established authority was required.

Until the 1980s, the study of the EU focused on processes of EU integration and utilised approaches adapted from International Relations (IR) theory. Neofunctionalism, one of the foremost theories of EU integration until the mid-1960s[2], is concerned with how via the concept of 'spillover' (i.e., a self-sustaining process where integration as the outcome of cooperation at supranational and subnational levels in one area will pressure other areas to follow) integration may ultimately lead to loss of power at the member state level in favour of an aggregation of power at the supranational level.

Intergovernmentalism theory from the mid-1960s, succeeded neofunctionalism as preferred conceptual approach, arguing that member state governments as main actors of integration were in control of the integration process, with bargaining among states influenced by the convergences and divergences of each nation state's interests. This approach, in contrast to neofunctionalism, argues that a negotiated power handover by nation states does not weaken them, but rather that it can be to their advantage to pool sovereignty on issues. Liberal intergovernmentalism, a variation of intergovernmentalism, was a dominant theory during the 1990s. While the approach also focused on the power of each state in the bargaining process among nation states, it introduced the concept of preference formation, i.e. that nation states have strong preferences and bring these to their negotiations. Andrew Moravcsik in his 1998 book *The Choice for Europe* succinctly describes bargaining powers for member states that in his opinion are more powerful than supranational institutions.

A further approach utilised in the exploration of European integration in the 1980-1990s was institutionalism. Initially developed as an approach in US politics, it came to be applied to the EU integration process as well. There are three strands: rational institutionalism, sociological institutionalism, and historical institutionalism. All three strands are concerned with the effect institutional rules have on actors' preferences and their abilities to achieve outcomes as per their preferences.

It has been argued that Marks' formulation of MLG was a response to a general feeling that neither the two dominant theoretical approaches to European integration, neofunctionalism and intergovernmentalism, nor other approaches were fit for purpose; that they were too static to be of use in the new constantly changing policy environment ushered in by the cohesion policy and the ascendency of the regions following the Maastricht Treaty.

THEORISING MULTI-LEVEL GOVERNANCE APPROACHES

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[2] See for instance Ernst Haas' 1958 *The Uniting of Europe*

Trying to overcome these limitations, Gary Marks initially in 1993 and thereafter in conjunction with and Liesbet Hooghe and others first framed and then extended a conceptual approach to governance in the EU which they termed multi-level governance (MLG) approach. According to these scholars the complexities surrounding the EU, its policies, and the integration process overall cannot be explained sufficiently by static integration theories. They argue that previous integration theories have limitations because they disregard a large number of various actors and the dynamic ways they interact at different levels of governance in Europe. MLG argues that authority and sovereignty in EU member states have shifted from the national government level to supranational but also to subnational levels such as local and regional authorities (Jensen 2015, p. 2). And there is also the political element in the alignment of various levels of government in defining mutual agreements (Bulkeley et al. 2003). Therefore, MLG approaches are evolving and dynamic.

Developmental phases

The evolution of MLG is captured in Stephenson's 2013 aptly titled paper *Twenty years of multi-level governance: 'Where does it come from? What is it? Where is it going?*, providing an overview development phases of MLG and their main purposes:

Original uses (1993)

- Dispersal of legal authority
- Europeanization/Regionalization

Functional uses (1997)

- Problem-solving/Coordination/Learning
- Policy Analysis
- Implementation studies

Combined uses (2001)

- New Institutionalism/Principal-Agent Theory
- New Modes of Governance

Normative uses

- Legitimacy/Democracy
- Accountability
- Identity/Community

Comparative uses (2007)

- Global governance/international organisations
- EU and regionalism

Types

Driven to a degree by criticism of insufficient specification of the governance dimension (Bache 2012), Hooghe and Marks (2001) argued that there are two main types of multilevel governance. As shown in figure 1, Type I, or what they called "nested", considers multilevel governance a vertically hierarchical system with only a limited number of authorities having decision-making powers (Fairbrass and Jordan 2001, in Bulkeley et al. 2003, p. 238). This type bears some similarities to federalism and is concerned with relations between different levels of governance and their policy outcomes, while nation states play a central role in shaping shared objectives. Despite the hierarchal structure, local governments and non-state actors are perceived to have an ability to significantly shape policy processes and implementation by 'bypassing' national governments; it may also be possible to avoid involving national government(s) by forming effective alliances at the global level. However, Bulkeley et al. (2003) argue that despite this leverage, overall local levels of governance remain dependent on the governmental frameworks created by nation states.
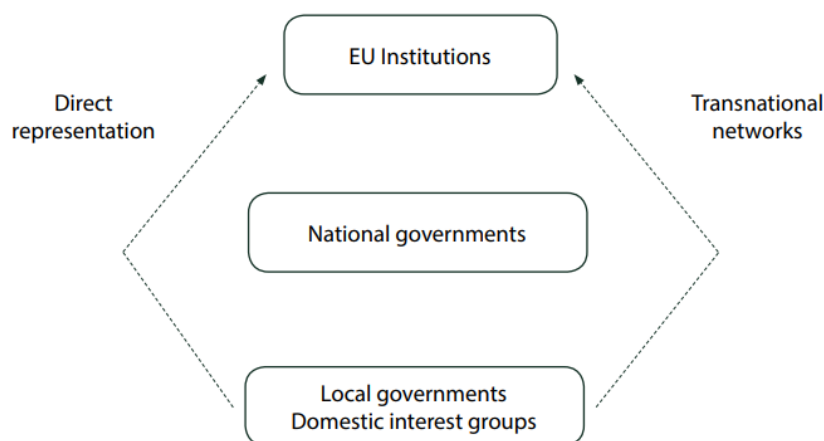

Figure 1. 'Type I' (nested) multilevel governance (adapted from Fairbrass & Jordan 2001, p. 501).

Figure 1: Bulkeley et al., 2003, p. 238.

Type II, also called a 'polycentric' approach, is based on the work of Vincent and Elinor Ostrom (Jensen 2015). Unlike the hierarchical vertical model, polycentric governance considers multiple governing authorities at different scales, which as presented in Figure 2, leads to the disappearance of vertical structures and hierarchies. Different levels and forms of governance are now interacting in a more complex overlapping, dynamic and flexible networks.
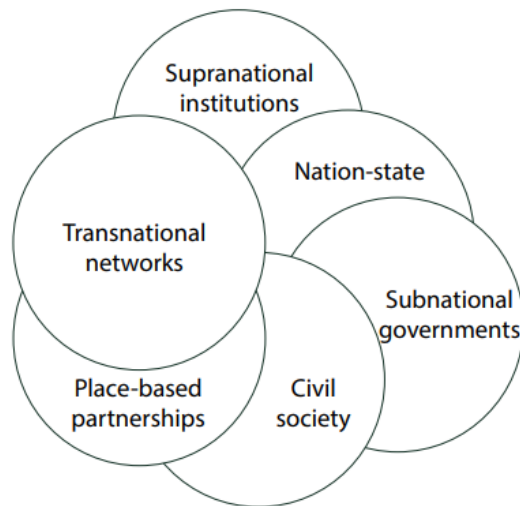
Figure 2. 'Type II' (polycentric) multilevel governance.

Source: Bulkeley et al., 2003, p. 239

Hooghe and Marks conceptualise these forms of governance as representing different ways of organising political life.

Type 1 MLG is general purpose set up, with nonintersecting membership, usually designed around (human territorial) community, a limited number of levels and relatively durable and stable. It has been argued that this shows similarities to Type 2 is designed around particular tasks or policy problems, is flexible, has unlimited levels, is nonintersecting as regards tasks, but can have intersecting membership. With a view to globalisation, Rosenau (1997), argues this type of governance can span domestic and foreign politics, where territorially based or non-territorial networks may compete and co-operate exercising formal and informal authority.

Based on Hooghe and Marks' typology work, Bache, Bartle and Flinders (2022, p. 532) conceptualise an expanded version as follows:

	Type I	Type II
Basic features	General-purpose	Task-specific
	Non-intersecting membership	Intersecting
	Durable, system-wide design	Flexible, changeable design
	Limited levels	Unlimited levels
Location	National and subnational levels EU	International–national border
		Cross-border regions
		Local
Biases	Intrinsic community	Extrinsic community
	Deliberation and voice	Choice and exit
	Conflict articulation	Conflict avoidance
	Consolidation	Fragmentation

The two types are not mutually exclusive, in fact, Type II MLG often operates within a Type I MLG and may include special bodies created by Type organisations to execute specific tasks.

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Meta-levels

Yet another way of viewing MLG is introduced by Katherine Daniell and Adrian Kay (2018, p. xiv) in their exploration of the conceptualisation and usage of MLG in Australia.

They identify four meta-level perspectives of MLG.

- outcome: a normative end state that promises a more effective and sustainable (if not simple) system of governance. Here the job is to design the institutions and tools to secure this future state.
- container to hold a range of linked, but distinct, conceptual and empirical developments including collaboration, networks and polycentrism. In this case, the task is to figure out what works in a particular context and to find ways of enabling the different processes to function together.
- description of the rather fragmented and dysfunctional institutions, policy tools and levers and processes that have emerged over time. The task here is to make the parts work better together.
- analytical lens, a way of looking at the Australian condition to explore its workings from a variety of perspectives and positions.

Earth system governance

Perhaps the most encompassing MLG approach is that developed by Biermann et al. (2010). Earth system governance is defined as the "interrelated and increasingly integrated system of formal and informal rules, rule-making systems, and actor-networks at all levels of human society (from local to global) that are set up to steer societies towards preventing, mitigating, and adapting to global and local environmental change and, in particular, earth system transformation, within the normative context of sustainable development" (Biermann et al. 2010: 279). Nonetheless, due to the complexity of its scope, covering environmental science, interests, rules and complex interrelations between levels of governance and social science and theory, this research framework becomes ineffective and difficult to be implemented.

IS MLG A CONCEPT (STILL) FIT FOR PURPOSE?

Marks (1993) initially developed the approach because the dominant theories of the day did not seem to be able to keep pace with the socio-political development of EU integration. Schmitter in 2004 called MLG "the most omnipresent and acceptable label one can stick on the contemporary EU" (p. 49). The label as well as principles have certainly been adopted by the EU as illustrated by European Commission's White Paper on EU Governance in 2001 (COM 91), the publication of the Committee of the Regions' White Paper on Multi-level Governance in 2009 (CoR 89/2009), and the Committee of the Region's *2014 Charter of Multilevel Governance*. Moreover, as the example of Daniell and Kay's exploration of MLG in Australia shows, the concept has moved beyond its EU policy roots and has become a globally used concept in diverse subject matter areas (e.g. addressing climate issues, regionalism, and democratic deficits).

Adherents of the concept point to its ability to engender cooperation among multiple actors across territorial levels; the ability to deal (more) efficiently with the heterogeneity of civil society's needs and preferences; the ability to facilitate policy innovation; enhanced public control in policy processes; more public involvement and thus more transparency in public projects and project selection, implementation and monitoring.

Critics point out that it remains a 'fuzzy' concept (Bache, Bartle & Flinders 2022, p. 528) that requires further clarification. It has also been called a 'Faustian Bargain' (Peters & Pierre 2004) because of its disregard for power imbalances. Further, there is the paradox that while on the one hand engaging a wide variety of actors in policy-making, many of whom had not had previous opportunity to be involved, increases political participation and thus decreases democratic deficit.

On the one hand it seems that MLG raise more questions than tit resolves. The main challenge identified is lack of an agreed methodological approach of how to study dynamic intertwined interactions of various actors in the international arena. As Jensen (2015) point out to understand these context properly, better social science tools are required to capture the specific relations between state and non-state actors, agency and power and questions of responsibility and equity.

On the other hand, as Aiello et al (2017) in their case study of two Italian regions show, there is a possibility that case studies might provide valuable insights into the local conditions that allow multilevel governance to work or fail.

MLG IN THE AUSTRALIAN CONTEXT?

There is a broad consensus the level of complexity in which public sector governance takes place has been increasing steadily over the last few decades This context creates the need for dynamic and flexible governance systems to address policy needs and dilemmas involving difficult decisions for public decision makers in which power is shared between different tiers of government and with non-state actors.

The concept of MLG was developed in the context of European integration and is generally used to refer to systems of governance in which authority is dispersed. While initially referring to the interdependence of government decision making at different territorial levels, current interpretations also include the interdependence of government and non-government actors at different territorial levels, and how these network-like partnerships deal with the complexities of policy-making in uncertain and changeable circumstances.

Thus far there is little literature on the concept of MLG and even less research and analysis on how the concept of MLG could work in the Australian context. Apart from a number of case studies (Bulkeley et. al., 2014), the only comprehensive collection of research on instances of MLG in Australia is Daniell and Kay (2017)

While Daniell and Kay (2017) provides case studies of instances of MLG in action and questions arising from those case studies, it also identifies contexts in which no negotiations are bound to take place:

- issues of power and resources that can tap into public bias
- unclear responsibilities which may slow down action
- polarisation between commonwealth and next level of government

> We also see how blurred responsibilities in many areas can lead to tension … and a political willingness to 'cut through' with unilateral action to … and attempt to 'get the job done' by controlling and directing its implementation. This appears to be particularly prevalent when the political complexion is polarised between the Commonwealth and the next tier of government …. There thus remains a dream of being able to centralise power in Australia, as in other countries, with a unified system of government, which is most often lived out here through periods of crisis and is increasingly being enacted little by little. … a governing mentality of 'welfare statism' and the need for strong government intervention to support social development and security, more common in the 1950s, again becomes more acceptable to the voting public" (Daniell & Mercer 2017, pp. 434-5)

Other issues for MLG in the Australian context include the accountability as outlined above, which can become opaque when the number of actors is large; and 'Faustian Bargain' mentioned earlier, in which "core values of democratic government are traded for accommodation, consensus and purported efficiency in governance" (Peters & Pierre 2004, p 85) and the necessity to develop systems that can work within the existing legal requirements.

MLG, DEMOCRACY AND DEMOCRATIC LEGACY

From this very brief review it has become clear that there is still a gap of identifying facilitating and inhibiting factors for a successful implementation of MLG in Australia. MLG as

found in Australia may be more closely associated with Hooghe and Marks' Type I and therefore lead to less willingness to negotiate in certain contexts as Daniell and Mercer argue, but similarities with Type II system are also evident. Further research and analyses in the form of specific case studies from Europe and Australia will provide a better understanding of how MLG or aspects thereof may be context/territory dependent and can lead to successful outcomes – not only in Australia.

"… people care deeply about who exercises authority over them …this exerts a powerful constraint on governance beyond the state (Lenz et al., 2014, p. 132). While this comment was made in the context of governance systems beyond the state, it is applicable as a general principle and has fuelled one of the major concerns with the reality of MLG processes and their political impact on democratic legitimacy.

As mentioned above, Peters and Pierre (2004, p. 85) called it a "Faustian Bargain", foregoing democracies principles to achieve improved policy outcomes and efficiency. The problem of democratic accountability has been discussed by various authors (Benz, 2006, 2015, 202; Hurrelmann and De Bardeleben, 2009, 2019; Papadopoulos, 2003, 2007, 2010, 2017).

Policy-making in MLG architectures is more often than not a response to functional pressures rather than a deliberate design feature and thus the principles of democratic legitimacy do not play a major role (Hurrelmann, 2021).

To assess democratic legitimacy the concepts of input, output and throughput legitimacy are often used.

The concept of input legitimacy refers to citizens' opportunities to participate in political decision-making either directly or indirectly. It is composed of representation, participation and public debate. Representation in this context means that political power is exercised by citizens, that is citizens have the ability to choose their representatives and that all citizens have the same ability to participate (1 person, 1 vote). In general, representation is territorially defined, however, MLG arrangements are not necessarily restricted to territorial boundaries, thus not meeting the definition of citizenship and collective identity.

When looking at participation, effects can be positive or problematic. As Hurrelmann (2021) points out, MLG can increase the potential access points for citizen input. On the other hand, decision-makers in MLG architectures do not necessarily arise from one person-one vote process but may comprise experts, stakeholders directly affected or those who hold relevant perspectives. Further, policy-makers often face difficulties reconciling political constraints and citizen input. This can contribute to a gap between responsive and responsible policy decision-making, and/or depoliticize issues because they may be withdrawn from public debate and decided in isolation from the public. This can lead to democratic institutions such as elections having limited impact on actual decision-making.

Output legitimacy highlights the substantive quality of decisions to effectively promote the common welfare of the constituency in question. This means effective response by policy-makers to societal problems, prevention of abuse of power through checks and balances and that citizens can hold decision-makers to account and dismiss them if they prove to be inadequate. MLG performs relatively well in this domain, however, often trade-offs between accountability and effectiveness often occur.

Throughput legitimacy is a procedural criterion concerned with the quality of governance processes, as judged by the accountability of policy-makers and the transparency, inclusiveness and openness of governance processes. MLG performs best on throughput legitimacy: The inclusion of stakeholders can reduce the transaction costs, it may enable efficiency gains, and it provides a voice to a braod range of stakeholders in the decision-making process.

Approaches to addressing the challenges MLG architectures pose to democracy include parliamentary oversight, direct democracy tools such as referenda, reducing complexity by achieving a more explicit division of powers in joint decision-making which could reduce the need for coordination, and a final remedy, better and more open communication which could have a positive impact on transparency and accountability.

Case studies may also help us to shed some light on dynamics driven by interaction and friction between multilevel and democratic requirements of decision-making processes.

> While governance phenomena are by no means limited to democratic polities per se (Gibson 2013), the democratic dimension of governance adds complexity. The democratic, horizontal division-of-powers dimension requires, among other things, accountability, representation and participation. They have to be reconciled with the vertical division of powers endemic to multilevel arrangements. Not only is complexity multiplied across the several levels involved in the respective governance arrangements; the entangled and often intransparent arrangements of mutlilevel politics, which may contribute to effective decision making, structurally beg the question how to secure democratic legitimacy (Behnke, Broschek and Sonnicksen, 2019, p. 7).

Is there any correlation between the MLG and democracy?

CHAPTER 3: FINDINGS THROUGH CASE STUDIES FROM EU AND AUSTRALIA

CASE STUDY 1 – WEBINAR 1 - MULTILEVEL GOVERNANCE IN GIPPSLAND AND ALBURY-WODONGA

This webinar featured the twin regional Australian case studies of Albury-Wodonga & Gippsland. Our expert panellist on the Albury-Wodonga case study, Dr Brian Scantlebury,

delivered an overview on the best practices politicians and decision-makers can apply when working to find solutions for regional issues, noting that the local community involvement is essential to the success of any initiative rather than implementing a top-down approach. The region of Albury-Wodonga was coined in 1970s with an intention of centralising and decentralising authority and taking pressure from the two large capital cities – Sydney and Melbourne. According to Scantlebury (2023), MLG is not only about government, but it's better to be called "governance".

Scantlebury discussed four areas of importance in the case of the multi-level government in Albury Wodonga, which can easily be applied to other regional areas in Australia.

1. Importance of the Leadership.
2. Importance of the "transformational" and not "transactional" leader.
3. Importance of strategic intent and thinking.
4. Understanding the system.

Scantlebury brought to attention 3 cases where the decision-making process was vertical and councils were not involved. Speaking on the case study of Gippsland, specifically the Yarra Valley Authority, Karen Cain illustrated her experience by highlighting the active engagement between various levels of government working in the Latrobe Valley in addressing the complexity of regional issues. She emphasised not only the necessity of accurately conveying information to actors at the regional level, but also community involvement through reciprocity projects. Cain defined the MLG as vertical, horizontal, and a system that is designed deliberately to reach outcomes.

Cain illustrated the success of the active engagement between various levels of governments within the Latrobe Valley through two examples related to energy and forestry transition projects. It's important to understand the multiplicity of issues and explain and convey them to a regional level. Emphases are placed on getting the community involved through reciprocity project and not just providing the information to them. Basic pillars of the relationship are:

1. Understanding and facing complexity issues;
2. Understanding context;
3. Understanding emergencies;
4. Understanding and building reciprocity.

Defining practices helps to engage from definition to implementation to monitoring to finally the review stage. Much work is required in Gippsland to establish and reassess the

assessment tools. MLG needs to be inclusive, as well as targeted. The difference between "governance" and "government" needs to be noted. The vertical models are wrong and more horizontal movement especially in some local communities is leading and forcing changes.

Lessons to be learnt from regional Australia include:

1. MLG is deliberately designed, therefore there is no correlation between the two concepts
2. At the regional level, states are too big and local governments too small
3. The imbalance of 8 state and circa 650 local governments
4. The neglection of the federal government in local areas
5. legacies to push down to the local area issues such economic and other.
6. The border issue to be considered as subnational borders?
7. Understanding the use of 'system mapping' is crucial.

CASE STUDY 2 – WEBINAR 2 - MULTILEVEL GOVERNANCE AND THE WASTE MANAGEMENT CRISIS IN CAMPANIA (ITALY)

The second of the RMIT EU Centre's webinar series on multilevel governance and its impact on the democratic deficit explored how various governing actors have attempted to address the ongoing waste management crisis in Campania, Italy, the successes and failures of previously implemented plans, and what is needed for the future success of waste management in the region. Our panellists Professors Umberto Arena, Giuseppe Mancini, Roberta Piazza and Mario Grosso joined us from North and South regions of Italy. Our expert speakers addressed the following questions as part of this discussion:

- What power do local citizens and regional actors have in influencing policy and solutions to this ongoing crisis?
- Have there been lessons learned from previously implemented policy initiatives?
- Which levels of governance/cooperation are most likely to successfully address this situation in the long term?

Since 1994, the Campania region has experienced several periods of crisis that have revealed the weaknesses of its waste management system and, as some recent studies show, the problem is still the object of academic debate (Chifari et al., 2017, Hornsby et al., 2017). The region was recently fined by the EU Court of Justice for failing to fulfil its obligation to create "an integrated network of installations to ensure waste disposal in the area" and there is still divergence at different institutional levels on the most adequate solution to the problem.

The public perception of the crisis, relates to a problem of capacity, the development of which has been impeded by local criminality and the community, the former making profits by

disposing of waste illegally, the latter opposing the expansion of capacity because of its "not in my backyard" attitude. However, academic analysis provides alternative theories, where a more complex picture emerges that contradicts the "oversimplified" understanding of the problem and moves the focus away from the criminal elements and community to the political inability to deal with the complexity of the problem and define an exit strategy to the crisis (D'Alisa and Armiero, 2013, D'Alisa et al., 2010).

The waste management crisis of Naples and the Campania region was well publicised in Italy, Europe and even the world. It was a scandal of regional, national and even European proportions and impacting the perception of both Naples as a city as well as Italy. The case study recipients on Multilevel Governance from Italy on the question of waste management in Campania and the governance structures which addressed, and in the case of some, resolved the waste crisis in Naples and the Campania region.

What emerged from this case study from a governance standpoint was that while there were directives from the European Union and national policy standpoint, most were never implemented, enforced or abided by. The case study participants indicated that the governance and dare we say the action initiated emerged from the local level, from the city council and often directly the elected mayor of the village or towns. As the local communities began seeing the inability of political institutions to find resolutions (often political) it was the local community that through a series of actions from "naming and shaming" to direct action which allowed for the waste management crisis to come to a conclusion. As the local community went into action it also began acquiring a culture and understanding of waste management which had until recently been "someone else's problem".

The case study also provided a window into the governance structures in waste management between the North (Milan) and the South (Naples). The participants who were from the two regions provided a vivid explanation of the difference in governance structures between the two realities. While some of this differentiation can be explained by the different economic realities, as well as a culture of awareness of the need for waste management solutions, the governance structures were very different. In the North the governance was clear and the policy directives were adhered to and implemented. The local community had no need to intervene and on the whole there was satisfaction with the outcomes.

In the South little of this structure and adherence took place. The failure of the governance structures, political and technical produced greater responses from the local community. Education and societal attitudes was a key approach of effectiveness mostly due to the failure of the institutions and the political and policy direction. Moreover, there was significant distrust in national government and other higher authorities including the academic community and local government were often the last ones standing.

CASE STUDY 3 – WEBINAR 3: ROLE OF MULTILEVEL GOVERNANCE IN THE GERMAN EDUCATION SYSTEM

The third webinar in the RMIT EU Centre's multilevel governance series analysed case study 3, which focused on breaking down the multilevel aspects of higher education governance after the Bologna reforms from a German perspective. The analyses of the effectiveness of the Bologna reforms were conducted by our panellist Professor Leo Goedegebuure and the German initiatives within the education system were explored by Dr Lukas Graf from the Swiss Federal University. The webinar aimed to address whether broadening the range of actors addresses the democratic deficit so often inherent in top-down governance processes, and whether/in which circumstances a governance approach that incorporates a variety of actors within and outside formal government structures is (more) efficient and effective.

Traditionally, HE within the EU has been a responsibility of member states, however, the Bologna Declaration, followed by Lisbon Process set in motion voluntary gradual harmonisation processes through convergence of (parts) of national systems via EU instituted measures and incentives (e.g. funding) and a system of periodic milestones and evaluation determined by individual member states.

HE policy in the German federal system is substantively a 'Länder' (federal states) competence, however, some funding is provided at the federal level, which is clear indication of MLG structures at supranational, national and regional level. Other reforms saw governing bodies changed to include substantive numbers of industry representatives. Since the introduction of Bologna education system Germany is no longer conforming to Humboldtian ideal, which is based on around two central concepts of public education – the autonomous individual and world citizenship. The education system in Germany is now becoming a flexible and dynamic system meant to overcome social segmentation and promote international competitiveness (e.g. adoption of Anglo-Saxon 2 cycle qualifications scheme). While the concept of 'employability' is central to the new approach to HE, German 'Duales Studium' (dual study) a pioneer program, launched in the late 1960s/early 1970s brought into the picture influential companies in Baden Württemberg. The 'employability' concept has resulted in a successful transformation of regional programs to the entire country, with doubling of student and course numbers over the last decade. The key drivers of these changes have been academization and skills needed by the industry. Therefore, these new changes brought about a format based on apprenticeship training structure in collective skills formation systems, combining a theory-based educational component in an educational institution with practice-based work in a commercial organisation. Thus, learning experience links between commercial organisation partners and commercial organisations gaining significance through student selection and curriculum input has shifted the balance in the HE space in Germany.

CASE STUDY 4 – WEBINAR 4: THE ROLE OF PRIVATE ACTORS IN MULTILEVEL GOVERNANCE STRUCTURES

The fourth webinar in the RMIT EU Centre's multilevel governance series covered the unique role that private actors play as negotiators, decision makers, and accountability and transparency agents within complex governance processes. Our first panellist, Anne McNaughton, discussed the role of private actors, crucial in addressing the unequal power dynamics amongst the various governance levels while enhancing the efficiency and stability of policy implementation and its outcomes. Our last panellist, Dr Maren Klein, summarised some findings of the above scholarly literature in the field, as well as concepts and theories of MLG and its correlation with democracy.

It needs to be noted that MLG broadens the scope of actors involved in governance and decision-making. Private actors as part of the so called non-governmental standard setting actors are crucial and they may be able to address inequality of access, counterbalance unequal power relationships, innovate metrics frameworks determining success or failure of governing process and policies, and engage a wider range of stakeholders and thus contribute to stakeholder outreach necessary for stable and effective long-term governance. Private actors in the regulation space can add transparency and accountability, thus addressing one of the issues identified as possible undemocratic disadvantages of MLG. However, private actors in the regulation space do not operate independently from the (nation-) state – there is usually legislation enabling, pre and proscribing the operation by these actors. Although democracy depends also on citizen engagement, private actors can have a broader reach than governments and can mobilise other stakeholders.

Another central concept that formed part of discussions and analyses was the way MLG impacts democracy. Democracy needs legitimacy and as mentioned above in this report, according to Schmidt (2013) democratic legitimacy can be measured through its input, output and throughput legitimacy. Throughput legitimacy as procedural criterion concerned with the quality of governance processes, as judged by the accountability of the policy-makers and transparency, inclusiveness and openness of governance processes seems to be more important than "input" and "output" legitimacies. Although democratic deficit can be minimised through increasing parliamentary oversight, incorporating mechanisms of direct democracy, reducing complexity and improving the ways MLG is communicated, from our case studies it seems that there is no clear correlation between MLG and democracy. In short, the assumption that MLG will help to overcome the democratic deficit has proven to be wrong.

FINDINGS AND FINAL COMMENTS

The project has come to some distinct conclusions. The first one is that there is not necessarily a natural correlation between MLG and democracy. MLG is found to be a deliberate system that is designed to achieve certain ends. Although citizens and civil society

are sometimes included in the process of decision making through their representatives, often they remain far from this process.

Multi level governance is not always at the forefront of decision making whatever the governing body might be. All the literature, webinar/seminar output informs us that decisions will be made whatever the governing process might be. Moreover "ideal" decision making processes will often include idiosyncratic features of relationships between actors and governing bodies as well as a dose of leadership and initiative by specific individuals.

On the question of democracy, the involvement of citizenry needs to happen from the outset of the project in order to understand potential challenges such as lack of trust between various actors.in order to increase participation, proper planning and resource mapping, need to be set up in the correct manner from the beginning, followed by appropriate information and training.

The project needs to be clear about the level of authority/accountability by stakeholders involved and this can be achieved by establishing an accountability matrix. Once the accountability matrix is finalised and accepted by all parties, establishing willingness, objectives, capabilities, skills and support from all parties is required. It is imperative to narrow the 'gap' between local and national institutions and promote stronger connections and partnerships for future activities.

Engendering confidence and trust between institutions and citizens is aided by setting up the correct framework and for the implementation of rules. The next stage would be the appropriate promotion of the project; the way required technical skills and expertise from public authorities is addressed; institutional capabilities and human resources are managed; ensuring availability of appropriate subject matter experts from various levels of governance and the process of dealing with conflict resolution would work in practice.

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