

CHAPTER V

CONCLUSION

The Common European Asylum System is regarded as a legal framework that could solve the issue of refugees in Europe, particularly on the aspect of protection and provision of assistances. The member states of European Union are expected to adhere to the policy and implement the content of the policy. Germany and Sweden are two countries among EU member states that fight for the betterment of refugees and known for their generosity in receiving the refugees. However, there are differences on the CEAS implementation in Germany and Sweden which resulted in policy change.

This undergraduate aims to analyze the factors that caused differences on the implementation of Common European Asylum System (CEAS) in Germany and Sweden. The limit of this research is to find the factors by using three levels of governance. These levels are the main idea of Multi Level Governance theory, which argues that policy process occur on multiple levels of government, which are supranational, national and subnational. As stated by Marks and Hooghe, MLG focuses on multi-level policy networks and multi-actors. By using the theory of liberal intergovernmentalism, MLG and policy change and comparative method, this research found the differences on CEAS implementation in Germany and Sweden through three levels of MLG.

The differences are found in the implementation of CEAS regulations and directives. Even though regulations are directly implemented, however Germany

and Sweden implement the regulations differently, particularly in regards to the Dublin Regulation. This research also found similarities on CEAS implementation in Germany and Sweden. However, most of the differences are found on the implementation of directives from the different form of implementation in the national level and sub-national level. The differences are mainly based on the different measure in determining the minimum standard of CEAS and the implementation in the field. The major differences in the implementation of CEAS in Germany and Sweden is between 2015 and 2016 when Germany decided to conduct open door policy and receive more refugees while Sweden changed its generous policy to the minimum standard with the aim to reduce the number of refugees.

This research found that there are five factors that caused different implementation of CEAS in EU level, which are the process of direct implementation for regulations and transposition for directives among member states (compliance), absence of Temporary Protection Directive that aimed to provide guideline during sudden influx of refugees, definition of minimum standard according to each member state, lack of coordination among actors in EU level and domination of northern member states on the policy making process in the EU. On the national and sub-national level, the result of the analysis shows that the factors that caused the different implementation are material and ideational factors. However, the interactions among political actors across levels of governance also caused the differences that include policy change in Germany and Sweden.

The material factors consist of number of refugees and public opinion. The high number of refugees caused Germany to promote the welcoming culture while Sweden established a new policy that purposed to reduce the number of refugees. These decisions impacted the CEAS implementation, particularly on the implementation of directives. The analysis in chapter four highlights that the number of refugees caused the member state to consider the policy implementation.

Public opinion from the society also influenced the implementation of CEAS through their voices and aspirations that are brought to the national level. In this case, national polls and the society's expressions could put pressure to the government in implementing CEAS. However, this factor is related to the political system and power sharing in the government of member states. In Germany, the public opinion regarding to CEAS implementation does not have a tremendous influence because the chancellor holds the outmost power and has the legitimacy to set the political agenda. This factor explains why Angela Merkel's decision still stands despite of the growing tensions and protests from the society. Different than Germany, in Sweden, public opinion has a great influence because it will be brought to the national level and influence the implementation process. The decision has to be made within the government as a whole, and public opinion on asylum policy (CEAS) put tensions to the government to take action.

Another factor that caused the differences is ideational factor which is related to political parties. It is found that both countries received tensions from the political parties to restrict the CEAS implementation and reduce the number of refugees. Moreover, Germany and Sweden also experienced the growth of anti-

immigrant parties and their rising number of representation in the national level. However, the political system in both countries distinguishes the relevancy of this condition. The chancellor's power in Germany to set the political agenda is not influenced by the tensions from the political parties. However, since Sweden's political actors are subordinated to the parliament, thus the decision has to be made in the government as a whole, which made Sweden changed the policy on CEAS implementation because of the pressure from the society and political parties.

The main argument stated that the interactions across levels of governance also caused the differences on CEAS implementation in Germany and Sweden. The existence of tensions, lack of coordination, different political system and mechanism in the national and sub-national level on the implementation of CEAS contribute to the differences between two countries. This condition goes in accordance to MLG theory which stated that the level of governance is not only multi-actor but also multi-coordination.

To conclude, the factors that caused differences of CEAS implementation in Germany and Sweden are material and ideational factors, which consist of number of refugees, public opinion and role of political parties. This undergraduate thesis also presents analysis on the interactions among actors across the levels of governance and conclude that the strongest influence on policy implementation lies in the national level.

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