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Evidence-Based Assessment of Readiness to Solve Wicked Problems: The Case of Migration Crisis in Croatia and Slovenia

Danila Rijavec ^{1,*} , Ana Štambuk ² and Primož Pevcin ¹ ¹ Faculty of Public Administration, University of Ljubljana, 1000 Ljubljana, Slovenia; primoz.pevcin@fu.uni-lj.si² Faculty of Economics and Business, University of Rijeka, 51000 Rijeka, Croatia; ana.stambuk@efri.hr

* Correspondence: danila.rijavec@gmail.com

Abstract: The migration crisis was and, in some aspects, still is one of the biggest challenges that the European Union (EU) has faced recently. In the crisis peak in 2015/16, most of its member states were affected in different ways. This paper contributes to the ex-post dialog of this transboundary crisis and attempts to present the level of readiness to solve wicked problems and manage a transboundary crisis, looking at the perspective of two countries—Slovenia and Croatia. The paper focuses on the following areas of migration governance: (1) border management, (2) reception policies, (3) migrant protection regimes, and (4) national security, which represented the main issues for transit countries and are embedded in the capacity assessing tool Survey Tool used in the paper. With its set of questions and using a multiple case studies methodology and comparative analysis, the paper's results show the rather immature level of mass migration capacities at both transit levels studied. In the absence of migration crisis studies, the proposed paper retains its originality and adds value, especially in multi-level systems, in assessing the complexity of the crisis from a national perspective and providing the numerical assessment of crisis management capacity.



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Keywords: migration; migration crisis; transnational crisis; wicked problem; multi-level; governance; policy framework; transit countries

1. Introduction

Following the large influx of migrants that led to a migration crisis in the European Union (EU) in 2015, the entire Union and its member states were under immense pressure, requiring various coping strategies for wicked problems. Given the magnitude of the crisis, the EU should have strengthened its crisis management, as it was an unmanageable burden on the capacity of each national level. The nations solved the crisis on different ends, such as entry, transit, or destination. Each of them represented a different pressure. This article aims to frame the crisis management policies of the 2015–16 migration crisis of two transit countries on the Western Balkans migration route, Croatia and Slovenia. The two come into question because they were both transit countries and faced immense pressure in a short period of time. In managing the migration influx, both countries secured their national borders. Croatia also secured the EU's external border, and Slovenia, because of its geographical location, secured the Schengen external border. Notwithstanding this fact, we have to acknowledge that most of the migration influx has already been documented as entering the EU in Greece; therefore, the countries under study cannot be considered as countries of entry (OECD 2017, 2018).

The paper uses a qualitative multiple case study method that is descriptive (the legal and decision-making processes are described in detail), particularistic (it focuses on various areas of migration governance, such as border management, reception policies, migrant protection regimes, and national security), and heuristic (it aims to shed light on the reader's understanding of policy fragmentation at the national level) and is presented in the context of the migration crisis in Croatia and Slovenia (Merriam 1998). Notwithstanding possible

methodological shortcomings, it attempts to provide an explanation for the phenomena of the migration crisis in both countries, following a constructivist and existentialist logic (Stake 1995), aiming to answer the following research question: *To what extent are the national levels of Croatia and Slovenia prepared to respond to the wicked problem of the European migration crisis and why?* To answer this question, the empirical analysis will (1) examine the degree of readiness to respond to a transboundary crisis by using a Survey Tool (Boin et al. 2017) and (2) draw on multiple sources of data, such as document analysis of decisions taken by governments, the EU, and other actors in the run up to the crisis. Regulatory and legislative foundations were formulated based on the EU acquis and national migration policies. In addition, reports from relevant organizations, such as the UNHRC, were examined.

2. Theoretical Framework

Wicked problems are usually hard to define clearly, socially complex, and usually impossible to solve unambiguously. They usually have many interdependent unstable situations and are often multicausal. They lead to changed behavior and the path to resolution leads to unanticipated consequences for many and often to policy failure, because there is no clear solution (Rittel and Webber 1973). Political and managerial responses to wicked problems are sometimes a “cherry-picking” process that addresses manageable problems in their mandates or measurable time frames, but only identifies the open wicked questions for future operationalization without a clear path to get there. More recently, New Public Management, interagency coordination, and inclusiveness have started the trend towards better solutions to wicked problems (Head 2008). In them, several techniques can be elaborated. There is a need to integrate cross-sectoral and cross-agency collaboration, as wicked problems usually transcend the boundaries of an operational area. Stakeholder involvement and engagement bring a full picture of the problem and give room for dialog maneuvers with increased empathy. Indeed, existing frameworks and workflows can defuse and constrain process resolution. To some extent, it is necessary to accept the uncertain aspect of wicked problem solving and bring in the need for a strategic approach for a longer period of time. This requires developing new soft skills, such as cooperation, communication, influence, and out-of-the-box thinking. In addition, capacity for behavior change should be built among policy and decision actors, as current traditional practices can be replaced by new forms of behavior. There is no immediate solution to the complexity of the problem, and mitigation techniques should be adapted accordingly (Australian Public Service Commission 2007).

Accordingly, there are authoritative, competitive, and collaborative strategies for dealing with wicked problems. All entail certain advantages and disadvantages, but by far the most effective is the latter distributed power strategy, which requires sustained stakeholder behavior change as part of the solution. Collaborative strategies engage stakeholders more and therefore represent a more comprehensive and effective path to a win–win goal. However, the disadvantages are higher transaction costs and limited skills and capacity for collaboration (Roberts 2000).

Following the idea of collaborative strategy, it is important to avoid the narrow approach of the traditional bureaucratic environment and adopt a more flexible and innovative approach to working across organizational boundaries. Such a shift requires flexible processes and structures with appropriate capabilities and a culture base to support collaboration. In addition, such a supportive infrastructure should also enable information to contribute to an accountable collaboration strategy with the help of an appropriate budget (Head 2008). However, it is important to note that wicked policy problems are not always solvable due to their contingent nature. They depend on several variables that need to be mapped, investigated, and understood. Therefore, the idea of collaborative strategy cannot be generalized for different challenges, but it must be flexible to implement and develop the challenges and coping strategies of relevant stakeholders for a single purpose (Head 2018).

Critics of the wicked problem concept argue that it is sometimes an academic fad because it blurs the difficulties of implementing solutions to policy problems. The difficult problems themselves should not be immediately perceived as wicked problems and if conceptualized inappropriately in the face of rigid scrutiny can cause harm or at least are meaningless (Peters 2017).

The wicked problem that this paper deals with is the European migration crisis that emerged after 2015 due to a significant increase in the influx of (illegal) migrants from the Middle East and Africa. Over a three-year period, around 2.5 million illegal migrants were reported by Frontex to have entered the countries of entry via different routes along the Mediterranean Sea and continued to transit along the Western Balkan route to reach the desired destination countries (Frontex 2018). This route started in Turkey, crossed the Aegean Sea, and then first entered the EU in Greece, where the pressure on the domestic system was immense. It continued through North Macedonia, Serbia, Hungary, and Austria, and then reached the destination countries, such as Germany or Sweden. After the closure of the Hungarian border in late summer 2015, the migration flow was diverted to Croatia and Slovenia, where both became directly affected transit countries from September 2015 to March 2016. In all affected countries, mass migration resulted in immense strains on the continued implementation of national security as well as domestic operations (McCann 2017; Dagi 2017; Rybakov and Kvon 2019). Two perceptions of these pressures are presented in this paper.

3. Materials and Methods

The European migration crisis, due to its scale and especially its complexity, put pressure on existing mechanisms with many interdependent unstable multicausal situations. These were interdependent both with the solidarity approach towards refugees and migrants and with existing domestic policies and regulation for border management, reception policies, migrant protection regimes, and national security. Such situations, for which there was no clear solution, led to changing behavior in the Union, and the solution path of many member states led to unforeseen consequences and often to policy failure (Pevcin and Rijavec 2021; Hilhorst et al. 2020). The complexity of solving this wicked problem will be elaborated at the EU level.

When it comes to the question of the border regime and reception policy, we have to acknowledge the Schengen area and its regime Schengen Borders Code, with the main focus on the abolition of internal border controls, but the maintenance of external border controls for persons entering and leaving the Schengen area with common visas (Regulation No 562/2006 2006). It currently has 26 members, including Slovenia but excluding Croatia. In 2013, a new accepted regulation (Regulation No 1051/2013 2013) entered into force, amending the Schengen Border Code possibility for Member States to temporarily reintroduce internal border controls in some exceptional cases. Furthermore, the integration of the migrant (and refugee) protection regime is based on the Dublin Regulation (Regulation No 604/2013 2013), which is the EU law established by the Dublin Convention determining which Member State is responsible for a particular asylum application for international protection by a third country national or stateless person. In addition, followed by its criteria and mechanisms, the Regulation operates within the Convention Relating to the status of refugees (Geneva Convention of 28 July 1951) and the EU Qualification Directive (Directive 2011/95/EU 2011). The first is a United Nations (UN) multilateral treaty that contains the definition of a refugee and the criteria for what is and is not required for granting asylum, as well as the responsibility that a country that grants asylum status has towards the person granted asylum, including all the benefits of the host country and those contained in the Convention based on the Universal Declaration of Human Rights (UNHCR 2010, 2020a). The second provides standards for the qualification of third country nationals or stateless persons and their uniform treatment (Directive 2011/95/EU 2011). Both Slovenia and Croatia apply Dublin Regulation instruments. Until the revision of the Dublin Regulation in 2013, asylum seekers must remain in the first

country of entry; otherwise, they will be sent back there. The first country of entry is also responsible for their asylum application (Park 2015). The Dublin Regulation was the starting point for EU crisis management.

Due to geopolitical reasons and the existing crisis management strategy, a massive influx was disproportionately high, especially in only some of the Member States of Southeast Europe, namely the entry countries. As it became an uncontrollable burden, many stopped enforcing Dublin and started to transfer migrants further north (Kogovšek Šalamon 2016; Dreyer-Plum 2020). In the transit “corridor”, some countries actively participated, while others ignored the situation or even blocked the transit within their national borders (Abikova and Piotrowicz 2019). Moreover, the situation was exacerbated by the fact that the Union was divided between, on the one hand, the countries that were affected by a certain pressure (countries of entry, transit, or destination) due to the dynamics of the migratory flows and, on the other hand, the attitude of the countries towards the migrations. Overall, the situation was very critical, as national perceptions and attitudes towards migrations could not always integrate the Union’s solidarity guidelines (Hermanin 2017; Simonovits 2020; Cieślińska and Dziekońska 2019). As a result, they called for a common union support, to which they responded with the so-called European Agenda on Migrations, which introduced financial, legal, and operational measures to support the crisis. On the agenda were, on the one hand, immediate measures to save lives in the Mediterranean and strengthen the EU’s external borders, and, on the other, long-term measures to better manage future migration and to respect the EU’s international obligations and values towards the third countries concerned. This agenda formed the basis for the following coordinated actions at the EU level, based on the principles of solidarity and shared responsibility aimed at meeting the EU’s international and ethical obligations (European Commission 2015b). The Agenda also provided the basis for the modification of the internal measures of the Common European Asylum System (Park 2015).

Such actions have often been unsuccessful within the EU. For example, attempts were made to activate the relocation plan with the intention of sharing responsibility in such a way that asylum seekers could be transferred from one EU Member State to another EU Member State. Such internal shared responsibility was an ad hoc activation of the emergency mechanism under Article 78(3) TFEU and a revision of the existing Dublin Regulation one with the main intention of helping Italy and Greece to cope with the high influx. The criteria for the reception of asylum seekers varied from one Member State to another and were calculated on the basis of population size, gross domestic product (GDP), the average number of asylum seekers in the past, and the country’s unemployment rate (European Commission 2020a). Notwithstanding the political difficulties in reaching a consensus, two decisions were taken, the first in June 2015 with the resettlement plan of 40,000 refugees and the second in September 2015 with 120,000 refugees. The consensus was affected by four votes against (Hungary, Slovakia, Czech Republic, and Romania) and one abstention (Finland). In addition, two Member States (Hungary and Slovakia) applied to the EU Court of Justice for annulment of the decision, which was subsequently rejected by the Court (Court of Justice of the EU 2017). In the course of two years, only 29,401 of the 160,000 planned refugees were resettled, which can be considered a failure of the relocation plan and the concept of shared responsibility (Bačić Selanec 2015; Šelo Šabić 2017). The European Commission even sued Poland, Hungary, and the Czech Republic, and the court ruled that these countries had indeed failed to meet their obligations under EU law (Court of Justice of the EU 2020).

Another important regulation concerning the areas of migration regulation is the implementation of the EU Turkey Agreement in March 2016 with the aim to stop irregular migration flows from Turkey into the EU and instead replace them with regular migration flows that are safe and legal for people seeking international protection in accordance with EU and international law. These resettlements were based on a number of action points, the main operation being to return all irregular migrants to Turkey and to resettle one person seeking international protection for each returnee to the EU on the basis of existing

obligations and EU and international law. Such an agreement was a prompt solution to the mass influx and put an end to the main pressure, which also led to the closure of the Western Balkan Route (European Commission 2016).

The complexity of this wicked problem delayed a clear and swift approach from the EU, which put under pressure member states and hence fragmented crisis management. One regional approach was the Western Balkan summit in October 2015, when leaders agreed on a 17-point action plan for cooperation in the region, which includes measures in the areas of continuous exchange of information and effective cooperation, limiting secondary movements, assisting refugees, and providing accommodation and rest places, joint management of migration flows, border management, combating smuggling and trafficking, information on the rights and obligations of refugees and migrants, and monitoring (European Commission 2015a). Furthermore, on this route, single states were struggling with finding their solutions, especially in the transit context. This article will further present the transboundary crisis management capacities of two cases of Croatia and Slovenia.

The wicked problem was further intensified by the crisis that went beyond several borders, and hence a single state could not solve it on its own. Both examined national levels were lacking control over the situation, as control was beyond their actions. This paper aims to examine their level of readiness to face a transboundary crisis by using a Survey Tool (Boin et al. 2017), which structurally assesses the crisis management capacities of national levels retrospectively. The assessment model is the result of Deliverable D7.1 of the TransCrisis project (Grant Agreement ID: 649484), funded by the Horizon 2020 Research and Innovation Action (RIA), which aims to gain a deeper understanding of EU transboundary crisis management. The Survey Tool is an assessment tool intended for different users to analyze the transboundary crisis management capacity of specific entities. With its set of questions, it provides an efficient and fair evidence-based assessment of crisis management capabilities. Thus, this tool can be effectively applied to situations such as the one under study.

The reason to focus on a broader policy sector lies in the fact that crisis management of migration and its logistics is managed by a network of organizations and it is not a matter of a single organization. Assessing the network of organizations on the national levels has the function of (1) external critical assessment and later (2) structured comparison among both levels. Information to answer the survey questions was obtained by web pages, official reports, and news directly from the relevant organizations. Survey Tool contains a dashboard of three “performance odometers” to measure the capacity presence: (1) generic preparation and crisis experience—total of 20 points, (2) task/organizational means—total of 70 points, and (3) the legitimacy reservoir—total of 10 points. Each of the assessed organizations has the potential of reaching 100 points in total. In the first section, there are questions to measure what the organizations/entities have done in the past to better manage crises, in the second section, the questions relate to the resources available to manage crisis across borders, and in the third section, the questions relate to the legitimacy of the actors. The answers to the questions are first elaborated qualitatively and then numerically evaluated based on the specifications of the model that provides the scale based on the optimal capacity distribution. In addition, the project offers some examples of the distribution of points so that the evaluator can follow the idea of the distribution of points (Boin et al. 2017).

4. Results

Based on our elaboration, the dashboard illustrates the relative lack of maturity of the mass migration domain at both national levels of Croatia and Slovenia, especially in the context of transit pressures, as several factors shaped the dynamic “corridor”, such as political, economic, social, technological, legal, and environmental factors and the media. Both countries have actively supported migrant transit (Abikova and Piotrowicz 2019), but the recent preparatory phase has not addressed preparation for intense transit pressure, so national levels responded on an ad hoc basis and with existing rescue capacities (such as

the National Earthquake Protection and Rescue Plan). The critical point is that despite the existence of legal frameworks, capacities, and means for joint decision making, the actual implementation of crisis management is left to individual relevant actors and stakeholders at national and local levels. There is a lack of cross border cooperation and joint action. The dashboard summary is prefaced in the below Table 1.

Table 1. Summary of Dashboard Indicators of Croatia and Slovenia.

	Croatia	Slovenia
Generic preparation/experience (total 20)	9	10
Task and organizational means (total 70)	35	33
Legitimacy reservoir (total 10)	6	5

Source: own elaboration in the Survey Tool (Boin et al. 2017).

Out of 100 total points, Croatia scored 50 points. Points allocation is presented in the Table 1. The first item of general preparation/experience, consisting of three assessing questions, is very weak, especially on the far most important question about the existence of a crisis plan. Here, 2 out of 10 points were scored, which can be attributed to the complete lack of a crisis plan for migrations. The mentioned two points were awarded based on some existing national rescue and protection crisis plans available at the National Protection and Rescue Directorate (NPRD), such as in the event of earthquakes, floods, extreme weather conditions, etc. These plans can be partially activated in some areas of crisis management for mass migrations, but they clearly lack the potential for holistic protection. Consequently, it ranks low (two out of five points) in the next question on crisis exercises, as exercises are only conducted within the existing crisis management plans of the NPRD. One of the reasons for this is also the fact that Croatia is still a beginner in migration (Luša 2019). The last question reached full points, as the national level experienced a crisis. The second section on tasks and organizational means is later divided into six subsections: (a) *early detection*, where it scored 7 out of 10. For the first two questions (three and two points), all the possible points were awarded, because Croatia has the mechanisms to detect a crisis (mainly through the National Security Council (VNS), Security and Intelligence Agency (SOA), and Military Security and Intelligence Agency (VSOA)) and it is clear within their protocol who should be warned of an impending crisis. On the final question on actual performance, it only reached two out of five points, because it could not predict the closure of the Hungarian border and did not recognize the crisis until the influx was already at the national border. In the absence of an adequate contingency plan, the national level reacted in an ad hoc manner with logistics, which was also carried out relatively quickly due to a less stringent approach to border and reception management arising from non-Schengen membership. In the next subsection, (b) *means for joint sense-making*, Croatia scored 13 out of 20, including total points for questions related to the connection to other sense-making systems (those that are eligible with membership at supranational level, such as the Common Integrated Risk Analysis Model, European Migration Network, Fingerprint database, Schengen Information System, Civil Protection Mechanism, Emergency Response Coordination Centre, and the Common Emergency Communication and Information System) and those related to the existence of an information gathering team and network of experts within the VNS. In contrast, it has lost the potential to score any points for questions of the existence of a crisis room, as there are none, and then on the actual performance part on the involvement of experts during the crisis. The last point given (out of a total of two) was within the actual performance and the use of the sense-making system, as the country used it within the membership in the organizations mentioned above, but rather late. In the third subsection, (c) *means to facilitate joint decision-making*, it scored 3 out of a total of 10. The first question of the legal framework defining the actors is closely related to the first section of crisis plan existence. Since there is no holistic one in the field of migrations, there is also no clear division of responsibility. Nevertheless, there are the National Security Strategy and the

VNS, where we have also observed mitigation of the division of actors and a minor part of mass migration. Croatia there scored two out of four on the second question on actual performing strategic decisions in a transboundary crisis before achieving no points, and in the last one achieved one out of two. This question was about actual decisions in a timely manner, which we found lacking in the assessment of Croatia's case, but it maintained its flexibility in the operational aspect of crisis management, e.g., the government established "headquarters for activities coordination" for migrants' transportation rather quickly. The *(d) means to enable transboundary coordination* achieved 8 out of 10 points, where we assessed the full potential of coordination capacity and a network that can enable a coordinated response (VSN) in the first two questions. The last two questions each scored only one point (out of a total of two) because, regardless of the capacity available, there was a deficiency in actual implementation resulting from the lack of capacity (e.g., it was not possible to comply with fingerprinting requirements under Eurodac Regulation obligations, and therefore some migration flows continued unregistered). For *(e) means to foster joint meaning-making*, it scored 4 out of 10; full points were given for the first two questions on the ability to communicate via social media and the fact that the leader is active on social media. The next three questions on actual performance scored no points, because there was no crisis framework at all and therefore it could not be widely disseminated and accepted by the public, nor was there appropriate crisis communication to dispel rumors and misinformation. The last subsection on *(f) means to enable crisis accountability* scored zero points out of 10, the reason being that the national level never fully accounted for the actions taken before and during the crisis. The country never really admitted its non-actions, nor did the relevant actors try to publicly explain their behavior. In the third section of the legitimacy reservoir, it has scored 6 out of 10, mainly due to relatively high political and popular support, but lacking legal support, as there was no legal action at all.

Out of 100 total points, Slovenia scored 48 points. Points allocation is presented in the Table 1. The first dashboard section on general preparation/experience is weak, as there is no migrant crisis management plan or training in Slovenia. Similar to Croatia, there are some crisis plans in other areas that can be partially activated. The first question scored three points, one more than Croatia, as there is a general national system for crisis governance and leadership for providing an effective response to and management of a complex crisis. However, this system also lacks holistic coverage of migrations. It also ranked low on the next question (two out of five), as it also lacks relevant training, which is related to the first question. The last question reached full points, as the national level experienced a crisis. The second section on tasks and organizational means speaks of a relatively good capacity in *(a) early detection* (6 out of 10 points), where full points were given for the existing mechanisms for crisis detection (existing bodies are National Security System (SNAV) and Slovene Intelligence and Security Agency (Sova)), and within that it is also very clear who should be warned in case of an impending crisis. However, it scored only one out of five on the last question for failing to recognize the migration crisis mentioned. The government was not prepared for a migration crisis of transit migrations, nor for a high number of applicants for international protection. It introduced a contingency plan in case of an increase in refugee numbers and monitored the situation in neighboring countries, but it did not foresee the situation of the closure of the Hungarian border and therefore remained unprepared for the migration influx at the border. In the second subsection, *(b) means for joint sense-making*, it scored 13 out of 20. Just like Croatia, Slovenia, as a Member State, has full access to the EU sense-making systems and therefore scored all the points in the first question. It also scored all points in the third and fourth questions, as it has an existing capacity structure that can manage information and analysis during the crisis (SNAV and Monitoring, Notification and Warning System of the Administration of the RS for Civil Protection and Disaster Relief) and has access to experts when needed (within SNAV and EMN). It received zero points (out of two) on the second question, because the national level does not have a crisis room. In addition, the actual performance was very limited, as the country did not involve experts during the crisis (zero out of two

points), and the use of the sense-making system was also limited and quite late (one out of two points). For *(c) means to facilitate joint decision-making*, it scored 2 out of 10 points. Out of three questions, it received only two (out of four) on the legal framework and the clear division of the actors, which goes hand in hand with the first question of the assessment tool, namely the existence of a migration crisis plan. The other two questions on actual performance received zero points, as there was no strategic decision in the transboundary context and decisions were not made in a timely manner, but rather based on ad hoc structures and solutions. The *(d) means to enable transboundary coordination* scored eight points (out of 10), with all points going to the first two questions regarding coordination capacity and a network enabling a coordinated response (SNAV). Similar to Croatia, the actual performance was limited—cooperation with other international organizations was mainly late and top-down, pushing for an individual response. The situation was similar to the authorities of the other Member States, where it was mainly limited to the exchange of logistical information. For *(e) means to foster joint meaning-making*, all the allocated points were in the first two questions (communication capacity through social media and active leaders on social media). The actual performance did not score any points, because there was no crisis framework at all, and therefore it could not be widely spread and accepted by the audience, and there was also no appropriate crisis communication to dispel rumors and misinformation. In the last subsection, *(f) means to enable crisis accountability*, it did not reach any points out of 10. Same as in Croatia (and some other Member States), Slovenia did not fully account for its actions before and during the crisis, nor did it truly acknowledge its non-actions, nor did the actors make any effort to publicly explain their performance. In the third section of the legitimacy reservoir, it scored 5 out of 10, awarded mainly by relatively high political and popular support. Compared with Croatia, popular support was lower, as citizens were very critical of some of the actors' actions. Similar to Croatia, there is a lack of legal support, as there were no legal actions at all.

To provide insight into the above findings, this paper further will elaborate on crisis management at the Croatian and Slovenian national levels, presenting the main policies and legislation governing the actions undertaking. Croatia was also a transit country on the Western Balkan route, as neither migrants showed any interest in staying in the country, nor Croatia itself wanted to do so, as it would be too much of a burden on the national system (Šelo Šabić and Borić 2016). The number of applications for international protection was relatively low. In the period under review, there were 140 applications in 2015 and 2150 applications in the northern countries due to the restrictive measures introduced in 2016. However, most applicants left the country before the application decision was made (Eurostat 2016). From the beginning, Croatia kept its borders open and adopted a humanitarian and solidarity approach, which resulted in a high number of migrants entering the country. However, the chosen strategy was strictly controlled transit. The largest influx occurred following the unilateral action of Hungary, which closed its borders on 16 September 2015 by erecting a fence along the Serbian border and enforcing Schengen rules. This action diverted the influx into Croatia. Considering the spread of the influx and the relatively large border, Croatia decided to close seven out of eight border crossings with Serbia (Luša 2019). This measure exacerbated already existing regional tensions, and Serbia responded by closing its border to Croatian imports. Croatia responded by closing its border to Serbian cars and citizens. The bans were lifted after a few days, but there were also tensions present elsewhere in the region (Gyori 2016).

At the core of the problem was the low maturity level of Croatian migration policy. Its short tradition was mainly motivated by the external challenges and the conditionality in the process of EU accession. The latter led to the adoption of the first policy document in 2007. The Migration Policy of the Republic of Croatia (RC) 2007/2008 was set very generally with 17 envisaged measures and activities focusing on law adoption and covering citizenship, entry, residence and employment of foreigners, visa policy, asylum, integration, and illegal migrations (Official Gazette of the RC no. 109/03, 182/04 2007/2008). Furthermore, in later stages, just before the EU accession, the Migration Policy of the RC for the Period

2013–2015 was adopted. Besides focusing on principles such as freedom of movement and solidarity, it aimed for economic and social beneficial migration effects on Croatia and its society, as well as to raise the state administration's efficiency and ensure cross bodies coordination regarding migration challenges ([Government of the RC 2013](#)). Furthermore, the Foreigners Act defining entry conditions, movement and residence, and the labor of foreigners and their working conditions, as well as defining the rights of deployed workers in Croatia, was passed in 2003 and further amended in later stages ([Official Gazette of the RC no. 130/2011 2013](#)). Similarly to in Slovenia, applicants for international protection, asylees, foreigners under subsidiary protection, and foreigners under temporary protection do not have the right to lodge an application for approval of stay pursuant to the criteria defined in the Foreigners Act, but it rather shall apply *mutatis mutandis*. Furthermore, the International and Temporary Protection Act addresses the gap concerning asylum seekers, asylees, foreigners under subsidiary protection, and foreigners under temporary protection and defines the principles, conditions, and procedure for international protection and temporary protection, the status, rights, and obligations of them, as well as the conditions and procedure for the revocation and cessation of asylee status and subsidiary and temporary protection ([Official Gazette of the RC no. 70/15, 127/17 2015](#)). The Act was passed in 2003 ([Official Gazette of the RC no. 79/07, 88/10 and 143/13 2018](#)), in force since 1 January 2008, and later harmonized with the EU acquis. In addition, being a broad field, the application of other legislation takes place as well, for example, the Law on General Administrative Procedure and Law on Administrative Disputes as well as the Law on Mandatory Health Insurance and Health Care for Foreigners in the RC and Law on Free Legal Aid. For further information see [Asylum in Europe \(2020b\)](#).

Due to the low level of migration in the past, the short tradition of migration policy in Croatia has never been tested in practice before ([Luša 2019](#)), and it was further challenged by the country's lack of preparation. In addition to the short national tradition of migration policy, no contingency plan was introduced, so that an ad hoc crisis management was implemented. The Government established a Coordination Group on the arrival of refugees and migrants with the coordination task of all relevant authorities and institutions ([UNHCR 2020b](#)). The reception center was established in Opatovac, with an additional winter reception in Slavonski brod from November 2015. The crisis centers were located in Tovarnik, Ilok, Strošinci, and Babska ([Sisgoreo 2016](#)). In order not to become a "pocket land", Croatia tried to channel the migration flow to the Slovenian authorities as smoothly as possible. Transport from Serbia to Opatovac was primarily organized by buses, which were later discontinued due to the vast number of migrants who later had to walk 15 km on their own. At a later stage, rail transport from Tovarnik to Dobova was introduced. According to the [Ministry of the Interior of the RC \(2016\)](#), the flow of migrants between 16 September 2015 and 5 March 2016 was estimated at about 660,000 migrants.

Border management and reception centers were also put under pressure due to the weakness of the system, which meant that they were not able to meet the requirements of the Member States. Croatia, for example, reported that it was particularly concerned about the issue of reception, as it did not meet the requirements for fingerprints under the Eurodac Regulation obligations. Such a gap meant that parts of the migration flow were not registered and not documented, which in some cases led to the non-application of the Dublin Regulation (604/2013/EU) ([European Migration Network 2016](#)). At some point, the police stopped registering migrants ([Šelo Šabić and Borić 2016](#)), and from November Croatia started to differentiate people into two groups, migrants and refugees ([Bučar and Lovec 2017](#)).

Slovenia became a transit country ([Eurostat 2016](#)) on the Western Balkan migration route in September 2015, when the "first migration wave" began. However, the main pressure came after Hungary's unilateral decision to close its borders, which diverted the flow of migrants to Serbia, Croatia, and later Slovenia, exposing Slovenia to the "second migration wave". During the six-month period, Slovenia received about half a million mixed migrant flows, most of them on their transit route to the northern part of the EU. Only

about 500 refugees applied for international protection during this period (Eurostat 2016), and most of them applied for it because of the risk that they would not be able to reach the northern countries due to increased controls along Slovenian–Austrian and at the Austrian–German border (Luša 2019).

Slovenia has been developing its migration policy since 1991, when it became an independent and internationally recognized state and further updated with EU directives upon EU accession. This development was highlighted by the Resolution on Immigration Policy of the Republic of Slovenia (RS) adopted in 1999 (Official Gazette of the RS no. 40/99 1999) and by the introduction of Foreigners Act, the Asylum Act, and State Border Control Act. The first determines the conditions and methods of entry, exit, and residence of foreigners (Official Gazette of the RS no. 1/18 2018). The second, now the International Protection Act (Official Gazette of the RS no. 16/17 2017), establishes the principles, conditions, and procedures for obtaining and terminating international protection, as well as the status, rights, and obligations of asylum seekers and refugees (Official Gazette of the RS no. 17/06 2006, 16/17 2017). The third determines the organization and manner of carrying out state border controls, the implementation of compensatory measures, and international police cooperation (Official Gazette of the RS no. 35/10 2010). In addition, due to the increasing complexity of migration dynamics, which requires a new approach to migration management, and with the achievement of full EU membership in 2002, the Resolution on Migration Policy of the RS was also introduced. It supports and complements the principles, objectives, and foundations of the Resolution on the Immigration Policy, with the aim of transposing EU law and fundamental principles into Slovenian law and leading to a common migration and asylum policy. Furthermore, harmonization includes the principle of solidarity, the right to free movement, peacekeeping, equality, etc. (Official Gazette of the RS no. 35 2002). In addition, in the field of migration, the General Administrative Procedure Act and Administrative Dispute Act applies when carrying out the procedures. For more information, see Asylum in Europe (2020a). It should be emphasized that in Slovenia, the Foreigners Act and the International Protection Act contain by far the most important procedures for refugees and migrants. To simplify, in accordance with the Foreigners Act, there should be an entry ban for all persons who wish to enter without valid documents. In accordance with international law, they may enter if they apply for international protection, and they are treated in accordance with the International Protection Act (Official Gazette of the RS no. 16/17 2017). If neither are the case and a person enters Slovenia illegally, he or she is threatened with deportation to the country before Slovenia.

In theory, all procedures within the framework of Slovenian migration policy mentioned are appropriate, but their implementation in practice was impossible during the migration peak in 2015–16 due to the large number of persons involved. The Slovenian government has failed to prepare crisis management in a timely manner. A contingency plan was introduced before the crisis reached its peak, providing for a shelter plan and other logistical measures required in the event of increased applications for international protection (Republika Slovenija, Vlada RS 2015a). As there were hardly any applications in Slovenia, the document was rather irrelevant. Given the situation, Slovenia focused primarily on border management and organizational issues related to the efficient transit “channel” and the security dimension. Initially, Slovenia aimed at the full implementation of border procedures, but was not prepared to logistically manage the registration and management of the influx. Furthermore, Croatia was not prepared to readmit migrants who entered Slovenia illegally. Consequently, Slovenia decided to activate Article 73 of the Foreigners Act and responded with a policy of a transit “corridor” for migrants arriving from Croatia in certain state-organized groups (not individually), granting them a temporary “permission to remain”. This measure meant that Slovenia implemented compulsory registration procedures and transferred migrants to the Austrian borders (entry points Spielfeld or Villach), where the Austrian authorities continued to regulate the situation further. For the Slovenian border, this meant that entry was only granted to persons in pos-

session of valid documents, who were seeking international protection, or who belonged to certain state-organized groups crossing the so-called “corridor” (Kogovšek Šalamon 2016).

At one point, Austria implemented a daily intake of 2500 people, which means a domino effect on the southern countries. Slovenia demanded the same admission quota, but Croatia refused to cooperate, and migrants began to enter Slovenia uncontrolled and illegally. Apart from the lack of logistical capacity, neither country wanted to be a “pocket country”. Slovenia, for example, had a reception capacity of up to 7000 short-term and 2000 long-term, but in the first few weeks, it was still able to receive an average of 8000 to 9000 people per day (Bučar and Lovec 2017). The reception centers in Brežice, Gruškovje, and Dobova were heavily overloaded, and the Slovenian police were unable to manage the border properly. As the protection of the Schengen external border and national security was one of the government’s priorities, additional stakeholders were called in. At the national level, the amendment of the Organization and Work of the Police Act and the Defence Act made it possible to activate retired police officers and activate the Slovenian Army for the support of Slovenian police tasks under defined conditions (Official Gazette of the RS no. 86/15 2015; Official Gazette of the RS no. 95/15 2020; Garb 2018). As this was still logistically inadequate, firefighters, auxiliary police officers, and special units of the Slovenian Police, Military Officers Association, the Veterans Association for the War of Slovenia, and international assistance were requested (STA 2016). In addition, Slovenia twice reintroduced temporary border controls at the border with Hungary under Article 25 et seq. of the Act, which adopted the Schengen Borders Code before the “second migration wave” to prevent uncontrolled points of entry (European Commission 2020b). At the border with Croatia, it temporarily introduced a 150-km wire to prevent fragmentation of entry points while the border remained open (Republika Slovenija, Vlada RS 2015b). The latter and the former were both unilateral measures but were later supported by the supranational level and in accordance with the amendment of the Dublin Regulation of 2013 (Evropska Komisija 2020; STA 2015).

5. Discussion

The paper assessed the level of readiness and the policy framework for addressing wicked problems, particularly transnational problems, and the results indicate a lack of readiness to confront a transnational crisis. The research question of the paper was: *To what extent are the national levels of Croatia and Slovenia prepared to respond to the wicked problem of the European migration crisis and why?* Based on our elaboration using the Survey Tool (Boin et al. 2017), the dashboard illustrates the relative lack of maturity in the mass migration domain on both national levels of Croatia and Slovenia, especially in the transit pressure context.

The framework presented showed that both countries developed their own migration policies, in addition to accepting and integrating EU legislation and norms, also due to EU accession. While Slovenia developed it already at its independence in 1991, Croatia introduced its own in 2007. As the former country experienced much more migration after the disintegration of SFR Yugoslavia and the formation of independent successor states, it was also forced to formalize migration, as it was a receiving and protecting country for many regional refugees. The latter began formalizing migration policy as a requirement before EU accession. Moreover, both cover the entry of foreigners and people seeking international protection, yet their *modus operandi* differ based on their membership. Both countries are full members of the EU, but only Slovenia is a member of the Schengen Zone. Therefore, while Croatia has to defend the EU external border, Slovenia has to defend the Schengen external border, which means more pressure while allowing entry into the zone. However, while there were many individual refusals of entry at the Slovenian border, it is worth mentioning the case of migrants who were forced to stay in two Bosnian villages (Bihać and Velika Kladuša) outside the Croatian border. They were turned back at the border because their application for international protection in Greece or Bulgaria had failed and they still wanted to go to another Schengen country. Their previously

rejected application did not allow Croatia to transit them or accept their readmission ([Amnesty International 2019](#)).

Crisis pressures and the lack of response at the supranational level had consequences for the decentralization of decision-making in the EU administrative structure, with views at different levels not always in line with the EU's vision and principles. Faced with this situation, the larger member states gained a voice and invoked individual political idiosyncrasies and interests, while the smaller states mostly just adapted to the situation at hand. However, even though the EU was divided, some countries formed a kind of cooperation within their region, as they faced similar crisis pressures and consequently followed the same coping strategy. In the case of the two national levels presented, both were transit countries, and neither was interested in implementing any pull factors for migrants or helping them beyond what was mandated by international or national law. As a result, both focused on border and reception management, with an emphasis on logistical issues that were resolved on an ad hoc basis and with existing rescue capacities (such as the National Earthquake Protection and Rescue Plan). Despite the common crisis pressures, there were tensions in the cooperation, for example, the conflict over Croatia's acceptance of the Slovenian entry quota. Similar conflicts occurred on various occasions in the region, jeopardizing interstate relations in the still turbulent Balkan region ([Luša 2019](#)). Moreover, unilateral measures were taken by countries after it was already clear that the implementation of the 17-point action plan of Western Balkans migration route agreed on 25 October 2015 had failed ([European Commission 2015a](#); [Vezovnik 2018](#)). In fact, governments did not share the same understanding of the common policy ([Gyori 2016](#)). However, later in the winter, the Western Balkan countries managed to cooperate and accept the Slovenian request to allow transit only for people affected by the war. They jointly decided to allow transit only for Syrian, Afghan, and Iraqi people ([Šelo Šabić and Borić 2016](#)). This cooperation was a good example of regional cooperation under the pressure of the crisis. At the same time, it also shows the clear policy fragmentation that leads to decentralization of decision-making.

In times of crisis, uncertainty is high, so governments tend to centralize their decision-making ([Drennan and McConnell 2007](#)). Centralization usually takes place within an organizational unit or administrative level, as it seems at first glance it seems to give clarity and authority, which are needed in such times. In fact, this happened at the national level, but at the overall EU level, decision-making was decentralized and lacked a holistic solution in mitigating the crisis. Such decisions led to a top-down policy orientation. Indeed, in the case of a transboundary crisis, there is an urgent need to manage them at the transnational level. In the case under study, it would be necessary to address such wicked transnational crises on the supranational level and also give more power to existing EU agencies, such as Frontex and the European Migration Network (EMN) and similar institutions ([Ansell et al. 2010](#); [Boin et al. 2016](#)).

Furthermore, the research found that there are existing frameworks, organizations, and laws that could support such crisis management at the national level, but there is still a lack of integration of the existing frameworks and the power of some organizations. Indeed, the results of Survey Tool show that there is organizational capability to detect a crisis at an early stage, but we should also examine the depth of this capability. For example, the Slovene Intelligence and Security Agency (Sova) evaluated information and monitored migration flows at the Western Balkan route in the pre-crisis phases ([Republic of Slovenia 2020](#)), but the national level failed to create an appropriate contingency plan.

In addition to the decentralization that has taken place, the cases described above show that crises tend to lead to a parallel coexistence of different systems that do not always complement each other. The transit "corridor" introduced through the Western Balkan route is an example of how such parallel systems seem to coexist uncritically. This coexistence has been problematic from several perspectives; first, the coexistence of existing EU legislation and national legal frameworks with the newly created "corridor" along the Western Balkan route; second, the coexistence of the treatment of migrants transiting the

state-managed “corridor” and the treatment of individual migrants; third, the coexistence of the existing visa system with the “corridor”; and finally, the “corridor” idea of rapid, state-managed travel and the tightening of Member States’ asylum and migration systems (Kogovšek Šalamon 2016).

6. Conclusions

Following the methodology of a multiple case study that examines two national levels of transit countries based on the study of Survey Tool, this article presents the degree of readiness to deal with the wicked transboundary crisis and therefore formulates, on the one hand, the main legislation that covered the migration crisis of 2015–16, and, on the other hand, it examines the strategies and policies that transit countries pursued to mitigate the crisis. The general value of the article lies in the possibility to analyze ex-post the extent to which national administrations are prepared for crisis situations they are currently facing or will face in the future. The specific added value of the article lies in the numerical assessment of the level of preparedness, as it makes clearer where exactly the crisis management capacity of an individual country stands, which facilitates an analytical comparison with some other national levels. We suggest further studies on different EU countries to increase the knowledge on migration crisis management capacity in the Union.

Both countries were indeed pursuing solidarity and a humanitarian approach, but on a limited scale. As both countries wanted to avoid becoming a “pocket country” for migrants, and migrants showed no interest in staying, they focused on logistic capacities to transit the migrants through to northern countries as effectively as possible. With a lack of supranational support and a transboundary approach to the crisis, both countries have adopted different approaches, leading to decentralization and the co-existence of different systems. The article’s answer to its research question (*To what extent are the national levels of Croatia and Slovenia prepared to respond to the wicked problem of the European migration crisis and why?*) is twofold. First, the article reveals a general lack of maturity in dealing with wicked problems. Notwithstanding the existence of national laws and policies that are in line with supranational directives and laws, there is a lack of holistic migration policy. Consequently, policy implementation is also difficult when there is no clear strategy behind it. Secondly, the problem is deeper, as the transboundary crisis requires a transboundary approach. This means that such outstanding issues should be given more time on the supranational agenda, and existing structures should be given more power to address them. The asymmetric management, decentralization, and coexistence of different systems that occurred was mainly the result of the lack of a clear EU vision and strategy and a lack of power at the supranational level, which has opened the door to the creation of an ad hoc policy. This has been particularly problematic for the rapid and efficient delivery of crisis solutions and their holistic integration. It is also the result of the multiplicity of actors whose views did not always collide and the dysfunctionality of multi-level governance, which is the basis for EU decision-making. The scale of the crisis was too great for any national level to manage, and it was clear that crisis management required the involvement of the supranational as well as the subnational level. Moreover, it is important to emphasize that there is an existing legal framework for managing the immigration crisis and that national security bodies also have their operational plans. Even if there is no holistic crisis management plan for immigration, we believe that the bigger issue that the administrative levels should focus on is the integration of existing procedures and the allocation of more powers and competences to them. This applies both to crisis management at the height of the migration crisis and today, as immigration to the EU continues. National levels should learn from past crises and prepare for those to come, as experts and scholars predict that it is only a matter of time until we will face similar migration flows (Abikova and Piotrowicz 2019). Moreover, cooperation and integration of policies within the multilevel governance are also applicable to other crises, such as the current health and political crisis due to COVID-19.

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