Observations on Multi-level Governance and democracy

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Abstract
The concept of Multi-level Governance (MLG) emerged in the early 1990s to describe policy-making in the European Union (EU) in the context of enlargement and integration. Today the concept is usually taken to refer to the diffusion or dispersion of authority, decision-making and, more generally, changes in governance structures to enable governments at all levels to address the complexity and interdependence of contemporary policy problems. The inclusion of non-governmental actors in policy-making processes (ideally) involves collaborative decision making and aligning interests of public and private actors. Enabling non-government actors to participate in policy-making processes is expected to increase confidence in and satisfaction with democratic institutions and ideals but instead wide-spread disaffection with democratic institutions and governments seems prevalent. While evidence points to the possibility of gains in satisfaction with democratic institutions at a local level through the application of MLG, it remains unclear whether that can translate into a broader positive effect.

Keywords: democracy, governance, multi-level governance (MLG), non-governmental actors, policy-making

Introduction

At a time of seemingly broad dissatisfaction with established liberal democratic ideas and institutions worldwide (International Institute for Democracy and Electoral Assistance (IDEA), 2024; Lantana & Alliance of Democracies, 2024; Pew Research Centre, 2024; Tudose, Bogdan, & Jackson, 2023), with ethno-nationalism, erosion of democratic concepts and institutions, contestation of established governance and government structures on the rise, this paper presents an exploration of the concept of Multi-level Governance (MLG), and the possibility of its usefulness in addressing democratic deficits. The paper is based on a project that examined case studies of the application of the MLG approach, successful and unsuccessful, in Europe and Australia to gain an understanding of what factors contributed to or impeded the success of multilevel ventures and apply the learnings to refine the approach.

Multi-level Governance – a brief overview

Since its introduction into the lexicon of terms of initially European Union (EU) studies and later policy-making more broadly, the literature on MLG has proliferated. MLG has developed into a widely used concept in a variety of fields including but not limited

to exploration of federalism; devolution, decentralisation and regionalisation; transnational networks (Behnke, Broschek & Sonnicksen, 2019); experimental governance (Sabel & Zeitlin); ways to link the concept to others such as learning to realise its full potential (Ongaro et al., 2015); political science and public administration (Piattoni, 2018).

The concept of 'multilevel' in the context of policy-making made its first appearance in print in a 1992 article by political scientist 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).

In the 30-odd years since the original formulation/definition of the concept, MLG has evolved and today the concept is generally taken to refer to the diffusion or dispersion of authority, decision-making, and more generally changes in the governance structures at all levels of government and the inclusion of non-governmental actors in decision-making processes and implementation of policies.

MLG as governance practice

While, as Tortola (2017, p. 237) points out, non-state actors seem to play a minor role in empirical as well as theoretical accounts of the concept, in every-day life, the diffusion of authority in policy-making and implementation has become the norm over the last few decades domestically and internationally, and MLG has become a widely used practical approach across different fields.

According to the Organisation for Economic Co-operation and Development (OECD), a committed proponent of MLG, the reason for the wide-spread use of MLG despite the not uncontested nature of the concept is that it enables the 'effective coordination across levels of government to manage shared responsibilities, mutual dependence and common challenges' required of contemporary governments worldwide to address the 'increasingly complex policy challenges' they are faced with (Allain-Dupré, 2020, pp. 800-801).

A further benefit of MLG is that the network of a broad range of actors which may include citizens, business and non-governmental organisations and local governments is well placed to restore citizens' confidence in central or national government (Allain-Dupré, 2020, pp. 803-804).

As set out above, the OECD position is that MLG can be successful if grounded in integrated approaches with appropriate coordination and an adequate understanding of and ability to assess 'complementarities and trade-offs' involved adequately, i.e. a technical solution to problems of policy-making and implementation, the success of which will then lead to higher citizen satisfaction with policies, government and governance and ultimately democracy.

Other considerations regarding the foundations of successful MLG usage include the importance of problem definition (Head, 2018); an awareness of the inherently

political nature of policy issue framing, i.e. its dependency on social and political constructions mirroring to some degree the prevailing biases of context and target audience; likewise, policy solutions will have a link to the problem definition (Thomann, Trein & Maggetti, 2019). Others such as Sanderson (2009) argue that policy learning should be the major objective in an MLG context.

MLG as a theoretical approach and analytical tool

From a theoretical perspective (Piattoni, 2010, 2018), MLG is most commonly considered as being located either in the field of state restructuring or the field of policy-making, sometimes understood as describing the ways in which nation-states are changed by Europeanisation and globalisation, and sometimes as indicating the ways in which contemporary policy-making necessarily involves several levels of government and civil society actors (2018, p 62).

As with the broader concept of governance, there tends to be no clear differentiation of governance as an empirical phenomenon and theories about governance and the difference between empirical and normative aspects of governance (Peters & Pierre, 2020, p.16). In the case of MLG, this confusion extends to the question whether MLG can be considered a theory or whether it has remained descriptive rather than explanatory. As Piattoni (2018, p. 61), citing Rosamond, puts it, MLG is often:

> … 'considered descriptively efficacious but theoretically blunt. In other words, although widely used, it is still unclear whether MLG is simply a useful metaphor, a '(dis-)ordering framework' that makes 'grand-theorizing difficult' (Rosamond, 2000, p.111) or a theory in the making – and in this last case whether it is a theory of state restructuring, of political mobilization or of policy-making'.

This problem is of course related to the origin of the concept itself, as outlined in the next section.

Origins of the concept

The concept emerged as a means to describe and make sense of policy-making in the EU and its member states (MSs), initially in response to the uniquely EU (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.

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 the achievement of these goals. In 1988, a further step in European Union integration saw the integration of the structural funds into an overarching cohesion policy.

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 four basic principles for EU assistance, one of which, partnerships, stipulated close consultations between the European 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. 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'.

Theorising EU integration

Marks' (1992) initial theorising of multilevel governance emerged after the signing of the Maastricht Treaty precisely because of the new component of regional consultation and the interest in, acceptance and application of the concept grew out of a conviction by a number of European integration scholars that theories of governance and integration current at the time were no longer fit for purpose[1] because the focus on the nation state as the dominant actor in inter- and intra-state relations did not adequately take into account the new policy-making realities of the shift in authority and sovereignty in EU MSs from the national government level to supranational but also to subnational levels (Jensen, 2015, p. 2). Further, MLG is able to incorporate the political element in the alignment of various levels of government in defining mutual agreements (Bulkeley et al., 2003).

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 MS level in favour of an aggregation of power at the supranational level (Hatton, 2011).

From the mid-1960s onwards, Intergovernmentalism succeeded Neofunctionalism as preferred conceptual approach, arguing that MSs 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

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

approach 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, dominant during the 1990s, introduced the concept of preference formation, i.e. that nation states have strong preferences and bring these to their negotiations. In *The Choice for Europe* Moravcsik (1998) succinctly sets out his opinion that MSs' bargaining powers are more powerful than supranational institutions.

A further approach utilised in the exploration of European integration in the 1980 and 1990s was Institutionalism. Initially developed 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.

Marks' formulation of MLG was a response to a general feeling that neither the two dominant theoretical approaches to European integration, nor other approaches were able to capture policy-making processes in the EU adequately. They were too static to be of use in the new, constantly changing policy environment with its increase in coordinative processes, combining formal rule-making with informal practices, cooperation and consensus-building strategies and a shift of analytical focus from state-centric to diversity of actors and levels as constituent parts. The governance approach was considered the most useful analytical concept for the analysis of the new mode of policy-making, interrogating not only how and why policy is made but including institutional settings, actor constellations and coordination. Public life is viewed as a result of the interaction of political forces and societal actors pursuing their interests at the same time as engaging in overall coordination. The result of this dual focus was a blurring of boundaries between public and private spheres, state and economy, and state and society (Tömmel & Verdun, 2009).

The enthusiastic uptake of the concept of governance was also not limited to the field of European integration. In the context of globalisation scholars in the fields of IR and public policy/public administration also engaged in exploration of phenomena such as the workings of international cooperation in the absence of the nation state's control apparatus and the loss of the nation state's hierarchical control because of an increase in governance via networks of policy actors (Zito, 2015, p. 19).

From theorising the EU to a concept with a global reach via "Unraveling the Central State[3] …"

Since its origins in the early 1990s, 'MLG has travelled far from its origins in EU structural policy.' (Bache, Bartle & Flinders, 2022, p. 536) with application to non-EU and international settings and 'has been embraced by a wide range of scholars and used in different ways over time, regardless of the original intentions of Gary Marks and Liesbet Hooghe' (Stephenson, 2013, p. 818).

Hooghe and Marks repositioned the MLG framework beyond a description of EU integration, governance, and politics in 2003 to a more general concept via the

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[3] Hooghe, L., & Marks, G. (2003). Unraveling the Central State, but how? Types of multi-level governance. American Political Science Review, 97(2), 233-243.

introduction of two 'types' of MLG. In the context of globalisation and privatisation, and in response to the critique that MLG offered insufficient specification of the governance dimension (Bache, 2012), Hooghe and Marks (2003) argued that there are two main types of multilevel governance. As shown in Figure 1 (below), Type I, also referred to as "nested", considers multilevel governance a vertically hierarchical system with only a limited number of authorities having decision-making powers (Fairbrass & 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) altogether 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 1' (nested) multilevel governance
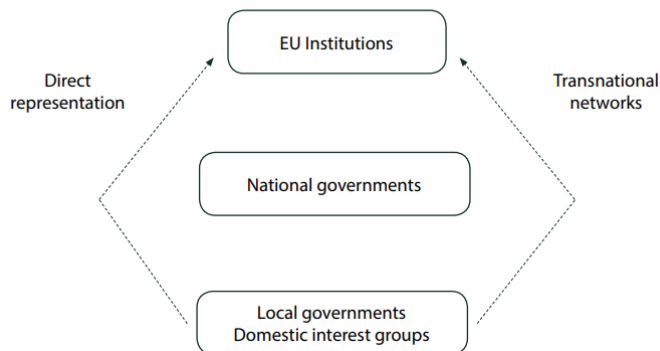

Figure 1: Bulkeley et al., 2003, p. 238 as adapted from Fairbrass & Jordan 2001, p.501

Type II (Figure 2 below), also called a 'polycentric' approach, unlike the hierarchical vertical model, considers multiple governing authorities at different scales, leads to the disappearance of vertical structures and hierarchies. Different levels and forms of governance are now interacting in more complex overlapping, dynamic and flexible networks.

Figure 2: 'Type II' (polycentric) multilevel governance
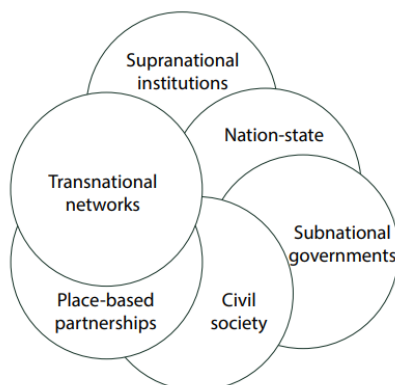
Source: Bulkeley et al., 2003, p. 239

Hooghe and Marks conceptualised these forms of governance as representing different ways of organising political life. Type 1 MLG is a general-purpose model, with nonintersecting membership, usually designed around a defined community, a limited number of levels and relatively durable and stable. It draws on federalism with its power sharing by a federal government with units at sub-national level(s). Boundaries tend to be geographical and durable and are based on communities, mostly territorial but also ethnic and or religious. Type 2, designed around particular tasks or policy problems, has unlimited levels, is flexible, and nonintersecting as regards tasks, but can have intersecting membership. With a view to globalisation, 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. The two types are not mutually exclusive—Type II can operate within Type I and may include special bodies created by Type I organisations to execute specific tasks; are useful for different purposes, can be complementary, and coexist.

Benefits and challenges of a 'fuzzy' concept

Marks 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 (2004) called MLG "the most omnipresent and acceptable label one can stick on the contemporary EU" (p. 49). The EU itself adopted the concept as demonstrated by the European Commission's White Paper on EU Governance in 2001 (COM 91), 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*. Daniell and Kay's (2017) exploration of MLG in Australia shows the concept's reach beyond its EU policy roots and the breadth of subject matter areas it can cover (e.g. addressing climate issues, regionalism, first nation matters, urbanism, etc.).

Critics point out that it remains a 'fuzzy' concept (Bache, Bartle & Flinders, 2022, p. 528) that requires further delineation or clarification or, as Zito (2015, p. 15) asserts, 'there is a fundamental problem for the multi-level governance (MLG) approach in that what the approach is trying to explain has never been fully agreed by the vast group of scholarship that references it.' On the other hand, the 'fuzziness' of the concept makes it suitable for many purposes.

Proponents of the concept point to MLG's built-in capacity to foster cooperation among multiple actors including public authorities, private sector organisations and a range of industry and other voluntary associations across territorial levels, leading to the inclusion of a broader range of voices and thus embedding the heterogeneity of civil society's needs and preferences in governance projects. Policy development and implementation take place in an interactive way across the spectrum of governmental and civil society actor networks, allowing for monitoring, evaluating, and adapting processes as required to find joint solutions to shared and common problems (Wolfe, 2018, p.7) with the possibility to facilitate policy innovation. Cooperation may also achieve enhanced public engagement in policy processes, which in turn may lead to engendering trust in political institutions and a renewed belief in democracy.

Paradoxically, the benefit of enlarging the pool of actors offered participation in the policy process to include those who have had no previous opportunity to be involved, thus increasing the possibility of political participation and providing a means of

decreasing the democratic deficit, can also be a serious disadvantage as the multiplicity of actors may make it more difficult to ascertain the locus of responsibility. Moreover, and particularly associated with task or problem-oriented Type II MLG, for efficiency purposes policy processes are outsourced to experts offering technical solutions to complex problems. Peters and Pierre (2004) called it a 'Faustian Bargain' because the number and type of actors, and the opacity of decision-making processes might mean that 'core values of democratic government are traded for accommodation, consensus and purported efficiency in governance' (Peters & Pierre, 2004, p 85).

Peters and Pierre are not the only scholars to raise the issue of democratic accountability in MLG. It has been and remains an area of scholarly concern (Benz, 2006, 2015, 2020; Hurrelmann and De Bardeleben, 2009, 2019; Papadopoulos, 2003, 2007, 2010, 2017). Behnke, Broschek and Sonnicksen (2019) identify the relationship between democracy and the democratic dimension of MLG as complex:

> 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 multilevel politics, which may contribute to effective decision making, structurally beg the question how to secure democratic legitimacy (p. 7).

Hurrelmann (2021) contends that as MLG systems are more often than not a response to functional pressures rather than a deliberate design feature, principles of democratic legitimacy are usually not a primary concern.

Thus, on the one hand MLG has the capacity to provide citizens and civil society with more access points for participation in the political process, on the other hand there are issues regarding accountability, participation, and representation.

Democracy and MLG

This paper started out by drawing attention to the dissatisfaction with democratic ideas and institutions globally and posed the question whether MLG could address the current global dissatisfaction with democracy and if so, how. But what characterises 'democracy'?

Elements of democracy

The passage from Behnke, Broscheck and Sonnicksen has already provided some insight: democracy requires accountability, representation, and participation.

Schmitter and Karl (1991, p.76) offer the following definition focused on systems and accountability "democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives". Xydias offers a definition that focuses on the individual's rights to participation in rule creation

"Democracy is a set of values about individuals' equal rights to participate in creating the rules that govern them" (2021, p. 74).

Taken together the main characteristics as presented in the three delineations above are equality, representation, accountability of elected representatives, and the ability of the individual to participate in rule making.

The global state of democracy

Any number of surveys on the state of democracy globally paint a picture of decline:

The *Democracy Report 2024: Democracy Winning and Losing at the Ballot Box* (Nord et al., 2024) points out that the level of democracy for the average person in 2023 has decreased to 1985 level and that the share of people living in autocratising has increased from 7% in 2003 to 35% in 2023[4].

The latest Economist Intelligence Unit (EIU [5], 2024) report shows a lack of improvement for 2023: "the global average index score [of democracy] fell to a new low of 5.23 (on a 0-10 scale)" in 2023. According to EIU's measure of democracy, almost half of the world's population live in a democracy of some sort (45.4%), but only 7.8% reside in a "full democracy" (scores above 8.00). Substantially more than one-third of the world's population live under authoritarian rule (39.4%) (The Economist Group, 2024, p3). Western Europe is the only region that showed an increase in scores to pre-pandemic levels. However, despite scoring highest of any region in the world, many citizens feel dissatisfied with the state of politics.

Public perceptions of democracy

Data from the Perceptions of Democracy Survey (PODS) reveal that that citizens are generally much more sceptical than experts about the status of democracy and that self-identified minorities, women, and low-income groups are more doubtful about institutional performance than the general populace.

According to the Democracy Perceptions Index (2024), a global survey (53 countries) about attitude towards democracy, 85% of those surveyed consider democracy important, however, only 58% are satisfied with how democracy works in their country. One of the major concerns was the perception that government action preferenced the interests of a minority of people, a perception also found in the Ipsos Knowledge Panel report (2024). Another takeaway from that report is that people tend to be more satisfied with how democracy works on a local level and are more likely to feel they have influence on decision making than at more remote levels, such as national or supranational level.

The Pew Research Center's (2024) analysis of public opinion of democracy and political representation found that while representative democracy was the most favoured form of governance, a sizeable percentage of respondents (26%) considered

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[4] However, regional differences were observed: while democracy is declining in Eastern Europe and South and Central Asia, Latin America and the Caribbean show increasing democracy levels increase, and large countries are more democratic than smaller ones.

[5] The Economist Intelligence Unit's Democracy Index provides a snapshot of the state of democracy in 165 independent states and two territories. This covers almost the entire population of the world and the vast majority of the world's states (microstates are excluded).

a system with leadership able to make decisions without interference from parliament or the courts an acceptable form of government.

One important takeaway from the report is that the economic situation seems to impact strongly on respondents' view of democracy: In every country surveyed, those who view the economic situation positively are much more likely to also be content with how democracy is working.

Conclusions

From a theoretical perspective, MLG seems well placed to address each of the democratic elements by providing citizens and civil society organisations access to the policy process. However, research into voter behaviour found that citizens in the UK who after having been affected by austerity measures had switched their support to UKIP and voted for Brexit did so out of a feeling of anger, alienation and powerlessness 'with individuals reporting that they 'do not have a say in government policy', that their 'vote is unlikely to make a difference' and that 'public officials do not care' (Pabst, 2022, p. 70). Similar results have been demonstrated for Alternative Für Deutschland (AFD) voters in the eastern German states (Brinkmann & Reuban, 2017; Decker et al., 2023), illustrating the findings in the various reports on the health of democracy.

According to Battin (2023, p. 374) 'The disaffection of various publics with formal systems of politics and political representation, as demonstrated in falling voter turnout, volatile electoral results, declining party affiliation and membership, and condemnatory responses in surveys, is now widespread.' The disaffection is also noted in the OECD's 2023 regional outlook report, outlining that regional inequalities, increasing in a number of locations, can lead to high levels of distrust in government which in turn 'give rise to growing discontent and disengagement, strain social cohesion and undermine democracy over time' (OECD, 2023, p. 118).

MLG has been a staple in the OECD's toolbox of decentralisation because, according to the organisation, research has shown that MLG systems can improve efficiency, and contribute to democratisation. Failures can be attributed to inadequate design and implementation (OECD, 2019, p. 3) and therefore, one of the recommendations to address the inequalities in regional development and the loss of trust in government is to improve the quality of MLG systems 'e.g. by clarifying the responsibilities assigned to subnational governments and delivering policies and services at the "right" scales' (OECD, 2023, p. 118).

There is evidence both in the literature[6] and borne out in the case studies examined for the project this article is based on that MLG can and does if conceptualised appropriately, resourced adequately, and implemented well, involve citizens in decision-making, giving them a voice on a local level, and by extension can have a positive impact on trust in government and democracy.

However, on a systemic level, the democratic values of MLG – that is stakeholder involvement, accountability, and systemic reflexivity (as in continuous improvement) – do not necessarily eventuate as outcome. Stakeholder involvement does not guarantee influence in decision-making processes as some stakeholders voices may be

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[6] See for instance OECD (2019).

given more weight than others, in particular in contexts that require expert involvement and advice; decisions may be influenced by the need to balance competing demands so they may be depoliticised, as noted earlier, the multiplicity of actors may lead to opacity and loss of accountability and democratic values may be subsumed into the need for effective and efficient policy (Esmark, 2020).

Returning to the issue of democracy-fatigue, the above assessment points to the possibility of MLG to address the democratic deficit at a local level if insights from case studies are used to design appropriate approaches to new issues (Aiello et al.,2019) but it is doubtful that this can address the broader systemic problem of democracy fatigue and decline.

However, this does not mean applying MLG approaches to policy problems is futile – adding to empirical and theoretical knowledge on governance can add to policy-makers' understanding and help identify 'options for strategic action' (Benz, 2009, p. 44).

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