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# Declaration

I, Katharina Koschnick declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Date.....

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Success and happiness are only real when they are shared.

Katharina Koschnick

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## **Abstract**

To which extent are NGO's able to influence immigration and asylum policies in Norway? As important actors in Norway's immigration and asylum politics, NGO's had huge interests in a new white paper (white paper 27, "Children on the run") that aimed to improve living situations of child asylum seekers in Norway, and thus used their resources intensively for lobbying politicians. This research paper employed a case study that analyzed NGO's *potential* to influence governmental policies versus NGO's *actual* influence on the contents of the white paper 27. Dür's (2008) four-category framework on NGO influence was used to analyze NGO's potential for influence and according to it, the NGO's had a high potential to influence governmental policies. However, this thesis found that this potential was not fulfilled in the case of white paper 27. Through a document content analysis and interviews with key organizations, this thesis discovered that NGO's were only able to influence practices and regulations concerning child asylum seekers, but they were not able to influence actual asylum policies.

# Table of contents

1	Introduction.....	1
1.1	Background .....	3
1.2	Definitions.....	6
2	Literature review .....	7
2.1	NGO's in international politics .....	7
2.2	Degree of conflict, structural conditions of influence and type of influence.....	9
2.3	Definitions and measurements of influence .....	10
2.3.1	The definition used in this thesis .....	12
3	Theoretical framework.....	13
3.1	Dür's four-category framework .....	13
3.1.1	Interest group resources.....	13
3.1.2	Political institutions .....	14
3.1.3	Issue characteristics .....	14
3.1.4	Interest group strategies.....	14
4	Methodology .....	17
4.1	Qualitative method and case study method.....	17
4.2	The data collection .....	18
4.3	Interviews .....	18
4.3.1	NOAS .....	19
4.3.2	Save the Children Norway.....	20
4.3.3	Norwegian People's Aid.....	21
4.3.4	The Norwegian Centre against Racism .....	21
4.3.5	Interviews with the Labour party, the Socialist-left party and the Ministry of justice and public security.....	22
4.4	Documents as sources of data in qualitative research and document content analysis..	22
4.5	Limitations .....	23
5	Background for case study.....	25
5.1	Actors in asylum policies in Norway .....	25
5.2	What is a Stortingsmelding (White paper)? .....	27
5.3	The process of the White paper 27.....	28

- 6 Analysis of the case study “white paper 27” ..... 31
  - 6.1 Dür’s four-category analysis: NGO’s potential for influence ..... 31
    - 6.1.1 Conclusion on Dür’s four-category analysis ..... 34
  - 6.2 Analysis of NGO’s actual influence on the white paper 27 ..... 35
    - 6.2.1 Document content analysis: White paper 27 versus the NGO-report ..... 35
    - 6.2.2 Interviews ..... 44
    - 6.2.3 Conclusion on NGO’s actual influence on the white paper 27 ..... 49
  - 6.3 Conclusion on the case study 27: NGO’s potential versus NGO’s actual influence ..... 51
- 7 Discussion ..... 53
- 8 Conclusion ..... 55
- 9 References ..... 56
- 10 Appendix ..... 60

# 1 Introduction

In October 2010 commented the previous minister of the ministry of justice and public security, Knut Storberget, on Norway's immigration and asylum policies regarding children, with the words "one to three years of a child's life is an ocean of time" (*ReddBarna et al. 2011/2012:29*). This statement refers to the long waiting time of children that seek asylum in Norway and was mentioned when Knut Storberget argued that a new white paper should massively improve the situation of child asylum seekers in Norway and should become one of the best ones in Europe. Storberget's promise evoked high expectation of actors working with Norway's asylum policy, especially those of NGO's. Norwegian NGO's have been working intensively for improvements in Norway's asylum and immigration policies regarding children in the last past years. Especially since more restrictive asylum regulations came into force in 2010, criticized NGO's that also children are affected by these restrictive regulations (*ReddBarna et al. 2011/2012:2; Skybak 2013*). Moreover, Norway has been criticized by the United Nations for an asylum policy that does not act for the best of the child, but considers immigration regulations as more important in many cases (*criticism UNHCR 2012*). Thus, NGO's had huge interests in a new white paper that aimed to improve the living situations of child asylum seekers. Therefore, NGO's were intensively lobbying the government and took part as contributors in the process of the white paper 27, "Children on the run". NGO's also published their own report, which discusses NGO's suggestions on the issue of child asylum seekers.

This paper aims to analyze the role of NGO's in Norway's asylum and immigration policy field, especially to which extent NGO's have influenced the white paper 27 "Children on the run". Since immigration and asylum policies are complicated issues in Norwegian politics where also the government diverges, the white paper 27 became a much-debated issue (*Løkeland-Stai & Halvorsen 2012*). Furthermore, the issue of child asylum seekers is complicated in itself, since child asylum seekers' applications shall be treated as applications of children and not of adults and thereby demands special treatment. The presence of NGO's during the process of the making of the white paper 27 was enormous. They were not only lobbying from outside, but also actively through meetings with the ministry of justice and public security and parliamentarians. Given that NGO's had a huge interest in the white paper

27 and used their resources to a high extent, the white paper 27 is a relevant case that represents NGO's work on asylum policies in Norway.

A case study will be employed in order to get the best possible picture of the white paper-process. This research project is a qualitative research project, which employs interviews and documents as data. Dür's (2008) four-category framework, that distinguishes four broad clusters of determinants on NGO-influence, will be used to analyze NGO's potential to influence governmental policies in Norway. Through a case study on the white paper 27, this paper tries to understand and analyze to which extent NGO's are able to influence asylum policies in Norway. The following questions will be answered in this research project:

- Did NGO's influence the white paper 27 and if yes how?
- Did Dür's (2008) framework predict correctly the influence of NGO's in this case?

According to Dür's (2008) four-category framework, NGO's had a high *potential* to influence governmental policies, i.e. the contents of the white paper 27. This is because the national NGO's that have been analyzed fulfilled Dür's criteria fairly well, as they were rich in interest group resources, have access to political institutions, are able to create attention for certain issues and follow their own strategies. However, the analysis of the NGO's *actual* influence shows a different picture. This paper conducted a document content analysis, which compared the content of the white paper 27 to the NGO-report in terms of NGO-suggestions that are included in the white paper 27, as well as an analysis of the different parties' perceptions, based on interviews with representatives of the NGO's and two of three governing political parties, namely the Labour party and the Socialist-left party. The document content analysis shows that NGO-suggestions, which refer to changes in practices and regulations, are to some extent included. However, NGO-suggestions, that require changes in asylum policies, are not considered to any extent. Moreover, the analysis of the different parties' perceptions on how much NGO's were able to influence the white paper support this result. This means that Dür's (2008) framework did not predict the NGO's influence correctly in this case, and that NGO's were not able to influence the white paper 27 to a high extent.

This paper is built up in the following way. Chapter two discusses the relevant literature on NGO-influence and chapter three introduces Dür's (2008) four-category framework that will analyze NGO's potential on influence governmental policies. In chapter four, methodological choices and the data used in this study will be explained. In chapter five, background information for the case study - the white paper 27 - will be given. In chapter six, the NGO's

influence on white paper 27 will be analyzed. First, it will be analyzed what *potential* the NGO's had to influence the white paper according to Dür's (2008) four-category framework. Thereafter, the NGO's *actual* influence on the white paper will be analyzed. This is done through a document content analysis and through an analysis of the different parties' perceptions, which is based on interviews. The translations of the Norwegian citations that are being used in the document content analysis have been translated from Norwegian to English by me. Finally in chapter 6, the results of the NGO's potential to influence the white paper 27 are compared to the results of their actual influence on the white paper. These results will be discussed further in chapter seven. In the end, chapter eight concludes on this research paper.

## **1.1 Background**

### **The issue of immigration and asylum seekers**

The last half of the 20<sup>th</sup> century transformed Western Europe into a continent of immigration and gave rise to the question of how to deal with huge amounts of refugees fleeing from the south to the north. The asylum problem that European states deal with today demands development of public policies regarding immigration and asylum (Lavenex & Uçarer 2002).

Norway has developed a Norwegian refugee system with common standards for the protection of refugees in Norway. Being part of the international refugee regime, Norway has to follow the norms and rules of the international refugee law and human rights law. The international system of refugee protection is founded on the Geneva Convention 1951, which relates to the status of refugees (*The Refugee Convention 1951*). The Geneva Convention was initially limited to the protection of European refugees after the Second World War, but the 1967 Convention removed these geographical and time limits. With the 1967 Convention coming into force, the protection of refugees became universally accepted and executed. The most important article of the 1967 Protocol is the non-refoulement principle, which is defined in article 33 in the international refugee law (*1967 Protocol*). This key principle forbids the rendering a true victim of persecution to their persecutor, which means that states are not allowed to return a refugee to a country where he or she would face the risk of persecution.

However, the Norwegian state has been criticized for not acting according to the international refugee law. Refugee rights/Asylum rights non-governmental organizations in particular

criticize the Norwegian state for a refugee system that focuses more on security concerns and less on human rights, especially in reference to children (Austenå 2013; Mensner 2013; Skybak 2013; Steen 2013). One of the core problems of Norway's asylum and immigration politics is to focus on the human rights aspects concerning child asylum seekers, and at the same time to follow consequent and holistic asylum and immigration politics.

### **Why is the topic relevant in the field of International Relations?**

Joachim and Locher write, "International relations today are hard to imagine without non-governmental organizations. They are engaged at both the international as well as the regional level, mobilizing support for their various causes among policy-makers (Joachim & Locher 2009:171). Moreover, in the discussion of refugee policies it can be argued, that the state is both the cause and the solution of the asylum problem (Lavenex 2001). Following this argument, the issue of asylum seekers is highly relevant in international relations. Refugees are defined as individuals who have been violated in their basic human rights and have lost the protection of their home country, which makes the state the cause (Zolberg et al. 1989). On the other hand, the loss of protection involves the international community, more precisely another state that by granting asylum warrants the protection of human rights again (Lavenex 2001). The field of asylum policies is situated between two fundamental principles of the modern nation state system. On the one hand, there is the right of the state to control the entry and stay of foreigners on its territory, which is the state sovereignty. On the other hand, the state tries to preserve the universe human rights of seeking asylum, which apply to every human being (Lavenex 2001). These two principles of a state (sovereignty and human rights) influence and form its asylum policies.

Moreover, although the state defines its asylum law and is responsible for executing it, other actors try to influence it. Actors like non-state organizations are increasing and are not just "pressure groups" or "lobby groups" anymore (Paul 2000). NGO's have become important organizations that promote new policies. Especially those that deal with human rights and social justice have important roles in today's societies and command great legitimacy as well (Paul 2000). In the field of International Relations scholars often speak of NGO's as non-state actors, because this term explains NGO's emerging influence in the international policy area. An area where in the past states had significant roles, do NGO's now have few formal powers over international decision-making. NGO's use their role in influencing international events,

to pursue their ongoing domestic efforts to affect their own government's activities (Krut 1997). Krut argues, NGO's have gained great responsibility in influencing global governance, however their effectiveness is limited by factors still beyond their control (1997). In summary, NGO's have become an enormous role in the field of international relations.

There are many ways for NGO's to influence global governance and new technologies and communication tools give them great opportunities to do so. A common strategy of NGO's working for international objectives is also to work together with other NGO's and build up relationships, which has been the case when Norwegian NGO's worked together for lobbying the white paper 27. In doing so, they often become stronger when pushing an international problem into domestic political agendas. Many local NGO's act internationally and locally as well to make their topics heard and to try to achieve the best outcomes. However the success of local NGO's varies from country to country and is dependent on many factors.

### **Asylum-seekers to Norway in numbers**

In 2011, 9053 asylum seekers came to Norway, 2359 of these were under 18 years and so called child asylum seekers. 858 children were minor children who came without parents or other family members. The numbers of asylum seekers has swung between the periods from 2005 to 2011. While the total number of asylum seekers in 2005 was about 5400, the number increased in 2011 to 9053 asylum seekers. During this period the number varied extremely. While in 2007/2008 the number of asylum seekers increased with 120 percent, has the number decreased with 70 percent in 2010 (St.meld.nr. 27 2011/2012:8).

## **1.2 Definitions**

### **Refugees and asylum seekers**

According to the international law a refugee is defined as “a person who is forced to flee his or her home for any reason for which the individual is not responsible, be it persecution, public disorder, civil war, famine, earthquake or environmental degradation” (Chimni 2000:1). Refugees can be defined in three ways; legally, politically and sociologically. Politically, the UN Protocol of 1967 defines refugees as “A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (*1967 Protocol*). This definition clarifies who is considered as a refugee and defines who might be granted asylum. This definition applies to children refugees as well. However, child asylum seekers have two political identities, the identity of asylum seekers and furthermore the identity of children. This means that states that signed the 1989 UN convention on children’s rights and the 1967 UN protocol on refugees, shall act according to both conventions when working with child asylum cases. Once refugees seek for asylum in another country they are considered as asylum seekers and will get through an asylum process. The asylum process can take a long time depending on the case and the country. Some asylum seekers receive asylum after some months, but some are waiting for years until a final decision is made regarding their asylum applications.

### **Non-governmental organizations**

NGO’s are legally constituted organizations that act independently from any form of government. NGO’s have increased enormously worldwide. People founded increasing numbers of these organizations as instruments to meet community needs, defend interests or promote and change policies (Paul 2000). In this paper NGO’s refer to organizations that are governmental independent, non-criminal and non-profit and that have an orientation on human rights, environmental or development work. Increasing numbers of NGO’s work in the field of human rights and try to push states to follow the international law on human rights.

## **2 Literature review**

### **2.1 NGO's in international politics**

In the literature, non-governmental organizations are considered as relevant contributors in the field of international politics. Many also speak of NGO's as the 'third sector' in politics, while the first is the public and the second is the private sector. The emerge of a EU immigration and asylum regime that makes states follow similar immigration and asylum politics, gave rise to various NGO's that seek to influence policy-making and implementation in this field. Scholars have analyzed NGO's contributions to global governance in different fields like environment, development and human rights in regards to their tactics, their impact on agenda-setting and their norms (Joachim & Locher 2009:3). For instance, Uçarer explains that

*“The literature on the third sector activity in the human rights field documents successes in policy output and effective strategies and persuasively argues that NGO's and other elements of civil society have been influential in developing international norms, especially in the field of human rights” (Uçarer 2009:121).*

Although, there has been done much research on NGO's, many scholars argue that little research has been done specifically on under which conditions NGO's achieve influence and how their influence is measured (Dür 2008a:1212). Scanning the literature, one finds that studies on these topics are scarce. Due to this scarcity, the studies, which will be presented, in the following sections are geographically dispersed and not directly comparable to Norwegian circumstances, which are studied in this thesis. However, as mentioned above the literature on NGO influence is limited.

#### **Lobbying in the EU**

Scholars agree on that there has been a huge growth in the European Union lobbying over the past two decades, not only at the EU level but also at national levels. Interest groups, including NGO's, have increased throughout the 1980s and 1990s and are seen as a complex system that is changing constantly (Coen & Richardson 2009:5). Coen and Richardson point out that interest groups have evolved interactions with institutions in the policy process, but

that there has been done little research on the interdependence of interest groups, bureaucrats and politicians (2009:5). Interest groups activity in the European policy can be found since the establishment of the EU. Interest groups have “established new organizations at all levels, building direct channels of contacts to supranational, as well as to national political actors, and seeking to become involved in the relevant national, transnational, and supranational networks of policy actors” (Coen & Richardson 2009:170). The EU’s complicated system of decision-making, provide interest groups with many access points through which to lobby EU authorities. Some scholars even see “in the EU system no more than a structured system of exchanges between interest groups and political institutions” (Greenwood 2011:22). Persson clearly argues that interest groups have great opportunities to influence policy in the EU:

*“The commission (EU) has regarded external advice as a way to improve the quality of policies: in exchange, interest groups get an opportunity to influence policy and to defend and promote the interest of their members” (2009:143).*

In summary, the literature seems to point to that the EU provides interest groups great access points to influence EU policies and that interest groups can be successful in lobbying policies. However, the question of to which extent interest groups actually influence EU policies, is difficult to answer (Coen & Richardson 2009:178). Scholars seem to agree on that it is very difficult to prove the influence that lobby organizations have on policy making, not only in the EU but also in individual states (Coen & Richardson 2009:178; Michalowitz 2007).

### **NGO’s influencing public policy in Africa**

A study conducted in Africa analyzed under which organizational conditions national NGO’s in East and Southern Africa have been able to influence public policies in the field of development and agriculture. The findings of the study show that NGO’s are most likely to be effective in influencing public policy if they represent several key characteristics, which are: an homogenous membership, a federated structure, a focused program, informal ties with political leaders, and a domestic funding base (Bratton 1990:87). From his findings Bratton concludes that “under certain conditions, organizations representing the rural poor are able to attain a modicum of policy influence and to alter the allocation of public resources” (1990:114). Hence, national NGO’s in East and South Africa have a better potential to influence public policy if they fulfill the conditions mentioned above. Yet, fulfilling these conditions is no guarantee for NGO success in influencing public policies in East and South

Africa. Bratton points out that “some advocacy organizations will always be blocked by unresponsive governments and others may be successful using other strategies” (1990:115).

## **2.2 Degree of conflict, structural conditions of influence and type of influence**

Michalowitz offers a framework for assessing interest group influence. She divided interest group influence into a three-factor model. Her model is based on literature on interest intermediation in the EU and the US. According to Michalowitz, in order to identify interest group influence, the degree of conflict, structural conditions of influence and type of influence, need to be examined (2007:561). The first factor, the degree of conflict, is an important point in the analysis of NGO-influence. According to Michalowitz there can be conflicts between NGO’s and decision makers, but also conflicts between NGO’s themselves. She argues that the degree of influence differs according to the degree of conflict between the different actors. A degree of conflict between NGO’s themselves means if similar interest are shared (low degree of conflict) or if NGO’s have to fight against opposed interests (high degree of conflict). The same applies to the degree of conflict between NGO’s and decision-makers. Michalowitz argues, “lobbyists tend to mainly support those politicians who were already supportive of their view rather than lobbying opposing congressmen as well” (2007:135). She furthermore argues that in general a large degree of conflict is necessary for policy change, however in some cases NGO’s may avoid conflict but still gain influence, for example when they manage to lance an issue at the right time of an attention cycle.

The second factor in Michalowitz model is structural condition of influence. She explains that the structural conditions of actors form the degree of influence. According to her, accountability and transparency of decisions are a part of structural conditions of a governmental actor. She furthermore argues that the degree of influence granting, from governmental actors regarding NGO’s, depends on the decision-making procedure. Her next argument shows the relevance of transparency regarding NGO-influence on policy change. She writes “In untransparent decision making processes or in processes where constituency interests do not have to be taken into account, interest groups lack a strong negotiation position” (Michalowitz 2007:136). With this statement she points out the importance of transparency in decision-making processes for NGO’s in the field of policy change.

Type of influence forms the third factor in Michalowitz's model of NGO-influence. According to her the type of influence already shows if a NGO is likely to achieve influence or not. If the type of influence, that NGO's try to achieve, is related to a core of a legislative act (directional influence), it is clear that the degree of conflict will be higher than if NGO's try to achieve technical changes. This kind of influence is considered as 'technical influence' and implies that NGO's seek to achieve a mind change of decision-makers (Michalowitz 2007:136). However, this mind change is not considered as a main driver for the policy outcome.

Michalowitz three-factor model can serve as an analytical framework for an analysis of the conditions of NGO-influence. Her three-factor model will not be used for analyzing the data of this research project, however it is important to mention her three-factor model, because it shows many similarities to Dür's four-category framework that will be used to analyze the data with for this project. For instance, Michalowitz considers transparency of institutions as essential for NGO's to get access to the decision-making process in order to attain potential influence. Dür also considers transparency to political institutions as very important for potential NGO-influence. Furthermore, Michalowitz talks about the type of influence, which is very similar to Dür's discussion on issue characteristics.

## **2.3 Definitions and measurements of influence**

When talking about NGO influence it is important to mention that "no systematic empirical evidence has been gathered so far on when and under what conditions, interest groups actually exert influence" (Uçarer 2009:123). Scholars have avoided studying interest group influence in depth; according to Mahoney (2007:35), because of the complexity to analyze the concept. When scanning the literature, scholars agree on that interest groups have become important actors in international and national politics and are considered as relevant contributors. However, the literature does not present much on the questions of to which extent interest groups are able to influence governmental policies in general, and refers to that it is difficult to measure and define NGO-influence clearly. Mahoney even argues, "Group scholars have not, by and large, studied lobbying influence. Instead they have avoided it at all costs, troubling as it is to measure the concept quantitatively" (2007:35). The disagreements of

defining NGO-influence, makes it even more important to define the term influence for this research paper.

Often scholars speak of successful NGO-influence, if NGO's achieve the fulfillment of their interests or in other words, their end goals (Michalowitz 2007:132). However, this does not always apply. Michalowitz argues "Even if outcomes reflect a shift in the initial positions of decision-makers, interest groups and their activities are not necessarily the driving forces for this shift" (2007:133). In other words, even if NGO's would achieve their end goals, this does not necessarily mean that they influenced the decision made by e.g. the government, as the result (decision) may not be linkable to lobbying activities. Dür however, argues that even if a NGO does not succeed in moving an issue in the preferred direction, this does not necessarily mean that the NGO lacked influence (2008b:561). The empirical literature on interest group influence in the European Union shows that most scholars agree on that three obstacles are relevant when studying interest group influence: The difficulty of defining influence, the need to consider several pathways to influence, and the problem of measuring influence (Dür 2008a:1220).

Another definition of influence may be derived from Max Weber's definition of power. He defines power as the ability of an actor to force another actor, even against his or her own will, to pursue a certain course of action (Weber 1980). Influence can be understood as a weaker form of power. Influence can be also defined as "an actor's ability to shape a decision in line with the preferences, or, in other words, a causal relation between the preferences of an actor regarding an outcome and the outcome itself" (Michalowitz 2007:134). Mahoney (2007:44) however, argues that "lobbying success does not prove influence" and furthermore explains that interest group influence needs to be studied over a long period of time. The difficulties in defining the term influence itself, hence shows that measuring NGO-influence is difficult, however as Dür (2008a) argues not impossible.

Mahoney (2007) has conducted a quantitative study on lobbying success of interest groups in the US and the EU. She argues that lobbying success depends on the institutional structure of the political system within which the advocates are operation, the characteristics of the issue at hand, and also the characteristics of the interest group itself and their lobbying strategy (Mahoney 2007:35). Based on these factors, she tested interest group success by conducting interviews with advocates in the US and the EU. In her paper, she argues that interest group success can be measured if their stated goals have been achieved or not. According to her, interest group success can be measured on an ordinal scale of: "attained none of their

objective, attained some of their objective, fully attained their goal” (Mahoney 2007:37). However, she points out that social scientists are never able to measure if interest group goals have been achieved completely or to identify every factor of influence (Mahoney 2007:38). The study that she had conducted followed a simple method that she describes as following: “Drawing a random sample of issues, interviewing those involved on all sides, asking them what they were trying to make happen, and then seeing what actually occurred “(Mahoney 2007:38).

Her results show that issue characteristics played a more important role than the institutional structure of the political system. Furthermore, she writes that interests groups “are less likely to be successful in their lobbying goals if they are engaged on a high conflictual issue than if they are active on an issue where they are up against no opposition” (Mahoney 2007:40). By comparing interest group success in the US and the EU, her findings show that the EU system is more open for compromises and thus allows interest groups to attain their goals. Moreover, the EU has a high capacity to include competing interests into policy compromises and thus gives interest groups the possibility to achieve their goals (Mahoney 2007:54). Mahoney (2007:54) also points out that many interest groups that lobby for the same interest are more likely to achieve the goals than if only one interest group lobbies.

### **2.3.1 The definition used in this thesis**

As discussed in the section above, different approaches can be found on how NGO/interest group-influence can be defined and measured. This research project will refer to Michalowitz’s (2007) definition, which defines successful NGO-influence in terms of if NGO’s end goals are achieved. The case study of this paper will analyze if NGO-suggestions, as expressed in the alternative NGO-report, which can be defined as their end goals, are successfully included in the white paper 27.

Having discussed some of the literature on how to define NGO-influence, different approaches how to measure it as well as under which conditions NGO’s are able to influence governmental policies, the analysis of this paper on the chosen Norwegian NGO’s, is based on the theoretical framework of Dür. His theoretical framework analyzes NGO’s potential to influence policies in four different categories; interest group resources, political institutions, issue characteristic and interest group strategies. Dür’s framework will be introduced in the following chapter.

## **3 Theoretical framework**

### **3.1 Dür's four-category framework**

Dür offers a framework, which analyzes interest groups influence in the European Union. According to him, there are four categories of determinants that affect NGO influence. These categories are, interest group resources, political institutions, issue characteristics and interest group strategies (Dür 2008a:1213).

#### **3.1.1 Interest group resources**

The first category, interest group resources, refers to many different aspects, like money, legitimacy, political support, knowledge, expertise and information (Dür 2008a:1214). He points out that interest groups may have knowledge, expertise and information that can assist the work of policy-makers. In practice, this would mean that interest groups may have information on market conditions, probable policy results, problems of implementation, and the support a specific policy will receive, which would be of high importance for politicians to consider when adopting a policy. Not all interest groups have the same amount of resources, which according to Dür, leads to the assumption that some NGO's are more influential than others.

But which factors affect the resources of NGO's? Dür mentions four different structural characteristics that have an effect on NGO's resources, namely size of an organization, type of its membership, internal organization and the degree of geographical concentration of the membership. According to him, "the larger the pool of members, the more political legitimacy a group may be able to claim" (2008a:1214). Also the type of its membership plays a role, because groups composed of firms may be well equipped with monetary resources while groups composed of individuals may be better in mobilizing personal resources. The factor of internal organization explains that organizations with hierarchical structures may be better at providing information than organizations that deal with internal conflict. The last factor that affects organization's resources is the degree of geographical concentration of the memberships, which describes that geographical concentrated interests may find it easier to overcome collective action problems and provide public goods. Furthermore, may geographical collective interests have the advantage of being represented in several electoral districts at the same time and may also be able to pose more information and convince more voters.

### **3.1.2 Political institutions**

The second category that affects the degree of NGO-influence on policies is political institutions. Political institutions mainly decide NGO-access to policy-making processes (Dür 2008a:1215). Moreover, the transparency of political institutions and the decision-making process is important. Dür argues that concerning lobbying the European Union, NGO's have difficulties to create efficient lobbying strategies due to the complexities created by the divisions of power by the EU. On the other side, some authors argue that the multi-level system of the EU strengthen NGO's lobbying strategies, simply because of the increasing number of potential access points. In summary, Dür points out that political institutions is an relevant determinant of NGO influence, however one should consider that institutions themselves are partly expressions of past NGO lobbying.

### **3.1.3 Issue characteristics**

Issue characteristics forms the third determinant of Dür's four determinants analysis. Under issue characteristics he mentions policy type, degree of technicality and public salience, which have an effect on NGO-influence as well. Policy type can be separated into regulatory, distributive or redistributive kind of issues. Where NGO's that work with issues in distributive politics tend to be more successful than NGO's that work within regulatory kind of issues. NGO-influence concerning redistributive policies is considered as quite small, because such policies can hardly be measured in costs and benefits. The characteristic of technicality describes that NGO-lobbying is likely to be more influential on technical issues than on issues of 'high politics', as Dür puts it. This may be explained by the fact that politicians are mostly dependent on NGO's information's than on other things. Lastly, NGO-influence may be shaped by the public salience of an issue. Dür mentions that a „group may try to increase the salience of an issue by campaigning to advance its interests” (Dür 2008a:1218) In summary, the higher the salience of a certain issue, the more likely the NGO-influence is.

### **3.1.4 Interest group strategies**

The last category in Dür's framework is called interest group strategies. It is highly important for NGO's to choose the right strategy for their objectives. Dür argues, “Only if a group manages to choose the ideal strategy among these many options will it be able to maximize its influence on policy outcomes” (Dür 2008a:1218). If groups fail to pick the most effective lobbying strategy, then this will most likely result in not achieving influence on policy outcomes. An effective NGO-strategy will employ its resources effectively given the

opportunities provided by the institutional structure, the characteristics of the issue, the preferences they advocate, and their past strategies. Therefore it is relevant that NGO's analyze and form the three first categories as interest group resources, political institutions and issue characteristics, before defining their most effective strategies. According to Dür groups may not always follow strategies with the purpose of shaping policies, but can also follow other strategies depending on their objectives.

Having introduced Dür's four-category framework that will be used in the case study in order to analyze NGO's potential to influence the white paper 27, the next chapter will introduce the methods used in this research project.



## **4 Methodology**

This chapter will explain how I collected my data and will introduce how I identified the required data. I will talk about the data collection, the choice of interviews and about the limitations of my research.

### **4.1 Qualitative method and case study method**

First of all, I chose qualitative research and I will include a case study. Case studies are relevant research methods in social science and there is a tendency to associate case studies with qualitative research (Bryman 2008:53). However, case studies are also used in quantitative research. I chose a case study for my research project, because of its potential to illustrate social phenomena. According to Yin „the distinctive need for case studies arises out of the desire to understand complex social phenomena” (2009:4). In my research project I study whether and to what extent NGO’s influence the government’s policies in Norway. By using a case study, which aims to analyze if and how NGO’s influenced the white paper “Stortingsmelding 27”, I have the possibility to study this complex phenomena deeply by limiting my focus on the case.

Case studies are useful when researchers study descriptive or explanatory questions (Yin 2012:5). Explanatory questions can be „How or why did something happen“ and apply to the case studies of my research project. I will study how NGO’s tried to influence the white paper 27. The NGO’s that will be studied are; Save the Children Norway, NOAS, the Norwegian People’s Aid and the Norwegian Centre against Racism. During the process of the case study, the researcher should follow the research question and keep it in mind all the time. My research question will examine to which extent NGO’s have influenced the white paper 27 and will discuss NGO influence on policies in Norway. Moreover, does a researcher often have some assumptions in mind about what he expects to find out (Yin 2012). However, a researcher needs to try to conduct data independently from his own assumptions and needs to try to decrease the risk of being biased.

## **4.2 The data collection**

According to Yin, collecting data in qualitative research means “dealing directly with a primary source of data, such as field observations or interviews” (2011:49). My data collection will be a combination of interviews and documents, which will help me analyzing my case study, the white paper 27. The topic of the research is decisive if a case study research is conducted alone or in combination with other methods (Yin 2011). My choice of combining a case study with primary sources of data is because my topic demands a study of a real-life phenomenon in depth, which will be covered with the case study concerning the white paper 27, and the need of gaining primary data, which will be covered with the interviews.

## **4.3 Interviews**

From the beginning of the preparation I chose the type of semi-structured interviews for my research project. Semi-structured interviews typically follow an interview guide that includes a list of questions that will be asked to every interviewee. However, the researcher has the opportunity to ask questions in addition and also to pick up on things said by the interviewees (Bryman 2008:438). This type of interview gives the researcher the advantage to be flexible in the interview and to get rich and detailed answers. „Qualitative interviewing tends to be flexible, responding to the direction in which interviewees take the interview and perhaps adjusting the emphases in the research as a result of significant issues that emerge in the course of the interviews“ (Bryman 2008:437). For this research project it was important to be aware of that this research topic required clear questions in the interview guide, but that the questions should not be too narrow in order to not close the access to additional information. Therefore, my interview guide contains clear questions and open questions and furthermore the interview guide allowed for additional information. Moreover, I tried to adapt my interview guide to each interviewee, which resulted in that I had two different interview guides, one for the NGO’s and one for the political informants.

First, I checked the documents, the white paper 27 and the NGO-report, in order to find out which NGO's have been working intensively with the topic children on the run. Additionally, I picked the organizations that focus intensively on asylum rights in Norway. Since the white paper 27 is a white paper, which discusses living situations of child asylum seekers and families in Norway, it was natural to choose the organizations Save the Children Norway and NOAS for my research project. These two NGO's work intensively with improving rights for asylum seekers in Norway. Also Norwegian People's Aid is working with asylum issues and one of their projects is to improve the guardian program for child asylum seekers. The guardian program is discussed in the white paper 27 and also in the NGO-report and thus Norwegian People's Aid was an important organization to interview as well. I decided to mainly focus on these organizations, because I planned to analyze their input on the white paper 27 intensively. Furthermore, I also interviewed the Norwegian Centre against Racism. I was aware of that this organization has not been working intensively with the white paper 27, but I wanted to include them as an additional informant. I also conducted interviews with the Labour party and the Socialist-left party, which will be introduced later in the thesis.

After choosing the NGO's that I wanted to interview, I contacted them and tried to find the person that was main responsible for the work with the white paper 27. The first interview took place with the general secretary of NOAS, Ann-Magrit Austenå. The second one with Lise Mensner, who is an advisor for integration and refugee issues and who is furthermore working with the guardian program for child asylum seekers at the Norwegian People's Aid. The third interview took place with Thale Skybak, who is an advisor for rights of child asylum seekers at Save the Children Norway and the fourth one with Rune Berglund Steen, the leader of the Norwegian Centre against Racism. All the interviews were long and intensive interviews that last more than one hour. The interviewees were very interested in my research project and were therefore very open in answering my questions. Furthermore, most of them agreed on that I could mention their names in my research paper. The political informant from the Socialist-left party wished to be kept anonymous and will therefore not be mentioned by name in this thesis. The following section will introduce the NGO's that I chose for this research project.

#### **4.3.1 NOAS**

The Norwegian Organisation for Asylum seekers (NOAS) was founded in 1984 and its major principles are solidarity with asylum seekers, knowledge about relevant issues as well as integrity and independency with their assessments. NOAS works with informing asylum

seekers about the asylum process and their rights, helping with asylum applications and to give legal assistance. Furthermore, works NOAS politically to promote for respect and legal rights of asylum seekers (NOAS 2013). The organization was one of the organizations that were invited to participate in the seminars concerning the white paper 27 at the ministry of justice and public security and took also part in the dialog meetings with the other NGO's. As an organization whose main work is to guide asylum seekers throughout the whole asylum process as well as the time before and after asylum is approved or rejected, the interest in a white paper that aims to improve the rights and situations of children seeking asylum, is enormously high. Therefore, NOAS participated intensively in the seminars with the ministry of justice and public security, contributed much to the common NGO-work (dialog meetings and alternative NGO-report) and used the channel media actively. At the seminars with the ministry of justice and public security NOAS was responsible to present the topic "Offers for children at reception centres" (Austenå 2013). The same topic did NOAS also present in the alternative NGO-report and a few other smaller topics.

#### **4.3.2 Save the Children Norway**

Save the Children Norway (Redd Barna) was founded in 1946 and is an organization that works politically for the rights of children, domestically and internationally. The organization's work is based on the UN-convention from 1989 on children rights and human rights. The organizations major principles are firstly, that every human life has the same value and secondly, that all children have the same rights. Moreover, does Save the Children see the best of the child, as the first priority of their work (Reddbarna 2013). Save the Children Norway is mainly working with that children that seek asylum in Norway get the same rights as Norwegian children. The organization is trying to improve living situations for child asylum seekers. One important part of Save the Children's work, is to strengthen the voice of children, which has also been part of the NGO-report. Save the Children claims that all children that seek asylum, no matter if they are part of a family or not, should be interviewed by UDI. Save the Children has often criticized UDI that children that a part of families are treated as a sort of 'small appendix' in asylum applications and that the best of the child is not enough considered (Skybak 2013). Moreover, Save the Children Norway was responsible for introducing the topic, unaccompanied minors and children that have been living in Norway for long with an undefined status, in the NGO-report. As the leading organization that organized the dialog meetings with the other NGO's, Save the Children was also responsible to write introduction and conclusion of the NGO-report.

### **4.3.3 Norwegian People's Aid**

The organization Norwegian People's Aid (Norsk Folkehjelp) was founded in 1939 and is an organization that works politically in Norway but also in developing countries. In Norway, the organization works in the field of refugee, asylum and integration as well as first aid and rescue services. The organization's main principle is solidarity in practise (Mensner 2013). As an organization that works in the field of asylum, refugee and integration, Norwegian People's Aid had huge interests in improving the situation of child asylum seekers in Norway. The organization took actively part in the dialog meetings with the other NGO's as well as in the seminars with the ministry of justice and public security. In the NGO-report Norwegian People's Aid was responsible to introduce the chapter that argues that all child asylum seekers have a need for an adult. Norwegian People's Aid has introduced a guardian program that aims to accompany unaccompanied child asylum seekers especially during the asylum application process, but also in the time after (Mensner 2013).

### **4.3.4 The Norwegian Centre against Racism**

The Norwegian Centre against Racism (Antirasistisk-senter) is an organization that works primary against discrimination and racism in Norway. The organization does information work, is arranging public debates, works politically as well as working with activities in the centre (*The Norwegian Centre against Racism* 2013). The Norwegian Centre against Racism has only begun to involve themselves more in the field of asylum policy in the last four years, and therefore they have not worked intensively with the white paper 27. However, the organization has taken part in one of the seminars with the ministry of justice and public security. Since they have only recently begun to work with asylum issues, they did not prepare a specific topic in the NGO-report. Rune Berglund Steen, the leader of the organization, explained that the organization has a more selective approach on the issues that they choose to work with in the field of asylum policy. Most of the asylum issues that the organization works with are connected to discrimination and are issues that other NGO's have not focused on extensively. The organization involved themselves much in the debate about the very difficult situation at reception centres for unaccompanied minors whose application has been rejected. Furthermore is the centre working for improvements for age assessment, for situations for unaccompanied minors in the age of 15 to 18 years, and also for children that have been in Norway for long with an undefined status (Steen 2013).

#### **4.3.5. Interviews with the Labour party, the Socialist-left party and the Ministry of justice and public security**

In order to also include the political side in my research project, I conducted interviews with Lise Christoffersen, who is a parliamentarian for the Labour party and with a political advisor from the Socialist-left party. The Labour party is in the majority in the government and is therefore an important and significant actor that has had the most influence on the white paper 27. The Labour party also governs the ministry of for justice and public security.

I decided to focus on interviews with parties that form the current government, because the government suggested making a new white paper about children on the run and is responsible for the making of the paper. Furthermore, it seemed useful to hear the opinion of the Labour party and the Socialist-left party about the white paper 27, because these parties have different positions regarding immigration and asylum policy in Norway. I chose not to include the third party in government, the Center party, because they have been considerably less present in the public debates about the white paper 27 compared to the two other parties. I also tried to get an interview with the general secretary of the ministry of justice and public security, Pål Lønseth. The aim was to hear from the ministry who was responsible for writing the white paper and who arranged seminars with the chosen NGO's, what kind of role NGO's played in the making of the white paper 27. However, it was not possible to interview Pål Lønseth regarding my research project, because he was not available for an interview. Instead of an interview, I received an official letter, which answers some of my most important questions. By receiving the answers from the ministry by email instead of an interview, it made it not possible for me to ask follow up questions and the ministry could think much about how to phrase their answers and what to answer to my questions before the ministry sent the email. The official letter from the ministry is included in the Appendix.

#### **4.4 Documents as sources of data in qualitative research and document content analysis**

In discussing different kind of documents in social science, documents can be distinguished between personal documents and official documents or in other words private and state documents. Four criteria seems to be important for assessing the quality of documents; authenticity, credibility, representativeness and meaning (Bryman 2008:516). Bryman argues

that the state provides researchers with great information and “is the source of a great deal of textual material of potential interest, such as Acts of Parliament and official reports” (2008:521). Furthermore, also documents made by organizations are seen as great sources. Bryman points out that “documents are windows onto social and organizational realities” (2008:526). However, some scholars are sceptical about the extent of reality of documents. Moreover, once documents are collected, the outcome of using documents as sources of data in qualitative research also depends on the interpretation skills of the researcher. A researcher needs to be aware of that documents are significant for what they were supposed to accomplish and who they are written for. The documents that will be analysed in this paper are a state document (white paper) and a document made by several organizations (NGO-report). I need to be aware of that the common NGO-report has been especially made for the purpose of influencing the ministry’s work on the white paper concerning children on the run. Furthermore, Bryman argues “if we want to treat documents as telling us something about an underlying reality, we are likely to need to employ other sources of data regarding that reality and the context within which the documents are produced” (2008:527). Therefore, I will not only use documents as primary sources of data, but also interviews, in order to get a realistic picture of the case.

The document analysis of the NGO-report and the white paper will be based on content analysis. A content analysis can be defined as “an approach to the analysis of documents and texts that seek to quantify content in terms of predetermined categories and in a systematic and replicable manner” (Bryman 2008:275). The document analysis of this paper will compare the white paper 27 and the NGO-report in terms of similar suggestions that are mentioned in the NGO-report and included in the white paper 27. The aim is to analyse the text of the two documents in order to find out to which extent NGO-suggestions are included in the white paper 27.

## **4.5 Limitations**

Yin argues, „Each kind of data collection also has its limitations“ (Yin 2011:131). There can be limitations found in my data collection as well. Regarding interviewing or observing in qualitative research, Yin points out that if one conducts only interviews or observation and the main interest is to find out about how the participants behaved in a certain event, then the data

will be limited to the interaction with the participants and their own beliefs, behaviors and perceptions (Yin 2011:132). My interviews aim to find out how NGO's tried to influence a certain event and to analyse their perceptions, which can be understood as how the NGO's, or the employees of the NGO's behaved in a certain event. Hence, my data collection might be limited to their beliefs, behaviours and perceptions. In order to decrease the possible limitations of this research paper, I also conducted interviews with a politician from the Labour party and the Socialist-left party, and I received an official letter from the ministry of justice and public security. It could have been a possibility to interview all the parties in the Norwegian parliament, but due to time I chose to interview only the Labour party and the Socialist-left party.

Conducting interviews with politicians or employees of the ministry of justice and public security can have its own limitations. It might be problematic to get information from them, concerning the white paper 27, because I am unsure about how much they are allowed to tell me at the interviews. Most likely there will be some restrictions for them.

Another limitation could be, that it may be difficult to generalize from a case study, which means for this research that I cannot generalize from the case study of the white paper 27, but only make assumptions. The issue of generalization is "whether the findings from a study based on a sample can be said to be of relevance beyond the sample and context of the research itself" (Ritchie & Lewis 2003:263). For this research project, the issue of generalization is if the NGO-influence on the white paper 27 represents NGO-influence in general on asylum policies in Norway. Although, it can be argued that the case of the white paper 27 is representative for the work of NGO's on asylum policies, this does not mean that the NGO-influence on asylum policies can be generalized. However, the research on the case study white paper 27 may represent a tendency of how much influence NGO's may be able to have on asylum policies in Norway and can led to assumptions.

Having introduced the methodology of this paper, the next chapter will introduce relevant background information for the cases study. The following chapter will clarify the political landscape in Norway in where Norwegian NGO's lobby for more liberal asylum policies, give a definition of what a white paper is and introduce the process of the white paper 27.

## **5 Background for case study**

### **5.1 Actors in asylum policies in Norway**

Asylum and immigration policies in Norway are highly controversial. In the field of asylum and immigration policies different actors can be found, who hold unequal division of power. The Norwegian parliament, as the first stage of power, is able to change asylum policies in the Norwegian law. However, it is the government that outlines policies. Three parties represent the current Norwegian government, which is a majority government; the Labour Party (AP), the Socialist-Left Party (SV) and the Centre Party (SP). The minority of the government represented by the Socialist-Left Party has a more liberal and humanitarian approach to asylum and immigration policies than the Labour party, which is in the majority in the government. The Centre Party does not represent a clear position on immigration and asylum policies (Lunde-Danbolt 2010:11).

Four parties represent the opposition in the parliament; the Conservative Party (H), the Christian-Democratic Party (Krf), the Liberal Party (V) and the Progress Party (Frp). The majority of the opposition stands for rather restrictive immigration and asylum policies represented by the Conservative Party and the Progress Party. The minority represented by the Liberal Party and the Christian-Democratic Party follow a more liberal approach. Although, the different parties represent in general either restrictive or liberal approaches on immigration and asylum policies, there can be found slightly divergences on different issues in this field.

The field of immigration and asylum policy is complicated in itself and many other actors are involved who lobby for their interests. Non-governmental organizations represent a big group of actors who lobby for a more liberal and humanitarian approach to asylum policies. Furthermore, the media is also a channel of influence and represents a big sector with newspapers, television and Internet. NGO's and the media work often together even though they may not share the same interests. NGO's use the media constantly to make their views public and also to lobby politicians through the channel of the media.

Chimni argues that NGO's play a significant role in dealing with the global refugee problem in the world today. Moreover are "NGO's expected to play different roles in meeting the assistance and protection needs of refugees in the contemporary world" (2000:215).

Norwegian NGO's are regularly criticizing the Norwegian government for too restrictive and anti-humanitarian asylum policies and refer to that the Norwegian government does not follow the UN-convention concerning asylum seeker rights (*UNHCR* 2013) . In fact, has the UN downgraded Norway when it comes to the practise of human rights (Chauhan. 2013).

Especially in the field of immigration and asylum lots of Norwegian NGO's involve themselves and criticize the current practises in Norway. Eight different NGO's were invited to seminars with the ministry of justice and public security to present their views and debate about the different issues that the ministry planned to include in the white paper 27. These NGO's (SEIF, Save the Children, Press Save the Children, LOSU, NOAS, Amnesty, Red Cross, Norwegian Centre against Racism and Norwegian People's Aid) lobby for a more humanitarian approach to asylum policies in Norway and argue that there should be a stronger focus on human rights (ReddBarna et al. 2011/2012:2).

Although the Norwegian state has bound itself to follow the UN-convention on human rights and children rights concerning asylum seekers, does the Norwegian state have a primary interest in protecting their sovereignty and is therefore concerned about security issues. As Mole and Meredith write "A key attribute of national sovereignty is the rights of states to admit or exclude aliens from their territory. Only if exclusion from their territory or from protection would involve a breach of some other provision of international law are states bound to admit aliens" (2010:10). The Norwegian state is therefore in a permanent conflict of acting according to the international law and acting according to their security politics.

## 5.2 What is a Stortingsmelding (White paper)?

For the understanding of the case study ‘White paper 27’ in this research paper it is essential to define the term ‘White paper’, in Norwegian ‘Stortingsmelding’, and what it is supposed to achieve in the Norwegian immigration and asylum system. According to the parliament a white paper is a briefing by the government to the parliament on various issues that the government wants to get debated in the parliament. A white paper is used by the government to inform the parliament about a specific issue (Stortinget 2013). The ministry of justice and public security clarifies that white papers “are drawn up when the Government wishes to present matters to the parliament (Storting) that do not require a decision. White papers tend to be in the form of a report to the parliament on the work carried out in a particular field and future policy. These documents, and the subsequent discussion of them in the parliament, often form the basis of a draft resolution or bill at a later stage (*Ministry 2012*).

Any kind of white paper is a legal source but on a low level. On the top of a legal source is the law, followed by regulations of the law and further down a white paper. A white paper is not supposed to change the law itself, neither the regulations of the law. It is rather suppose to change the interpretation of the law. A white paper can therefore be seen as a document that interprets the law (SV 2013). Furthermore, it can be a description or suggestion on what the government is planning to change in the coming years .The government, more precisely the ministry responsible for the issue, prepares a white paper. It is a confidential paper until the point it is presented to the parliament and the public. However, that does not mean that external actors cannot be part of the process or be able to influence on it. In most cases external actors like NGO’s will see a list of topics that the ministry is planning to include in the white paper and will have the possibility to comment on it and give suggestions about the issues. However, there will not be a kind of draft, which can be seen by actors outside the government. In the case of the white paper 27, external actors like NGO’s were able to see a list of topics and were specifically asked to give comments and suggestions (Skybak 2013). When a white paper is finished it will be presented to the parliament and the parliament has to adopt it. The white paper 27 was adopted by the Norwegian parliament in autumn 2012. Throughout the parliamentary assessment process of the white paper 27, a responsible committee (Kommunal-Komitee) was asked to give comments. These comments were included in the official document of the white paper. When a white paper comes into practice, these comments have to be taken into consideration by official institutions working with the

issues of white papers. In the case of the white paper 27, the institutions that are supposed to use the white paper as a legal source are the Norwegian Directorate for Immigration (UDI) and the Immigration Appeals Board (UNE). For the implementation of the white paper 27 the Norwegian ministry of justice and public security is responsible.

### **5.3 The process of the White paper 27**

The need for improvements in Norway's refugee politics has been debated for long. In 2008, the parliament discussed already about new regulations for children asylum seekers and their families. In June 2012, after being delayed for approximately one year, the new minister of justice and public security, Grete Faremo, introduced the white paper 27 "children on the run" (*Barn på flukt*).

The white paper 27 was published by the ministry of justice and public security on 8<sup>th</sup> of June 2012 and was adopted by the cabinet of Jens Stoltenberg the same day (*Barn på flukt* 2012). The white paper refers to the situations of children that seek asylum in Norway. The aim of the white paper is to improve the situations of these children in Norway. It defines different group of children asylum seekers. A main differentiation is made between minor children who came to Norway alone and children that came with their parents or other family members. The paper suggests improving children's living situations and rights during the asylum process in Norway, as well as to improve the criteria that are of importance if children will receive asylum or of asylum will be rejected. Furthermore it contains regulations about children's situations for those who get asylum rejected (St.meld.nr. 27 2011/2012).

The parliament points out that the aim of the white paper 27 is to ensure good living conditions for children asylum seekers in Norway, but at the same time prevent that children seek for asylum without having need for it. The white paper 27 states that one of the most difficult political issues of Norway's refugee and immigration politics is to focus on the human rights aspects concerning child asylum seekers, and at the same time to follow a consequent and holistic refugee and immigration politics (*Barn på flukt* 2012). Norwegian refugee politics aims to prevent those children who do not have need for protection to travel to Norway. Furthermore, the white paper 27 argues that Norway uses huge amounts of resources for dealing with asylum processes and situations of minor children seeking asylum.

The suggestion of the white paper 27 is that the use of disproportionate resources shall be avoided.

The ministry of justice and public security had the aim to follow an open and broad process concerning the making of the white paper 27. Therefore they invited several NGO's, to discuss about Norway's asylum and immigration policies. The chosen NGO's work practically with living situations of child asylum seekers and have lot's of knowledge in that field. A list of topics was sent out by the ministry of justice and public security to inform the NGO's about the topics that the ministry was planning to include in the white paper 27. Then the NGO's were invited to several seminars with the ministry where they were asked to debate about Norway's current asylum and immigration policies, to discuss challenges that they see and to present their suggestions for the new white paper 27. The NGO's that participated in these seminars were: SEIF, Save the Children Norway, PRESS Save the Children, LOSU, NOAS, Amnesty, Red Cross, Norwegian People's Aid and the Norwegian Centre against Racism. Furthermore, also the media and other committees of the parliament were invited.

The next chapter will analyze NGO's potential to influence the white paper 27 by using Dür's four-category framework and will analyze NGO's actual influence on the white paper 27 by using a document content analysis that compares the white paper 27 to the NGO-report.



## **6 Analysis of the case study “white paper 27”**

### **6.1 Dür’s four-category analysis: NGO’s potential for influence**

This section will use Dür’s framework on interest group influence to analyse Norwegian NGO’s potential to influence the white paper 27 and more generally on asylum policies. As mentioned earlier in the theoretical framework chapter, Dür offers a framework, which analyzes interest groups influence in the European Union. According to him, there are four categories of determinants that affect NGO influence. These categories are, interest group resources, political institutions, issue characteristics and interest group strategies. Each determinant will be analyzed in relation to NGO’s work to try to influence asylum policies, and specifically NGO’s work with the white paper 27. By doing so, Dür’s framework will help to illustrate the potential that NGO’s had to influence on the white paper 27 and will furthermore show if the NGO’s represented strong roles in all four different categories.

#### **Interest group resources**

As mentioned earlier Dür points out that interest groups may have knowledge, expertise and information that can assist the work of policy-makers. In practice, this would mean that interest groups may have information on market conditions, probable policy results, problems of implementation, and the support a specific policy will receive, which would be of high importance for politicians to consider when adopting a policy. In Norway, NGO’s working in the asylum field, are often contacted by the government, other parties and ministries, because of their knowledge and information on practices in the asylum system. In the case of the white paper 27, NGO’s were mainly included actively in the process because these organizations have a lot of information about living situations of child asylum seekers and their families as well as they know what kind of problems can occur with new implementations in the asylum system. Furthermore NGO’s, as for instance NOAS, often conduct surveys concerning asylum issues, which can be of high importance for politicians to review when deciding on new asylum regulation or policies. In the process of making the new white paper, NGO’s were extensively included in seminars that were arranged by the ministry of justice and public security. The aim of these seminars was to have an exchange of knowledge and information that NGO’s have on issues concerning child asylum seekers and to hear what kind of suggestions NGO’s had for the new white paper. Although, NGO’s were intensively included in the process of the white paper, the Stoltenberg- government continuously argued that this

does not necessary mean that their suggestions will be included in the new white paper (Christoffersen 2013). Furthermore, receive NGO's working in the field of asylum political support by the government and other parties in the parliament. On a regular basis, NGO's are invited to meetings with parliamentarians to share information and discuss issues regarding immigration and asylum. Norwegian parliamentarians argue that the cooperation with NGO's is important, mainly because of their expert knowledge, information, and also legitimacy (Christoffersen 2013). As clarified in this section, NGO's, which work with asylum issues, are seen as relevant actors for politicians to have cooperation with, mainly because of their expert knowledge and information. Furthermore, NGO's also gain great political support for their work.

### **Political Institution**

The second category that affects the degree of NGO influence on policies is political institutions. Political institutions mainly decide NGO-access to policy-making processes. Moreover, the transparency of political institutions and the decision-making process is important. In summary, the more transparent the decision-making process is, the more are NGO's able to influence on policies. The making of the white paper 27, children on the run, was to some extent a transparent decision-making process. NGO's had access to the white paper decision-making process to a high extent through regular meetings with the ministry of justice and public security. Furthermore, NGO's had also meetings with parliamentarians regarding the making of the white paper. In these meetings NGO's were able to discuss their suggestions and issues they were unsatisfied with. The input of the NGO's was considered and taken further when the parliamentarians had meetings with the ministry concerning the white paper 27. This shows that NGO's were not only able to influence the decision making process directly through the ministry, but also indirectly through meetings with the parliamentarians (Christoffersen 2013; SV 2013). Furthermore, the ministry of justice and public security states that relevant NGO's are considered as important contributors to the ministry's work and are therefore included in hearings concerning legislative amendments (Bordvik 2013). In summary, NGO's were able to get access to decision making processes concerning the white paper 27 to a high extent and are generally considered as important contributors to the ministry's work on asylum policies. Although, the decision-making processes was to a high extent transparent, NGO's were not able to review the white paper before the government published it and did therefore not knew if their suggestions had influenced the content of the white paper 27. Furthermore, the ministry of justice and public

security argues in the official letter that suggestions of NGO's are rarely decisive for the ministry's work (Bordvik 2013).

### **Issue characteristics**

Issue characteristics forms the third determinant of Dür's four determinants analysis. Under issue characteristics he mentions policy type, degree of technicality and public salience, which have an effect on NGO-influence as well. The characteristic of technicality describes that NGO-lobbying is likely to be more influential on technical issues than on issues of 'high politics', as Dür puts it. This may be explained by that politicians are mostly dependent on NGO's information's than on other things. Lastly, NGO-influence may be shaped by the public salience of an issue. Dür mentions that a „group may try to increase the salience of an issue by campaigning to advance its interests” (2008a:1218). In summary, the higher the salience of a certain issue, the more likely the NGO-influence is. Regarding the white paper 27, NGO's tried to influence on technical issues as well as of issues on high politics. The NGO suggestions for improvements of children competence and children's right to get heard, can be categorized as technical issues, while a policy change concerning long-staying children, can be considered as an issue of high politics. Furthermore, the factor public salience is considered to play a role as well. NGO's were intensively trying to create attention in the media concerning the situation of child asylum seekers in Norway (Austenå 2013; Mensner 2013; Skybak 2013). The aim was to use the media for creating attention in the public and to support the media as an actor that also lobbies and influences Norwegian asylum politics. Public salience in the case of the white paper 27 had a wide range of different campaigns. Most known are popular cases of single children who became much attention from the media as for instance Nathan Eshete from Bergen (*Nathan* 2012). Most of these children were children that have been living in Norway for many years and were about to deport back to their parents countries of origin. In summary, public salience seems to have been an important factor that helped NGO's to increase attention about the issue.

### **Interest group strategies**

The last category in Dür's framework is called interest group strategies. It is highly important for NGO's to choose the right strategy for their objectives. Dür argues, “Only if a group manages to choose the ideal strategy among these many options will it be able to maximize its influence on policy outcomes” (2008a:1218). An effective NGO-strategy will employ its resources effectively given the opportunities provided by the institutional structure, the

characteristics of the issue, the preferences they advocate, and their past strategies. According to Dür groups may not always follow strategies with the purpose of shaping policies, but can also follow other strategies depending on their objectives. The NGO's that tried to influence the making of the white paper 27, made a common NGO report which included all topics that were, in the view of the NGO's, important issues. This report can be seen as a common strategy that represented NGO's arguments and suggestions for the white paper.

### **6.1.1 Conclusion on Dür's four-category analysis**

In summary, Dür's framework on interest group influence shows that the more resources NGO's have, the more they are able to influence on policies. According to Dür's four-category analysis Norwegian NGO's were supposed to have much influence on asylum policies in Norway. The analysis shows that the NGO's were rich in resources in terms of information, knowledge and expertise. Furthermore, the analysis shows that NGO's had access to a transparent decision making process and had the possibility take actively part in debates with the ministry to present their suggestions. NGO's hold much information about practical issues of living situations of child asylum seekers and their families and were therefore important contributors for the ministry's work on the white paper 27. NGO's had also regular meetings with parliamentarians regarding issues of the white paper 27 and where thereby able to influence the decision making process also indirectly through meetings with parliamentarians. NGO's were active in creating public salience of the issue and worked out a common NGO-report that presented their suggestions. As a result, NGO's potential to influence policies is quite high according to Dür's four-category analysis. But was this actually the case with the white paper 27? The next section will analyze the white paper 27 versus the NGO-report in order to clarify to which extent NGO's influenced the white paper 27 and if they were able to influence on asylum policies.

## **6.2 Analysis of NGO's actual influence on the white paper 27**

### **6.2.1 Document content analysis: White paper 27 versus the NGO-report**

In this section the white paper 27 will be compared to the alternative NGO-report. The aim is to find out to which extent, the suggestions that were demanded by the NGO's in their report, are included in the white paper 27. This chapter will not discuss all single points that are included in the white paper 27 and NGO-report, but will focus on the most important topics and on the suggestions of the NGO's that have been chosen for this research project; NOAS, Save the Children Norway, Norwegian People's Aid and the Norwegian Centre against Racism.

#### **Separated housing for families**

The NGO report suggests that families should live in separated housing and not in reception centres with many others. The report argues that by doing so, families will integrate better in the Norwegian society and will get a normal daily life situation where they will have more responsibility as well (ReddBarna et al. 2011/2012:27). In the white paper 27 this topic is described similar by the statement; "Decentralized reception centres open for that asylum seekers can get more normal conditions while living at reception centres"<sup>1</sup> (St.meld.nr. 27 2011/2012:70).

Furthermore, the white paper 27 argued that the situation could be very difficult for families at ordinary reception centres, because they often have to share a room with the whole family. This makes it difficult for parents to have an adult life and for children to develop (St.meld.nr. 27 2011/2012:70). Although, the NGO-report and the white paper 27 share the same view on the issue, the white paper 27 does not suggest to primary offer separated housing to families. Moreover, the white paper 27 argued that separated housing can also have more challenges for families, for instance that children become more dependent on their parents and that the parents have to organize things such as leisure activities independently (St.meld.nr. 27 2011/2012:70).

#### **The right to kindergarten**

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<sup>1</sup> „Desentraliserte asylmottak åpner for at asylsøkere kan få mer normale rammer mens de bor i mottak.“

The NGO report argues that all young child asylum seekers should get a place at the kindergarten. Furthermore, the report argues that all children have the right to kindergarten according to the UN-child convention and that child asylum seekers and Norwegian children should not be treated differently according to the UN-child convention (ReddBarna et al. 2011/2012:28). However, the white paper 27 states that child asylum seekers do not have the legislative right for a place at the kindergarten according to the Norwegian kindergarten law, but can however get a place if there is capacity. “Asylum seeking children do not have statutory right to a place at the kindergarten according to the kindergarten law, however they can get a place nevertheless”<sup>2</sup> (*St.meld.nr. 27 2011/2012:76*). The situation today is, that it is very much dependent on the different municipalities if there is capacity at kindergarten for child asylum seekers or not. The white paper 27 does not state any new suggestion on this issue. There is even a contradiction in the Norwegian law on this issue. According to the Norwegian kindergarten law, child asylum seekers do not have the right to a place at the kindergarten. However, according to the Norwegian law, all children should have the same rights no matter if they are Norwegian children or children from foreign countries that seek asylum in Norway (Austenå 2013). The suggestion of NOAS, to secure the right to kindergarten, mentioned in the NGO-report, is not included in the white paper 27 to any extent.

### **The right to gymnasium (Vidergående skole)**

Child asylum seekers between 16 and 18 years have not the right to go to gymnasium (Vidergående skole) according to the Norwegian law (ReddBarna et al. 2011/2012:28). The NGO-report suggest to legislate the right to gymnasium for all child asylum seekers and to improve education possibilities for these children. NOAS stated in the report that the Norwegian state should be responsible for that these children get education. By giving them education it will also have a positive effect on integration and their personal development, argues the NGO-report. However, the white paper 27 does not suggest any improvements. The white paper states that; “Asylum seeker over 16 years who wait for their asylum application for protection, do not have the right to go to gymnasium. Municipalities can, however, take in asylum seeker minors to gymnasium while they are in the process of waiting

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<sup>2</sup> „Asylsøkende barn har ikke lovfestet rett til barnehageplass iht. Barnehageloven, men kan likevel få plass.”

for residence permit”<sup>3</sup> (*St.meld.nr. 27 2011/2012:77*). Moreover, the white paper states that as soon as child asylum seekers get their asylum application rejected, they do not have the right to attend gymnasium anymore, which means that they may have to stop in the middle of the semester without have finished their education. In comparison with the suggestion of the NGO-report, does the white paper 27 not suggest any new improvements regarding education for children in the age of 16 to 18.

### **Reduce asylum proceeding time**

The NGO-report suggests reducing the asylum proceeding time as much as possible. Furthermore, the report suggests implementing more resources so that UDI and UNE can reduce the proceeding time on asylum applications (ReddBarna et al. 2011/2012:29). The NGO’s mean that it is important to start the process of integration as quick as possible if families get asylum accepted. On the other hand it is also important to send families back to their countries of origin quickly, if they get asylum rejected and avoid long waiting times, according to the NGO-report. Nowadays the proceeding time of an asylum application of a family takes approximately seven months. If the family sues, because they got a rejection on their asylum application, the application will be taken further to UNE and the whole proceeding time will then take approximately 13 months (*St.meld.nr. 27 2011/2012:34*). The white paper 27 states that the proceeding time has increased in the last years and suggests reducing the asylum proceeding time to one year, including the lawsuit-time. This improvement is expected to take two to three years. The white paper shows that the issue of proceeding times is discussed and improvements are given. It even states a clear time on how long the asylum proceeding time should take, however it does not suggest using more resources in order to improve the work of UDI and UNE in regards to time. In conclusion, the white paper 27 and the NGO-report argue for a similar suggestion on this issue.

### **Strengthen the role of parents and more continuity for living situations for families at reception centres**

The NGO-report suggests avoiding that families have to move often from one reception centres to another. Moreover, it also claims that it is not necessary that families move to a departure-centre (utreisesenter) as soon as their asylum application is rejected when they wait for their departure (ReddBarna et al. 2011/2012:28:29). Regarding the role of parents the

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<sup>3</sup> „Asylsøkere over 16 år som venter på sin søknad om beskyttelse, har ikke rett til videregående opplæring. Fylkeskommunen kan likevel ta inn mindreårige asylsøkere til videregående opplæring i påvente av vedtak om oppholdstillatelse.”

NGO-report points out that especially for families the daily life is difficult. Parents cannot provide their children a normal day situation and some struggle enormously with this. Therefore, NGO's suggest strengthening the role of parents, for instance, by giving parents the chance to work temporary or to take part in courses. By having a task it can improve difficult situations for families by giving some meaning to their daily life (ReddBarna et al. 2011/2012:29). Regarding the parent role, the white paper 27 does not suggest something new. However, it also argues that the role of parents should be strengthened and points out that in 2011 some arrangements, which help parents to strengthen their care-abilities, were introduced (St.meld.nr. 27 2011/2012:69). The white paper 27 does not discuss the suggestion of NGO's to give temporary work to parents. Furthermore, the white paper 27 does not discuss the topic of improving continuity of living situation for families at reception centres.

### **Children's right to get heard**

The United Nation's children committee has criticised Norway for that the right of child asylum seekers, to get heard, is not well implemented in Norway's asylum regulations. Also Save the Children has criticized UDI and UNE for this and mention this issue in the NGO-report (ReddBarna et al. 2011/2012:2). Save the Children Norway suggests strengthening the voice of children and to implement more interviews with children (Skybak 2013). The white paper 27 also suggests giving children asylum seekers better possibilities to express themselves. Children over seven years and younger children who are able to express themselves, should be informed about their situations and should be given the possibility to express themselves regarding their living situation. Furthermore, can children express themselves oral or written and also through their parents or another person (St.meld.nr. 27 2011/2012:35:52). The statements of the child regarding its living situation in Norway should be considered in the asylum application. The issue of the hearing of the child is thus suggested in the white paper 27 to a high extent.

### **15 to 18 year old unaccompanied minors have the need to be part of the children-welfare institution (barnevernet)**

The NGO-report claims that all unaccompanied minors should receive the same children welfare and suggests therefore that also unaccompanied minors between 15 and 18 years old should become part of the children-welfare institution (barnevernet). Today, only children under 15 years old are under the protection of the children-welfare institution. The NGO-report suggest to start with a pilot project where approximately 50 unaccompanied minors will

be send to the children-welfare institution and will receive the same protection as children under 15 years. Furthermore, the report explains that the pilot project could be a foundation, for a new reformation that will put all unaccompanied minors under the protection of the children-welfare institution, after the next election (ReddBarna et al. 2011/2012:51). The white paper 27 explains that the United Nation's children committee recommended Norway in 2010, to also include unaccompanied minors from 15 to 18 years old in the children-welfare institution. The white paper argues that the government has the aim to also put these children under the protection of the children-welfare institution. However, this cannot be implemented in the current government period, because of a lack of resources for the implementation but the government aims to implement it in the next government period (St.meld.nr. 27 2011/2012:30:69). Thus, the suggestion of the NGO-report is also suggested in the white paper 27. However, the suggestion to start with a pilot project is not mentioned.

### **Restrictive measurements against unaccompanied minors**

The NGO-report argues that restrictive measurements should not be applied to asylum application of unaccompanied minors. Furthermore, it claims that according to the children convention act. 22, Norway is obligated to secure that child asylum seekers receive protection and humanitarian help (ReddBarna et al. 2011/2012:52). The restrictive measurement that are also being used in cases of unaccompanied minors do not represent the central principle of the children convention, to always decide child asylum applications for the best of the child. Therefore, shall restrictive measurements not be applied on unaccompanied minor applications, argues the NGO-report. However, the white paper 27 states that the age of the unaccompanied minors is to some extent decisive in the asylum application and furthermore argues "Norwegian authorities found it necessary to implement restrictive measurements that are directed to the group of minors who are close to full age and who are considered not to be in need of real protection"<sup>4</sup>(St.meld.nr. 27 2011/2012:48). The white paper 27 admits that unaccompanied minors in different ages are treated differently and refuses criticism that this is discrimination. Moreover, the white paper argues that the discrimination article in the children convention act. 2, does not mention that all children have to be treated equally (St.meld.nr. 27 2011/2012:48). This clearly shows that the suggestion by the NGO's to not use restrictive measurements against all unaccompanied minors, is not represented in the white paper. The white paper rather argues to continue applying restrictive measurements

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<sup>4</sup> „Norske myndigheter fant det nødvendig å innføre innstrammende tiltak som retter seg mot den gruppen av mindreårige som er nær myndighetsalder, og som ikke blir funnet å ha et reelt beskyttelsesbehov.“

against the group of minors that are close to 18 years, and according to the assessments of the Norwegian authorities, not in the need for protection.

### **Dublin regulation**

The NGO-report suggests to not using the Dublin regulation to send back children to European Union member states where they were first registered. Countries such as Italy, Spain and Greece are known for treating asylum seekers inhuman and do not provide minimum standards at reception centres, argues the NGO-report (ReddBarna et al. 2011/2012:53). Therefore the report recommends to not sending unaccompanied minors back to EU-countries where they first registered, but to make use of the sovereignty clause in the Dublin regulation to take over the asylum cases. If children shall nevertheless be send to EU-countries, shall this only happened after a clear and individually consideration of what is best for the child. The white paper 27 also suggests to always considering the best of the child regarding the use of the Dublin regulation. Furthermore, shall the Norwegian state always process asylum application of children who have not sought asylum in other European countries previously. However, the white paper 27 also argues that only the fact of being unaccompanied minors does not enable children to get their asylum application proceeded in Norway (St.meld.nr. 27 2011/2012:59). According to the Dublin regulation, can the Norwegian state decide if taking over an asylum application from another state that was first responsible for the asylum application. By comparing the suggestions of the white paper 27 and the NGO-report, it becomes clear that the suggestions are similar regarding the use of the Dublin regulation against unaccompanied minors. However, NGO's expected a general regulation that will not send back any unaccompanied minors. This is not mentioned in the white paper 27 and is according to the government not necessary.

### **Care centres**

The white paper 27 states that the government is planning to build care centres in Iraq and Afghanistan (St.meld.nr. 27 2011/2012:87). The purpose is to give unaccompanied minors an easier start in their home countries after they have been deported. The NGO-report is clearly against this plan and suggests to not build any of these care centres. NGO's are afraid of that these care centres will be used not for the best of the child, but rather to deport unaccompanied minors more quickly and easier back to their home countries (ReddBarna et al. 2011/2012:52:53).

#### **4-year regulation for long-staying children**

NGO's are very concerned about the situation for children that have been in Norway for long with an undefined status. Some child asylum seekers live at reception centres for many years. In May 2012 the number of child asylum seekers that have been living at reception centres for more than one year were 2300 children and 600 children even for more than three years (St.meld.nr. 27 2011/2012:72). Some of these children were born in Norway and have never been in the home countries of their parents. Logically, these children have a strong connection to Norway. To live at reception centres for a long time is difficult and especially children that are in the developing process are valuable and need a stable environment. Therefore, the NGO-report suggest to define a limit on how long a child can live in Norway without an defined status (ReddBarna et al. 2011/2012:11). More precisely, the report suggest that children should not live in Norway without an undefined status for more than four years (ReddBarna et al. 2011/2012:11). The white paper 27 refuses to implement a limit on how many years a child can live in Norway without a defined status. The Labour party argues that asylum cases are different and that it would not be the right solution to give residence permit to children after they have been living in Norway for a few years (Christoffersen 2013). This view is also reflected in the white paper 27, which argues; "The government means that it will give adverse and conflicting signals to implement a regulation which gives residence permit after a few years of living in Norway"<sup>5</sup> (St.meld.nr. 27 2011/2012:55). As explicated in this section, there is no agreement on the issue of long-staying children.

#### **Children competence**

The NGO-report suggests improving the competence of working with children in two different places. The report argues that there is need to improve competence and capacity at the children-welfare institution. The NGO-report argues that children that became victims of human trafficking have special needs which requires more competence of employees working at the children welfare institution (ReddBarna et al. 2011/2012:26). The other place where better children competence is needed is at reception centres. The NGO-report suggests employing more workers with children competence at reception centres. This will also require supporting reception centres economically so that they are able to recruit more employees (ReddBarna et al. 2011/2012:31). The white paper 27 states that in 2009 UDI established its own children department with employees that have special skills for the work with children.

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<sup>5</sup> „Regjeringen mener det vil sende uheldige og motstridende signaler hvis det innføres faste ordninger for at oppholdstillatelse skal gis etter et visst antall år i Norge.“

The purpose was to strengthen the competence of caseworkers to work and communicate with child asylum seekers and also to improve the competence of caseworkers to work with international conventions concerning children, for instance the 1989 UN convention on children rights (St.meld.nr. 27 2011/2012:34). Furthermore, the white paper 27 suggests continuing the work on improvements of children competence in all administration departments of UDI and UNE where employees work with child asylum seekers (St.meld.nr. 27 2011/2012:58). As pointed out in this section, both the NGO-report and the white paper 27 suggest improving children competence, however in different areas.

### **Guardians for unaccompanied minors**

Norwegian People's Aid introduced the guardian system in the NGO-report and demanded for several improvements regarding the guardian program. The two main suggestions were; to implement mandatory trainee courses for all guardians and to ensure that all unaccompanied minors receive a guardian (ReddBarna et al. 2011/2012:35). Moreover, the NGO-report suggest to implement a limit on how many children a guardian can handle, to improve the cooperation between UDI, UNE and the police, regarding the guardian program, to set up resources for developing a general guardian system, and to avoid that unaccompanied minors have to change guardians many times when moving to another municipality (ReddBarna et al. 2011/2012:35-37). The government admits in the white paper 27 that the guardian system has weaknesses and that unaccompanied minors often do not receive a guardian in the right time. Therefore, the white paper suggest to improve the guardian system and to ensure that all unaccompanied minors receive a guardian early in the asylum application process. According to the Norwegian guardian law all unaccompanied minors have the right to a guardian (St.meld.nr. 27 2011/2012:77). Furthermore, there will come a new guardian law into force in July 2013 which will cover topics such as improvements for recruitment, training and supervision of guardians (St.meld.nr. 27 2011/2012:78). In summary, NGO's suggestions regarding the guardian system are mentioned in the white paper 27 to a high extent.

**Summary of results from document content analysis:**

<b>Suggestions in NGO-report</b>	<b>Included to a high extent in the white paper 27</b>	<b>Included partly</b>	<b>Not included, or included to a low extent</b>
Separated housing for families		<b>X</b>	
The right to kindergarten			<b>X</b>
The right to gymnasium			<b>X</b>
Reduce asylum proceeding time		<b>X</b>	
Strengthen the role of parents and more continuity for living situations for families at reception centres			<b>X</b>
Children's right to get heard	<b>X</b>		
15 to 18 year old unaccompanied minors have the need to be part of children-welfare institution		<b>X</b>	
Restrictive measurements against unaccompanied minors			<b>X</b>
Dublin regulation			<b>X</b>
Care centres			<b>X</b>
4-year regulation for long-staying children			<b>X</b>
Children competence		<b>X</b>	
Guardian system	<b>X</b>		

### **6.2.2 Interviews**

The following section will discuss NGO's perceptions regarding the outcome of the white paper 27 and will discuss if the results of the document content analysis regarding NGO's actual influence on the white paper 27 reflect NGO's views as well. In the end, this section discusses the Labour party's and the Socialist-left party's position regarding the objectives of the white paper 27.

#### **NOAS**

In the NGO-report NOAS discussed the situation of children living at reception centres and listed different suggestions to improve the situations of children living at reception centres. Most of their suggestions were not included in the white paper 27, as for instance to secure the right for children to go to kindergarten or to legislate the right for older children to go to gymnasium. Some of their suggestions were mentioned in the white paper 27, but no clear suggestions were given, as for instance to implement separated housing at reception centres for families with children. The results of the document content analysis reflect NOAS perception about the success of the white paper 27. The general secretary of NOAS, Ann-Magrit Austenå argues that NOAS was in general disappointed about the outcomes of the white paper 27. In her eyes, the white paper 27 is more a description of the difficult situations of children that seek asylum in Norway, but it lacks practical suggestions how to improve the situations. NOAS was hoping that their suggestions regarding child asylum seekers going to kindergarten or gymnasium would get included in the white paper 27, but this has not happened. Austenå furthermore argues that it is very unclear formulated how to judge cases of, for instance, children that have been in Norway for long and it gives case workers at UDI and UNE much space how to judge single cases (Austenå 2013). The NGO's have therefore suggested to the ministry of justice and public security to change wording in the asylum regulations in order to make it clearer which criteria applies, if these children get asylum approved or not. NOAS was hoping that the new white paper 27 would define more clearly which criteria would approve or reject asylum for different groups of children. This has the white paper 27 not fulfilled, argued Austenå. However, she sees the white paper 27 as a good paper to get a better position to discuss the issues and to get a better picture of the actual situations of children seeking asylum in Norway (Austenå 2013).

## **Save the Children**

Save the Children has been the leading organization in the process of lobbying for changes in the white paper 27. They arranged regular meetings with the NGO's that took part in the common NGO-report and were responsible to put the different parts together as well as to write introduction and conclusion. One of Save the Children's suggestions has been to improve the right of children to get heard. The white paper 27 discusses the topic to a high extent and suggests practical changes in different places, as for instance to interview more children regarding their asylum applications. Thale Skybak, who is an advisor at Save the Children and is working with asylum issues and asylum policy regarding children, points out that Save the Children has been working with the right that children get heard for a long time. The organization saw a great possibility for improvements in the white paper 27 and has therefore tried to lobby the ministry of justice and public security intensively for improving this issue. She furthermore argues that this has been one of the organizations main concerns and the organization was satisfied that some of their suggestions got included in the white paper 27. She also points out that there have been improvements after it become a topic in the white paper 27 (Skybak 2013).

Other main concerns of Save the Children were the situations of unaccompanied minors and children that have been in Norway for long without undefined status. Some of their suggestions, for instance, that unaccompanied minors between the ages of 15 to 18 shall be part of the children-welfare institution are suggested in the white paper 27 as well. However, the white paper 27 argues that this cannot be implemented in the current governmental period due to lacks of resources. Save the Children means that especially this group of children is discriminated and was therefore not satisfied that the suggestion will not get implemented in this governmental period and may be not be later either.

Another main concern of Save the Children was to improve the situation for children that have been in Norway for long and are still in the asylum process. The organization argues that the longer these children have to live in such undefined situations, the more likely these children become health problems and integration problems. Therefore Save the Children argued for a quite significant change that suggests implementing a four-year regulation that defines how long a child can live in Norway with an undefined status. This suggestion has been rejected in the white paper 27. Thus, Save the Children was not satisfied with the outcomes for this group of children and argues that the white paper 27 lacks practical suggestions on how to improve the situations for these children.

In general, Save the Children was disappointed about the white paper 27. They had expected to get suggestions on all the issues they had discussed in the seminars with the ministry of justice and public security and which they also handed in, in form of a document (The NGO-report). Save the Children criticized that the white paper 27 lacks a children rights perspective and focus too much on deportation (Skybak 2013). Although, Save the Children criticized the white paper in general, the organization also pointed out that the white paper includes some good suggestions as well. The suggestion, to improve the right of children to get heard and to implement interviews with children, is in Skybak's eyes a good point. Also that the white paper 27 suggested to improve the competence of caseworkers at UDI and UNE that work with child asylum applications, is a satisfying point (Skybak 2013).

Save the Children's perception of the outcomes of the white paper 27 supports the results of the document content analysis, which concludes that NGO's suggestions that refer to improvements in regulations or practical changes are to some extent included in the white paper 27, but suggestions that refer to changes in policies are not included. For instance, Save the Children's suggestions to improve the right of children to get heard can be considered as a practical change that requires interviewing every child that seeks asylum in Norway. However, Save the Children's suggestions to implement a four-year regulation, which gives children residence permit after four years of living in Norway, can be considered as an improvement that requires changes in asylum policies.

### **Norwegian People's Aid**

Lise Mensner is an advisor for asylum, refugee and integration issues at Norwegian People's Aid and works primary with the guardian program. The program has the aim to ensure that every unaccompanied child that seeks asylum in Norway receives help from a guardian. The guardian is responsible to guide the child during the time when the child is in Norway and to help with official things concerning the asylum application as well as practical things (Mensner 2013). The guardian program was also the topic that Norwegian People's Aid introduced in the NGO-report. In the NGO-report the organization argued to improve the guardian program and to secure that all children under 18 years receive a guardian. Norwegian People's Aid listed quite many specific suggestions for improving the guardian program in the NGO-report, which were introduced in the document content analysis chapter. The main suggestions of Norwegian People's Aid, to improve the guardian program and to secure that all unaccompanied minors under 18 years old receive a guardian, is suggested in the white paper 27 as well. Moreover, a new guardian law will be introduced in summer 2013.

Although, Norwegian People's Aid was to some extent satisfied with the suggestions in the white paper 27, in general they were not satisfied with the outcome of the white paper. The organization criticizes that the white paper 27 explains more the difficult situations of child asylum seekers, than that it gives clear practical suggestions for improvements especially for the group of unaccompanied minors (Mensner 2013). Norwegian People's Aid perceives that NGO's suggestions regarding main issues on unaccompanied minors are not successfully included in the white paper supports the results of the document content analysis.

### **The Norwegian Centre against Racism**

As mentioned earlier in the methods chapter, has the Norwegian Centre against Racism not introduced a specific topic in the NGO-report due to that the organization just began to involve themselves more in asylum issues. However, they took part in a seminar with the ministry of justice and public security and the leader of the Centre, Rune Berglund Steen, represents a clear opinion about the outcomes of the white paper 27.

Steen explained that he never felt that the government was intended to change major issues concerning asylum regulations, but that the purpose of including NGO's so actively, was to give them the opportunity to present their views in an open process (Steen 2013). He sees the white paper 27 more as a sort of defence of the current asylum policy regarding children, and not as a white paper that aims to improve situations for child asylum seekers in the future (Steen 2013). However, Steen sees a few good points in the white paper 27. The suggestion that children competence should get improved at UDI, UNE and the police is in his eyes a good point. However, he also points out that as long as UDI and UNE continue to be as strict as they have been, it does not make a big difference with improved children competence. His argument that the white paper 27 is more a sort of defence of the current asylum policy regarding children supports the findings of the document content analysis, namely that NGO's were not able to influence on actual asylum policies. A reason why NGO's were not able to influence asylum policies may be that the government never intended to change actual policies, but rather wanted to define more precise criteria which apply on child asylum application. This argument will be further introduced in the next section.

### **Interview with Lise Christoffersen from the Labour party**

Lise Christoffersen, a parliamentarian for the Labour party, explained that the most important thing, for the Labour party, is that Norway has a fair policy for asylum seekers and that every asylum seeker receives a fair application process. In concrete cases of child asylum seekers it has happened that applications were not handled satisfactory and that decisions were made to some extent randomly. Furthermore, she argued that it was not very clear if an application of a child should be decided in the best interest of the child or if immigration regulations should apply (Christoffersen 2013). The white paper 27 was supposed to make criteria, which apply to child asylum seeker applications, more precise, especially since the immigration act in 2010. Christoffersen argued that the white paper 27 had never the purpose to change the immigration law, but was rather seen as an improvement or appendix to the immigration policy changes in 2010. The Labour party is satisfied with the current asylum policy and argues that it is important that the asylum system remains a system for real asylum seekers (Christoffersen 2013).

Regarding the practise to include NGO's so actively in the process of the white paper 27, she argued that NGO's have played an important role in this process, because they have much knowledge and information about practical issues in the field of asylum. Furthermore, she pointed out that the NGO's did not only have seminars with the ministry, but also directly with the parliamentarians, so called dialog meetings. In these dialog meetings NGO's and parliamentarians discussed different issues concerning the white paper 27. The discussed issues that the parliamentarians thought were important were then taken further for discussions with the ministry when they had meetings. Christoffersen explained that concerning the white paper 27, many suggestions that came from the NGO's were on the agenda when the ministry had meetings with the parliamentarians (Christoffersen 2013). By this NGO's were not only able to directly lobbying the ministry, but also able to indirectly lobby through the meetings with the parliamentarians.

In Christoffersen point of view, have NGO's influenced the white paper 27 and many of their suggestions were considered in the white paper. However, main disagreement have been that NGO's wanted to change policies, for instance, that child asylum seekers that have been in Norway for more than four years without a defined status, will get the right to stay. The Labour party did not agree with that, because the party argues that every asylum case is different and therefore there cannot be such general regulations. Moreover, the Labour party

wanted to change practises and the white paper 27 was never intended to change asylum policies.

### **Interview with a political advisor from the Socialist- left party**

The Socialist-left party has a more liberal position regarding asylum policy than the other parties in the government. The party is not satisfied with the current asylum policy, and argues for a more humanitarian approach on asylum policies. The Socialist-left party would like to have an asylum policy that follows the recommendations of the UN as a minimum standard (SV 2013). The party agreed with NGO's opinion that it is important to push the Labour and the Centre party towards a clearer priority of what is in the best interest of the child. However, the Socialist-left party is in the minority in the government and so their influence on the White paper 27 was limited.

NGO's and the Socialist-left party share the same position, namely that the best interest of the child should always be a stronger consideration than immigration considerations (SV 2013). Therefore it was natural that NGO's tried to lobby the Socialist-left party for improvements concerning the white paper 27. It is essential in general and also for the Socialist-left party to have cooperation with external actors, like NGO's, in order to push the Labour Party and the Centre party for more liberal asylum policies, argues the political advisor of the Socialist-left party (SV 2013).

### **6.2.3 Conclusion on NGO's actual influence on the white paper 27**

In summary, NGO's suggestions, which refer to changes in regulations or/and procedures, are partly included in the white paper 27. NGO's suggestions as for instance, to strengthen children's right to get heard and to improve the guardian system for unaccompanied minors, are included in the white paper 27 to a high extent. The white paper 27 defines suggestions on these issues and argues to implement new practises. Also, to improve children competence of employees in different institutions is included in the white paper 27. NGO's actual suggestion was to improve children competence of employees working at reception centres and at the children-welfare institution, but the white paper 27 states to focus on children competence improvements of employees working at UDI and UNE. In summary, both the NGO-report and the white paper suggest to improve children competence, however in different institutions.

In many places the NGO-report and the white paper 27 agree on the issue and mention similar suggestions; separated housing for families, to reduce the asylum proceeding time, strengthen the parents role, protection for unaccompanied minors from children-welfare institution, and to not always make use of the Dublin regulation on child asylum seekers. However, the white paper 27 and the NGO-report differ in that the NGO-report gives clear suggestions on how improvements can look like, but the white paper 27 does not clearly explain how improvements can look like or argues that improvements cannot be implemented in the current governmental period. For instance, the NGO-report and the white paper 27 agree on that unaccompanied minors shall be part of the children welfare institution to receive the same protection as children who are under 15 years old. The NGO-report suggests starting with a pilot project of 50 children in order to start implementing the new regulation. The white paper, however, argues that the implementation cannot begin in the current governmental period because of a lack of resources.

Suggestions of the NGO-report that refers to changes in policies, as for instance, to give residence permit to children that have been living in Norway for more than four years without a defined status, are rejected in the white paper 27. Furthermore, NGO-report suggestions that refer to changes in the kindergarten and school law are rejected as well. Also NGO-report suggestions that argue for not using restrictive measurements against child asylum seekers as well as the suggestion not to build care centres in Iraq and Afghanistan are rejected in the white paper 27.

The conducted interviews with NGO's, the Labour party, the Socialist-left party and the official letter from the ministry of justice and public security support the results of the document content analysis. NGO's were in general disappointed about the outcome of the white paper 27, because they had expected that the new white paper would introduce more practical suggestions for improvements as well as improvements in policies for some groups of child asylum seekers. Their perceptions of the success of the white paper 27, reflects the results of the document content analysis, namely that NGO's were able to influence on regulations and procedures to some extent, but not on actual asylum policies. The findings from the interviews with the Labour party and the Socialist-left party support their perceptions and may be an explanation why NGO's were not able to influence on asylum policies. The Labour party was never intended to change policies, but only to define more clearly which criteria applies if child asylum applications get approved or rejected and to improve practises. In the case of the white paper 27, the influence of the Socialist-left party, which shared many

of the NGO's suggestions concerning child asylum seekers, was limited. Furthermore, the ministry of justice and public security states that NGO's are considered as important contributors to the ministry's work and may have a certain influence on asylum policies. However, the ministry also argues that NGO's are rarely decisive for their work (Bordvik & Falch-Nevand 2013).

### **6.3 Conclusion on the case study 27: NGO's potential versus NGO's actual influence**

According to Dür's four-category analysis, NGO's had great potential to influence the white paper 27 on policies. NGO's were rich in resources and were considered as important contributors for the ministry's work because of their expert knowledge and information. NGO's had access to a transparent decision-making process and were invited to present their suggestions in seminars with the ministry. Furthermore, they also had meetings with parliamentarians concerning the content of the white paper 27. NGO's were successful in creating attention in the media concerning the topic and were thus successful in public salience. Moreover, NGO's were successful in presenting a strong NGO strategy by making the common NGO-report.

However, the results of the document content analysis show a different picture. NGO's suggestions on regulations and practices, as for instance to strengthen the voice of child asylum seekers and to improve the guardian system, are included in the white paper 27 to a high extent. However, suggestions that required changes in policies, as for instance, to give residence permit to children that have been living in Norway for more than four years with an undefined status, are rejected in the white paper 27. Also NGO suggestions that required a change in the Norwegian law (kindergarten and gymnasium law) are not included in the white paper 27. In summary, the document content analysis shows that NGO's were much more successful to get their suggestions on regulations and practices included in the white paper, but less successful on getting suggestions that required changes in policies, included in the white paper. The fact, that NGO's were in general not satisfied with the outcome of the white paper 27, is an additional indication for that NGO's were not successful in achieving all their end goals.

In conclusion, according to Dür's (2008) theory the NGO's had high potential to influence the white paper 27. Yet, the results of the document content analysis and the interviews show that in reality the NGO's influence on the white paper was much more limited. Thus Dür's theory did not predict correctly the influence of NGO's on government policies in the case of the white paper 27. The following chapter will discuss reasons why the results of the case study do not support Dür's theory.

## 7 Discussion

As explained in the previous chapter, according to Dür's four-category analysis, NGO's had great potential to influence asylum policies regarding the white paper 27. However the document content analysis shows, that NGO's were only partly able to influence on the white paper 27. NGO's were able to influence regulations and practises concerning child asylum seekers, but were not able to influence on actual policies or regulations that required changes in the law. Thus, the findings from the document content analysis do not support Dür's theory on NGO influence. But why were NGO's not able to influence asylum policies more in the case of the white paper 27?

Reasons for this may be find when looking at the Labour party's role and position concerning the white paper 27. As explained earlier the Labour party holds the majority in the government and thus has been most decisive over the outcomes of the white paper 27. However, the Labour party's position on the issues of children asylum seekers was clear. The party was never intended to change asylum policies, but rather wanted to improve practises concerning rejection or approval of child asylum applications and regulation concerning living situations of child asylum seekers (Christoffersen 2013). This leads to the questions of why the Labour party was not open to improve asylum policies concerning children. The Labour party's strict position on immigration and asylum policies may be explained by the fear to loose voters to the right-wring party, the Progress party. A survey that has analysed workers support for right-wing populist parties in Western Europe, among others also Norway concludes that it is mainly the working class that supports right-wring parties (Oesch 2008:350).

Furthermore, the survey analysed reasons why previous voters of working class parties turn into voters of right-wring parties. The voter's motivations may be explained by the perception of immigration as a threat to national identity or to express their unease with multiculturalism and the rejection of equal rights for foreign citizens, among other reasons (Oesch 2008:350) The survey found out that right-wring party voters are more motivated by questions of community and identity than of economic grievances in Norway and in the other four Western European countries that were included in the survey (Oesch 2008:369). Thus, the Labour party's refusal to improve immigration and asylum policies in the white paper 27 may be explained by the threat to loose voters, who are concerned about national identity due to immigration rise, to the Progress party.

Other explanations of why the findings of the document content analysis do not support Dür's theory, which expected NGO's potential to influence governmental policies as high, may lie in the difficulty to measure and define NGO influence. This research paper used a clear definition for analysing NGO influence, namely if NGO's end goals were achieved. However, other scholars argue that even if NGO's do not succeed in moving an issue in the preferred direction, this does not necessarily mean that the NGO's lacked influence. Mahoney argued that lobbying success does not prove influence. According to her, influence needs to be studied for a long time in order to prove if NGO's had just lobbying success or are able to have influence on governmental policies (Mahoney 2007). This leads to the questions if NGO influence on governmental policies has to be studied over a longer period of time in order to analyze NGO influence on policies, and if the case study on the white paper 27 can be seen as a representative sample for NGO-influence on asylum policies in Norway.

As presented in the introduction chapter, the white paper 27 can be seen as a relevant case that presented NGO's work on asylum policies, because NGO's interests in the white paper 27 was huge and their work intensive. Furthermore, NGO's did not only lobby from outside, but also actively through meetings with the ministry of justice and public security and parliamentarians. However, the studied time of the process of the making of the white paper 27 and NGO's involvement was a quite short study time and leads to the questions of if NGO influence has to be studied for a longer period in order to get a full picture.

In summary, further studies are needed to analyze NGO influence in the field of immigration and asylum in Norway over a longer period of time, and in terms of different issues, in order to get a wider picture.

## 8 Conclusion

This research project tried to illuminate what kind of influence NGO's have in Norway's immigration and asylum politics. In order to study the phenomena of NGO influence in depth, a case study was conducted. The case study analysed NGO's influence on the white paper 27 ("Children on the run"), which aimed to improve living situation of child asylum seekers in Norway. First, Dür's four-category framework, which distinguishes four broad clusters of determinants, was used to analyze NGO's *potential* to influence governmental policies in Norway. After this, the NGO's actual influence on the white paper was studied through a document content analysis and through interviews with representatives of NGO's and the Labour party and Socialist-left party. This research paper aimed to answer the following two research questions:

- Did NGO's influence the white paper 27 and if yes how?
- Did Dür's (2008) framework predict correctly the influence of NGO's in this case?

The results of Dür's four-category analysis show that NGO's potential to influence governmental policies were high, because the NGO's were rich in interest group resources, had access to political institutions, were able to create attention for certain issues and followed their own strategies. However, the results of the document content analysis and analysis of the different parties' perceptions, gained through interviews, clarified that this potential was not fulfilled. NGO's were able to influence the white paper 27 in terms of improvements of practises and regulations to some extent. For instance, NGO's suggestions that referred to improvements in the practise of children to get heard or improvements in the guardian system are included in the white paper 27. However, NGO's were not able to influence on actual asylum policies, as for instance to implement a policy that gives residence permit to children that have been living in Norway for more than four years without a defined status. Further studies are needed to study the phenomena of NGO influence in immigration and asylum politics in Norway over a longer period of time.

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# 10 Appendix

## Interview guide for NGO's

### BACKGROUND: person and organization

1. What is your position in the organization?
2. How long have you been working for Redd Barna/Norsk Folkehjelp/NOAS and how long with NGO's in general?
3. What are the main issues you are working on regarding asylum seeker rights? Do you have a strong focus on child asylum seekers?

### WORKING WITH WHITE PAPER 27

#### Can you describe how Redd Barna/Norsk Folkehjelp/NOAS experienced the process?

4. You worked actively with the white paper 27 (barn på flukt), when did you get first information about topics that might be included in the white paper 27? When did the process start? Did you see a first draft of it before the white paper came out in June? How would you describe the work with the ministry? Who was your contact person?
5. What were the main points that your organization wanted to change in the white paper (Technical issues? Major points?)
6. What happened when your organization was invited to the seminars with the ministry? Would you say the seminars/debates were successful?
7. How did you experience the making of the common NGO report? Were you satisfied with the content?
8. How open would you say was the decision making process of what will be changed regarding child asylum seekers in the white paper 27? (Transparency of political institutions, decision-making processes)
9. You have been working with other organizations (røde kors, red barna, antirasistisk senter, press, seif, amnesty int., norsk folkehjelp, losu, unicef) regarding the white paper 27 (alternativ ngo rapport). Would you say the organizations had similar interests or where there disagreements?
10. Was there a specific budget for the case Stortingsmelding 27 and did you have experts in your organization that were especially working with it? (Money, knowledge, information)
11. Did you try to create a lot of attention in the public regarding the issues of the white paper? (Salience of a certain issue)

12. How would you describe your work with different political parties and the government?
13. How satisfied is your organization with the white paper 27 in general?
14. In your eyes, what political power do you have?

### **Interview guide for Labour party and Socialist-left party**

#### BACKGROUND: person/party

1. What is the position of the Labour/Socialist-left party regarding Norway's asylum policies? Is the Labor/Socialist-left party satisfied with the asylum system in Norway? If not, what does AP/SV want to change?

#### WORKING WITH WHITE PAPER 27

##### Describe process:

##### How did AP/SV experience the process?

2. What is the normal process of a white paper? (Was there a first draft in the beginning or only topics that should be included?) How is the implementation going to be? And where in the process is the white paper? How much is the white paper already implemented?
3. How satisfied is AP/SV with the white paper 27? Do you expect many improvements?
4. What was the aim to include NGO's so actively in the process?
5. Can you understand NGO's criticism towards the white paper that the white paper has only improved the situation for those children to a low extent?
6. In your eyes, what political power do NGO's have to influence such papers and how important are they for the government/parliament to help to improve such white papers?
7. How would you describe the cooperation between AP/SV and NGO's?
8. How open would you say was the decision making process of what will be changed regarding child asylum seekers in white paper 27? (Transparency of political institutions, decision-making processes) Would you say NGO's were enough engaged in the process?
9. Do you know who in the ministry for justice and public security has written the white paper 27?



ROYAL NORWEGIAN  
MINISTRY OF JUSTICE AND PUBLIC SECURITY

Katharina Koschnick  
Katharina.koschnick@student.umb.no

Your ref.

Our ref.  
13/3545 - TFN

Date  
19.06.2013

**Interview regarding master thesis**

We refer to your e-mail of 29<sup>th</sup> April 2013 to State Secretary Pål K. Lønseth regarding your master thesis, and the possibility for an interview with the State Secretary about the White paper on children on the move (Meld. St. 27 (2011-2012)). We apologize for our late response.

We regret to say that the State Secretary cannot meet you for an interview. Regarding your questions, the State Secretary would like to inform you on a general basis that he considers non-governmental organizations (NGOs) as important contributors to the ministry's work. Relevant NGOs are routinely included in hearings concerning legislative amendments, and their suggestions and opinions are taken into consideration. Consequently, it would be accurate to say that NGOs have a certain influence on national policies, including refugee policy. However, suggestions from NGOs are rarely *decisive* for the ministry's work.

We hope you find this information useful for your master thesis.

Yours sincerely -

Sigurd Bordvik (p.p.)  
Adviser

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