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Challenging the Humanitarian Great Power

A critical discourse analysis on opposing ideas in the current Norwegian Migration Governance

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Abstract

Academic scholars from different fields, but also international organisations, agencies and NGO's have expressed concern for migration policies in Norway and how current European governance might endanger asylum rights and the principle of non-refoulement in the region (Casas-Cortes, Cobarrubias, & Pickles, 2015, p. 57; Linha et al., 2019; Mezzanotti, 2018). The aim of this study is to answer how Norway's contrasting discourses on migration governance affect its status as a humanitarian great power while exploring how Norway's foreign policy discourse on migration governance relate to the country's current national policies on migration, and to what extent hegemonic power relations are being maintained and reproduced in this discourse, challenging human rights of migrants. The study is framed through the lenses of Norman Fairclough's dialectical-relational approach to CDA (2015) and Cox's Critical theory of world order and hegemony (1981). A critical discourse analysis was applied to nine texts, comparing the discourse on national policies to foreign policy discourses on migration, generating a discussion related to the concepts of hegemony, ideology and power. Based on these concepts, the study displays how the power of discourse is defining and shaping the realities of migrants and might influence the status of a state. The study indicates that the Norwegian discourse on migration governance carries an ideological component related to the maintenance of power of the so-called ethnic-Norwegian. The current discourse highlights ideas that aim at keeping migrants at an arms distance, using fear as a means to increase power and affect migrants' decision-making and rights. Awaiting a European solution (Søreide & Kallmyr, 2019, September 3), the national migration governance has its main focus on deterrence measures and stricter regulations for migrants residing in Norway. Thus, the study reveals a paradox to Norway's status as a humanitarian great power.

Key words: Migration governance, hegemony, humanitarian great power, refugee crisis, criminalisation, critical discourse analysis, border management

Acknowledgements

List of Content

List of Abbrevations

CDA	Critical Discourse Analysis
EU	European Union
FRP	Fremskrittspartiet (The Progress Party)
GCM	Global Compact for Safe, Orderly and Regular Migration
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IOM	International Organisation for Migration
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review

1. Introduction

1.1. Introductory Context

Norway portrays itself as a *humanitarian great power*, a state proclaiming the value and importance of human rights. The country is known for its humanitarian contributions, peace and security work in other countries (Carvalho & Lie, 2015; Lodgaard, 2007; Toje, 2010). In coherence to its reputation, Norway advocated in the preliminary work of the Global Compact for Safe, Orderly and Regular Migration (GCM) for a global initiative concerning, among other issues, the protection of the world's migrants (Solberg, 2016, September 21). At the same time, the Norwegian Government implemented stricter asylum regulations, including major campaigns developed in social media aiming at deterring new arrivals of migrants (Brekke & Thorbjørnsrud, 2018; Norwegian Ministry of Justice and Public Security, 2015, October 30). In light of this, it is interesting to scrutinize Norway's contrasting discourses in response to the so-called *refugee crisis* in 2015 and the following years.

Most of the worlds migrants come from outside of Europe and stay in neighbouring countries (UNHCR, 2019, June 20). This implies that European countries are far from being the most affected (Castles, Miller, & De Haas, 2014; Pécoud & Guchteneire, 2006). Nevertheless, during 2015 and 2016, over one million asylum applications were registered in Europe (Brekke & Staver, 2018, p. 2164) and migration flows to Europe are still ongoing. Many arrive in Europe through the Eastern and Western Mediterranean routes, ending up mainly in Spain, Greece and Turkey (Frontex, 2020, May 1; Skribeland, 2018). Norwegian migration governance is strongly interconnected with the European asylum system (Brekke & Staver, 2018, p. 1; NOAS, 2019, March 1b; Norwegian Ministry of Foreign Affairs, 2019, April 16). When the European and the Norwegian responses to the influx of migrants after 2015 simply was to close European borders (Christophersen, 2019, June 25), it became clear that the European asylum system was not equipped with the right tools and regulations to handle the influx of migrants and was far from enabling migrants' human rights (Brekke & Staver, 2018). Migrants are in a vulnerable position, often forced to leave their homes. The effects of the current migration governance include the growing vulnerability of migrants, a life of exclusion and discrimination and an exacerbated abuse of those who migrate for both political and economic reasons (Casas-Cortes et al., 2015, p. 57; Collste, 2014, p. 461; Fassin, 2011; Linha et al., 2019; Medecins sans frontieres, 2020, April 17). European refugee camps are described as overcrowded, dangerous and violent places. People are living under inhumane and degrading conditions (Christophersen, 2019, June 25; Human Rights Watch, 2020; Medecins sans frontieres, 2020). Despite their vulnerability, much of the inflow of migrants is unwanted (Carling, 2011, pp. 33-34). Norway's quest

for status as a "good" state rests on its international involvement in humanitarian action (Carvalho & Lie, 2015, p. 59). However, as a consequence of the refugee crisis, Norway closed its border to Russia, while introducing emergency measures and *safe third country* measures to reject asylum seekers from entering Norway from neighbouring countries (Gammeltoft-Hansen, 2017, p. 106). In addition, asylum seekers are constantly deported from Norway based on immigration regulative concerns, and new policies make family reunification and resident permits more inaccessible (Amnesty International, 2019, June 17; Austenå, 2019, March 1; Office of the Prime Minister, 2016, April 8; Stensland, 2019, November 19, 2020, January 14), while deterrence effects are used actively to keep migrants outside of Norway (Casas-Cortes et al., 2015; Norwegian Ministry of Justice and Public Security, n.d.). Legal scholars and NGOs have expressed concern over the issue, including how asylum rights and the principle of non-refoulement have been put into question (Casas-Cortes et al., 2015, p. 57; Linha et al., 2019; Mezzanotti, 2018). When the motivation to migrate is an immediate threat to the physical and emotional well-being of oneself and one's family, it is unlikely that policies of deterrence will hinder anybody from migrating (Donato & Massey, 2016, p. 18).

The United Nations High Commissioner for Refugees has expressed concern over rich countries' tendency to make it difficult for migrants to cross their borders (Grandi, 2018, October 1, p. 2). From the standpoint of the receiving states, international migrants are aliens. Their arrival makes the relationship between nationals and foreigners a matter of domestic as well as foreign policy (Waldinger & FitzGerald, 2004, p. 183). In today's political climate, migration is of importance to the issue of power and hegemonic values that strive at the expense of subordinate groups (Gramsci, 2000; Krzyżanowski, Triandafyllidou, & Wodak, 2018). Contrary to the humanitarian scope, migrants are victims of a discourse characterized by an exclusionary and discriminating rhetoric of othering based on a politics of fear (Krzyżanowski et al., 2018, p. 2). This discourse prioritises border management over human rights and its international obligations and contributes to a general lack of responsibility towards the enforcement of those rights.

1.2. Research Questions and the Purpose of the Research

Despite Norway's attempt to build a reputation of being a humanitarian great power by being a facilitator in peace and humanitarian work, through trust and open communication (Lodgaard, 2007), the Norwegian Government has apparently enjoyed relatively low pressure from the international community regarding its new restrictive policies on migration, since the 2015 refugee crisis. Albeit its reputation, the Norwegian Government has surfed through the crisis by waiting for a European

solution on the issue of migration, while closing its own borders (Søreide & Kallmyr, 2019, September 3). The long-term developed status of a humanitarian great power, seems to have little adherence to the country's current policies, therefore losing its value and meaning.

The context presented above provides the main background from which the research questions are formulated. Accordingly, this research aims to answer the following questions:

1) How does Norway's contrasting discourses on migration governance affect its status as a humanitarian great power?
a) How does Norway's foreign policy discourse on migration governance relate to the country's current national policies on migration?
b) To what extent are hegemonic power relations being maintained and reproduced in this discourse, challenging human rights of migrants?

Through the lenses of Cox's Critical theory of world order and hegemony, together with Fairclough's dialectical-relational approach to CDA, this study will compare Norway's foreign policy discourse on migration governance with its national discourse. CDA provides an opportunity to combine critique of discourse and explanation of how the discourse contributes to the existing social reality, as a basis for action to change the existing reality in particular respects. The use of CDA and Critical theory brings a focus on the role of power, ideology and hegemony (Cox & Sinclair, 1996; Fairclough, 2015, pp. 6-7). CDA and Critical theory will make it possible to explore how the Norwegian Government's discourse on migration consolidates a certain set of values and power relations, resulting in unacceptable damage to migrants' rights (Fairclough, 2015, pp. 26-27). Using Cox's approach to hegemony and world order to analyse Norway's foreign policy discourse allows one to identify the discourse on migration governance' effects in the global society, within the state and for individuals (Cox, 2007; Cox & Sinclair, 1996). At the same time, this approach can reveal the correlation between Norway's foreign and national discourse on migration governance and its implications to the protections of migrants and new arrivals in Norway.

scholarships on migration governance focus mostly on immigrant entry and control, as well as residency, integration and naturalization issues in Western liberal democracies (Melde et al., 2019, p. 3). This research is interdisciplinary, within the fields of humanities, international relations and social science, using language to create a dialogue between the disciplines (Fairclough, 2016, p. 87). The relevance of this study to the field of human rights is its contribution to the debate on the apparent

backlash of the international protection of migrants and their human rights, especially considering the rise of right-wing discourses that aim at the criminalisation of migration and an implementation of a politics of fear that seems to lead the migration governance in Europe (Wodak, 2015) and, among other issues, contesting the inherent right to seek asylum without being discriminated against. A vast amount of research on the topic of migration governance has been developed (Brekke & Thorbjørnsrud, 2018; Casas-Cortes et al., 2015; Gammeltoft-Hansen, 2017; Pécoud & Guchteneire, 2006; Qvist, Suter, & Ahlstedt, 2015; Wodak, 2012). However, there have been conducted few global comparisons of migration governance, with a focus on developed countries (Melde et al., 2019, p. 5). This study intends to contribute to the research field by shedding light on current discourses on migration governance from a Norwegian governmental perspective, in comparison to its foreign policy discourse. For one thing, it will give insights to the effect migration governance exercised through different platforms, such as social media and political forums have. It will also create a picture of how national migration policies have a direct effect on migration governance in a global perspective, thus portraying its effect on human rights.

1.3. Definitions

1.3.1. A migrant, an Umbrella Term

Concerning the topic of migration governance, it is important to conceptualize the terms *migrant*, *asylum-seeker* and *refugee*, and how they are connected. In this study, the term *migrant* is understood as "any person who is moving or has moved across an international border or within a state away from her/his habitual place of residence, regardless of the person's legal status; whether the movement is voluntary or involuntary; what the causes for the movement are, and what the length of the stay is" (Sironi, Bauloz, & Emmanuel, 2019, p. 132). An *asylum-seeker* is a person whose request for sanctuary has yet to be processed (UNHCR, n.d.-b) and a *refugee* is someone who

> "owing to 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, is unable or, owing to such fear, is unwilling to return to it" (UNHCR, 1951, article 1 A(2)).

This entails that a refugee is considered here as one specific category of the broader category of migrant. Today, many migrants travel in mixed migration movements. A mixed movement refers to

flows of people travelling together, using the same routes, facing the same challenging conditions, but with different motivations. These are people who have either been forced to flee due to persecution or armed conflicts, - and may achieve the legal criteria for being granted the status of refugee, or they are on the move in search of better living conditions. People travelling as part of mixed movements may therefore include asylum-seekers, refugees, stateless people, victims of trafficking, and migrants that might be later considered to be in an irregular migration situation (UNHCR, n.d.-a). The nature of a decision of a refugee status determination is declaratory. A person is a refugee as soon as she/he fulfils the criteria contained in the definition. Therefore, until a formal definition of the migrants' status is made, it must be assumed that those who have crossed an international border to escape a risk of serious harm in their country of origin are refugees and should be treated as such (UNHCR, 1951).

The Norwegian Organisation for Asylum Seekers (NOAS) has criticised the Norwegian Government for using the word migrant instead of refugees in discourses concerning border crossings and asylum applicants, stating that it obscures the fact that any migrant may potentially need international protection (Linha et al., 2019, p. 17). While this may be true, the term migrant will be used as an umbrella term throughout this study, when referring to economic migrants, asylum seekers or refugees. This is because the study aims to acquire an understanding of how Norway is reasoning and acting on the matter of migration, including all of the above.

1.3.2. Migration Governance

The concept of governance refers to various theories and practices of governing and the dilemmas to which they give rise. Governance draws attention to the complex processes and interactions that constitute patterns of rule. It replaces a focus on the formal institutions of states and governments with recognition of the diverse activities that often blur the boundary of state and society (Bevir, 2011, p. 2). Bundschuh-Rieseneder defines *Good Governance* as "favourable political framework conditions for social, ecological and market-oriented development as well as responsible use of political power and public resources by the states. This includes the process in which public institutions conduct public affairs, manage public resources and guarantee the realization of human rights" (Bundschuh-Rieseneder, 2008, p. 27). Migration policy is becoming increasingly intertwined with other policy areas, and linked to issues pertaining to integration, citizenship, social rights and international aid and development (Qvist et al., 2015, p. 39). *Migration governance*, in this paper, will be used in association to both the global, regional and national levels of policies (Betts, 2010).

There is no formal framework for continuous international cooperation on migration at the United Nations, so international governance has been a mixture of bilateral, regional and global policies, norms, agreements and declarations that have grown slowly until recently. States have generated a multilevel international migration regime, constituting different institutions, conventions and initiatives as they have explored different avenues individually and collectively (Martin & Weerasinghe, 2017). In 2015, the International Organisation for Migration (IOM) developed a Migration Governance Framework to help define what well-managed migration policy looks like at the national level. The framework includes six dimensions of migration governance; a) migrant's rights, b) an assessment on countries institutional, legal, and regular framework related to migration policies, c) partnerships, countries efforts to cooperate on migration-related issues with other states, d) the well-being of migrants, e) mobility dimensions of crises, and f) safe, orderly and dignified migration (Melde et al., 2019, p. 1). Cooperation at the regional level exists in several forms and forums, ranging from regional free movement protocols and regional bodies to more informal venues for exchange (Melde et al., 2019, p. 3). Geddes argues that migration governance in Europe has had a shift towards a more complex web of EU outputs concerning immigration and asylum system, and a consistent focus on the external borders and measures on irregular migration and asylum (2018, p. 129). As a non-member of the EU, but a cooperating nation through the European Economic Area (EEA), Norway enjoys great freedom of manoeuvre in introducing sovereign deterrence measures, while being able to refer to European measures through the EU's own asylum system (Gammeltoft-Hansen, 2017). The cohesion of national policy on migration is diluted in many countries by ad hoc processes of structures (Melde et al., 2019, pp. 3-4).

1.4. Research Design and Organisation of the Study

To answer the research question, exploring how Norway's contrasting discourse on migration governance affect its status as a humanitarian great power, this study adopts a comparative design. By contrasting Norwegian national discourses on migration with the state's foreign policy on the matter, it will be possible to identify how they relate to each other, while gaining a more profound insight into the effect of the discourse on migration governance. The method of CDA will bring the opportunity to examine the actual content on migration-related discourses, while also examining the interaction used to communicate the Norwegian Government's beliefs and meanings, considering the social context of the discourse (Bryman, 2016, p. 540).

This study starts by introducing the main focus of the research and its contributions considering previous research. Following, an overview of relevant literature and legal documents to contrasting discourses on migration governance and its context is presented. Here, topics such as the legal framework concerning migrants, international and national migration governance, including border management and multilateral deals on migration will be presented, together with the issue of power and foreign policy. In the following chapters, *three* and *four*, the theoretical and methodological framework is presented, giving a critical and analytical framework for the analysis and discussion in *chapter five*. The analysis is based on a critical discourse analysis of nine texts related to Norway's national and foreign policy discourses on migration. These texts are discussed in light of hegemony and power relations. *Chapter six* argues that there is a paradox in the Norwegian discourse on migration governance. It renounces its responsibility towards migrants by using a discourse of fear that results in an overall decline of migrant's human rights.

2. Literature Review - An Overview of the Topic of Migration

International concern and critique on the issue of migration governance, such as, border management, asylum policies and bureaucracy, and ethical dilemmas in migration governance (Grandi, 2018, October 1; United Nations, 2018, July 13), gives rise to questions regarding Norway's foreign policies and state branding as a humanitarian great power. Existing literature informs on the relation between European migration policies, Norwegian governmental discourse and ethical concerns on the issue (Brekke & Thorbjørnsrud, 2018; Eriksen, 2013; Gammeltoft-Hansen, 2017; Pécoud & Guchteneire, 2006; Wodak, 2012). National and international migration governance should be in coherence to international regulations. Therefore, to be able to analyse and compare the international and national discourse on migration governance, the international human rights framework will be presented first. Secondly, the focus will move over to European migration governance. The political framework concerning migrants will be portrayed, displaying a line of policies with the focus on regulating migration and limiting access to European borders. Following, the relationship between power and foreign policy in international relations will be presented before the Norwegian asylum regulations are described. Here, the focus will be on how Norway acts internationally as a humanitarian great power, but also looking inwards at how the Norwegian Government is working to control the numbers of migrants at its own borders.

2.1. The Human Rights of Migrants and the European Migration Governance

Existing legal instruments provide a comprehensive legal framework for the governance of international migration. The UDHR is part of the "International Bill of Human Rights" together with the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). International human rights law applies to all people at all times. It lays down obligations which states are bound to respect. This means that all migrants, regardless of their status, are entitled to the same set of international human rights as everyone else (OHCHR, n.d.-a). The UDHR states that "everyone has the right to leave any country, including his own" (United Nations, 1948, article 13). It also states that "Everyone has the right to seek and enjoy in other countries asylum from persecution" (United Nations, 1948, article 14). Under international human rights law, the principle of *non-refoulement* forms an essential protection, guaranteeing that

no one should be returned to a country where they would face torture, cruel, inhumane or degrading treatment or punishment and other irreparable harm. It thus prohibits states from transferring or removing individuals form their jurisdiction or effective control. This principle applies to all migrants irrespective of migration status (OHCHR, 2019).

In addition, global instruments for the protection of migrants and refugees can be found in specific conventions, such as the 1951 Refugee Convention (UNHCR, 1951), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW) (UN General Assembly, 1990, December 18), the Global Compact for Safe, Orderly and Regular Migration, and the Global Compact on Refugees (UNHCR, 2018a; United Nations, 2018, July 13).

Norwegian migration governance is highly intertwined with European policies (Brekke & Staver, 2018, p. 1; NOAS, 2019, March 1b; Norwegian Ministry of Foreign Affairs, 2019, April 16). Keeping in mind that the influx of migrants to Europe is strong, and the legal framework of migrants' rights already presented, the European migration governance will be presented. This section will introduce some aspects of the relation between migration governance and its direct consequence for migrants, traveling, or attempting to settle down in a host country. The gap between the international approach to migration and human rights and the European migration governance will be apparent. Despite the principle of non-refoulement prohibiting states from removing individuals from their jurisdiction (OHCHR, 2019), European and Norwegian migration governance has its main focus on refusing access to the European continent (Fine & Megerisi, 2019, July 25; Gammeltoft-Hansen, 2017).

2.1.2. The Dublin Agreement and Other European Policies on Migration

In an attempt to develop a unified approach on how to deal with flows of migrants arriving from outside of Europe, the EU has developed a framework of policies consisting of, among others the Schengen and the Dublin agreements. The Schengen agreement creates a common external border for EU/EEA countries, making it almost impossible to access and travel to a desirable country of destination, inside the Schengen area (Council of Europe, 2015, May 7; Klepp, 2010). The Dublin agreement places an obligation on the first country of arrival at the European continent, often Greece, Spain or Italy, to take responsibility for the arriving migrants (Brekke & Staver, 2018, p. 5; IOM, 2019, December 20).

Despite this legal framework, the EU was not equipped to handle the large inflow of migrants in 2015-2016. As a consequence, agreements with Turkey and Libya to deter the arrival of migrants

were adopted. In return for EU's funding, training and equipment, the Libyan coast guard is hindering migrants from traveling irregularly across the Mediterranean Sea and reaching international waters, by transporting them back to detention centres in Libya (Fine & Megerisi, 2019, July 25). Similarly, Turkey was supposed to stop irregular traffic from Turkey to the EU, and those who reached the European border were supposed to be sent back to Turkey. Simultaneously, Turkey is the country in the world with most refugees and asylum seekers, with the largest group being Syrians (Skribeland, 2018). Turkey has a reservation from the Refugee Convention, implying that refugees from countries outside of Europe are denied refugee status and rights accordingly (Simsek, 2017; Skarstein, 2016, April 8). Policies like these are often in place to protect the borders and not the migrants (Carling, 2011; Casas-Cortes et al., 2015; Donato & Massey, 2016; Fassin, 2011; Gammeltoft-Hansen, 2017; Pécoud & Guchteneire, 2006; Qvist et al., 2015). Migration flows are often mixed, and the limits between what is morally acceptable and clearly legally questionable ought to be better understood as both economic migrants and migrants with the right to asylum are being denied access to the European border (UNHCR, n.d.-a). Due to the Turkey agreement, thousands of children and adults are stranded in inhumane conditions in camps in Greek islands (Skribeland, 2018). It has been reported that the conditions in Libyan detention centres are inhumane. Migrants are living without access to rights, being victims of violence, torture and sexual abuse (Fine & Megerisi, 2019, July 25). Norway is part of the Schengen- and the Dublin agreement, while supporting the agreement with Turkey (Brekke & Staver, 2018, p. 1; NOAS, 2019, March 1b; Norwegian Ministry of Foreign Affairs, 2019, April 16). As will be portrayed later on, this is central to how Norway chooses to act on the issue of migration and is therefore a considerable part of the discourse on migration in Norway.

As mentioned, European states divide between wanted and unwanted migrants, and this becomes visible in their migration governance. European states see wanted immigrants as those who can strengthen European economy by meeting specific shortages of labour. Among the unwanted migrants asylum-seekers, people entering through family reunification or migrants who enters irregularly through the help of smugglers can be included (Carling, 2011, pp. 33-34). This is relevant when examining Norway's migration governance and how it relates to the status of a humanitarian great power. The measures meant to stop irregular migration have direct consequences on international principles regarding asylum and humanitarian rights, according to which all human beings are entitled to seek protection from persecution (Fassin, 2011; Pécoud & Guchteneire, 2006, pp. 69-73), and the prohibition of returning people to a place where they may face harm (OHCHR, 2019). Since an asylum seeker, almost always, has to be in the country where she/he wants to apply for asylum (Sironi et al., 2019, p. 13), attempts to control migration flows before they reach their

destination countries affect the ability to apply for it and access to human rights (Pécoud & Guchteneire, 2006, p. 72).

2.1.3. Border Management and Preventative Measures

Pécoud & De Gutchteneire question the right one has to migrate in relation to immigration (2006). When not "wanted", migrants are often in a situation where they have to travel irregularly due to lack of resources or papers necessary to cross a border without being returned to their country of origin (Fassin, 2011, pp. 218-219). In Europe, states increasingly discuss the possibility of prompting migrants to stay in countries near their region of origin, rather than considering their case of asylum on European soil (Gammeltoft-Hansen, 2017; Pécoud & Guchteneire, 2006, p. 72). States try to set rules of immigration with the purpose of implementing restrictive ambitions. Therefore, border management has become a central issue in migration governance (Pécoud & Guchteneire, 2006, p. 70).

Traditionally, border management entailed controlling the physical state border, who gets in and who gets out (Casas-Cortes et al., 2015). Today, this control is assigned to actors, not placed at the physical border. Actors such as airline carriers are for example required to check if their passengers have the visa required to travel to their country of destination (Guiraudon & Joppke, 2001, quoted in, Pécoud & Guchteneire, 2006, p. 70), in this way, hindering people in reaching the physical border. By enforcing this set of control, people are forced to go to extreme measures to migrate. Between January 1 and December 18 2019, 107 546 migrants have entered Europe by sea in rubber dinghies and unsafe vessels. This is a decrease from 2018, when 112 836 migrants arrived during the same period. Over half of the arrivals landed in Greece, and nearly one quarter in Spain. By December 2019, 1 246 individuals have died while crossing the Mediterranean in 2019 (IOM, 2019, December 20). A number of people die on their way to receiving countries due to hypothermia, dehydration, sunstroke or drowning. According to Pécoud and De Guchteneire, the extreme vulnerability of undocumented migrants and their exposure to the abuse and exploitation largely stems from policies that unsuccessfully attempt to prevent irregular migration, thereby leaving many migrants in legal loopholes (2006, p. 73).

Both Carling (2011) and Brekke & Thorbjørnsrud (2018) have looked at the use of information campaigns and the managing of migration through social media. Information campaigns seeking to discourage migrants is another example of preventative measures used by receiving states. Prevention

is being used to reduce "unavoidable" immigration, trying to obscure or discourage attempts at entering Europe before they arrive. It therefore acts as a prolonging of the physical border (Carling, 2011, p. 38). Brekke and Thorbjørnsrud are focusing on what happens when platforms previously used by migrants to make migration easier, are used by governments with the scope to make migration seem less worthwhile (2018). The hope of the government is to create a *deterrence effect*. The attempt to control borders and the inflow of migrants extends border managing into the private sphere, no matter where a person is located (Brekke & Thorbjørnsrud, 2018). In the analysis, texts in relation to this type of deterrence measures are analysed. By entering the private sphere, governments can't control who receives the info, while misinformation might be given via invasive means. Affecting the actions and rights of migrants (Brekke & Thorbjørnsrud, 2018; Latonero & Kift, 2018)

Even though preventative measures to manage borders by creating an effect of deterrence is becoming more and more common, there is very little information on whether they are effective (Austenå, 2019, March 1; Brekke & Thorbjørnsrud, 2018; Browne, 2015). Despite making it difficult for many to migrate, the persistence of undocumented migration illustrates how even sophisticated forms of control do not really stop people. Since the decision to migrate under threat is more primal than rational, migration policies like enhanced border enforcement, interdictions at sea and influential campaigns are doubtful to function as deterrents when the motivation is an immediate threat to the physical and emotional well-being of oneself and one's family (Donato & Massey, 2016, p. 18). Motivated migrants manage to escape controls by taking more risks, crossing in new border areas, and relying to a greater extent on professional people-smugglers (Pécoud & Guchteneire, 2006, p. 71).

2.2. Criminalisation, Exclusion and Othering

One of the aims of this research is to identify how Norway's discourses concerning migration governance challenge the human rights of migrants. Hence, this section will first present the relation between migration governance and criminalisation, before discussing the relation between politics, discourse and racism.

2.2.1. Criminalisation

A phenomenon that has become more central in recent research is the *criminalisation of migrants*, or "crimmigation", as some scholars call it (Marin & Spena, 2016; Oudejans, 2019). The term

crimmigation connotes the interconnections between crime and migration in the context of public authorities' response to irregular migration. The concept refers to criminal law mechanisms and imagery being heavily resorted to as part of a general political strategy for managing migration flows (Marin & Spena, 2016, p. 147). In order to prevent the chaos and disorder stemming from people trespassing immigration laws, there are, according to Oudejans, two options: either irregular immigrants are legalized, for example by general or individual amnesty, or they are excluded from the policy that requires they be removed from the territory. Despite ever-restrictive measures of immigration control, states fail to round up and remove all irregular immigrants from their territories (Oudejans, 2019, p. 450). Migrant "illegality" is produced as an effect of the law, but it is also sustained as an effect of a discursive formation (Genova, 2002, p. 431). The criminalization of migrants can be seen in migration law measures, notably in residence permit revocation, citizenship deprivation and expulsion, being increasingly applied as either substitute or additional sanctions against migrants who are found guilty of a crime (Marin & Spena, 2016, p. 149). According to Marin and Spena, a consequence of the criminalisation of migrants is, an increasing association in public opinion and in legal documents of irregular migrants being criminals, and the distinction between irregular and regular migration tends to overlap the distinction between criminality and non-criminality (2016, pp. 149-150). As migrant illegality is produced as an effect of the law and sustained through discourses (Marin & Spena, 2016, p. 149), the criminalisation of migrants is highly relevant to the investigation of how Norway's contrasting discourses of migration governance challenges the human rights of migrants and Norway's status as a humanitarian great power.

2.2.2. Discourse, Exclusion and Othering

The analysis of this research will focus on texts concerning policies on migration. Analysing the discourse of what appears to be a politicized topic, the aspects of *racism*, *exclusion* and *othering* is relevant when considering if migration governance has an effect on the human rights of migrants, in relation to hegemony and power. An integral part of the power that discourse can convey in the socio-political field comes with control over terminology and, thus, meaning (Rheindorf & Wodak, 2018, p. 15). The term *politization*, serves as a description of the process of making all questions, issues and values political decisions. Politization denotes the growing power of the state and thereby of the political actors who, in the process of competing for power over the state system, tend to politicize matters and issues that are of public-wide concern (Krzyżanowski et al., 2018, p. 4). Immigration has become a highly politicized topic in recent years, especially in terms of the ideologisation of related

debates but also of making politics the key locus to effectively dedicate the public views on immigration (Krzyżanowski et al., 2018, p. 5).

This politicised discourse easily increases the level of racism and exclusion in society. According to Jiwani and Richardson, racist discourses are pervasive. Language can be used to reproduce existing social inequalities, and in the process, legitimise racism. Through various strategies of argumentation and reliance on elites as authorised sources of knowledge, everyday talk and mediated texts communicate a valuation of the self that is positive, while negatively valuing the other (2011, p. 16). Racism, as a social practice and as an ideology, manifests itself discursively, and thus through a range of discursive and material practices. Simultaneously, discriminatory opinion, stereotypes, prejudices and beliefs are produced and reproduced by means of discourse; and through discourse, discriminatory exclusionary practices are prepared, implemented, justified and legitimated (Wodak, 2012, p. 406).

Wodak elaborates in *Discrimination via discourse: theories, methodologies and examples,* on the dimensions of discrimination and othering via text, image and talk (2012, p. 404). Discrimination implies deprivation of access through means of explicit or symbolic power implemented by the social elites. Debates about immigration and nationhood are crucially linked to assumptions about place. "Our" culture belongs here, whilst "foreigners" belong "elsewhere" (Wodak, 2012, p. 416). While investigating policies of exclusion, Wodak explores exclusion in relation to citizenship. Wodak refers to an everyday nationalism, creating a divide between "us" and "them". "The banal nationalism of nation states is vague about who exactly "we" are: sometimes the particular "we" of the nation means the general "we" of all "reasonable people". In other cases, the "we" is very clearly defined and restricted to memberships of certain groups" (2012, p. 406).

A specific migrant status may serve as a criterion for exclusion (Lentin & Titley, 2011, p. 200; Wodak, 2012, p. 406). In relation to the refugee crisis, there has generally been a huge degree of change in attitudes towards openness and inclusion with, in the majority of cases, increased hostility and at best various reservations towards the incoming asylum seeker (Krzyżanowski et al., 2018, p. 1). The continuous exclusionary rhetoric of othering, fuelled by the resurgence of right-wing populist and nationalistic, as well as nativist agendas in both Europe and beyond, emphasise an ethnonationalist *politics of fear* (Wodak, 2015), especially regarding immigrants and asylum seekers. Migrants and asylum seekers are easily a target of stigmatizing political and media discourses and practices, which not only contributes to a shift in public moods, imaginaries, or political preferences,

but often also results in outright physical violence toward the incoming migrants (Krzyżanowski et al., 2018, p. 2).

According to Wodak, powerful elites frequently justify exclusion in various ways. Reference is then made to status, belonging, ethnicity or gender. By discursively creating new topologies, modern and global forms of discrimination and exclusion can, for example, be symbolised by somebody having or not having a passport to enter countries of their choice. In this way, laws and discourse concerning citizenship become a legal means of inclusion or exclusion (2012, p. 407). The logic of exclusion and distinction is exceptionally visible in the naturalization process, via which the state separates the wanted from the unwanted among immigrants, but eventually reminds its newly naturalized members how they still differ from their indigenous fellow-citizens (Fassin, 2011, p. 215).

2.3. Norwegian Context – State Branding and Humanitarian Great Power.

When analysing Norway's current policies and opposing ideas on human rights and migration, it is important to know some of the background and history of Norwegian policies on the issue of migration. Simultaneously, to understand why Norway is acting in certain ways internationally, it is important to have an understanding of the relationship between power and foreign policy. Therefore, the concept of power and foreign policy will be presented firstly, before presenting Norway's migration governance and historical background.

2.3.1. The Relation Between Foreign Policy and Power in a Norwegian Context

Although there is an international legal framework supposed to establish a minimum standard on the protection of migrants' rights, immigration is subject to state control (Carling, 2011, p. 33). International human rights standards have been developed in the last decades, serving as guidelines for governments on how to treat their own citizens. The human rights framework has also legitimized states' concerns and involvement in how states are enforcing and protecting human rights within their state lines. For this reason, human rights have become part of many countries' foreign policies, and migration policies can be associated with how a state wants to be recognized internationally (Baehr & Castermans-Holleman, 2004, pp. 1-2).

Norway is a small state but its foreign policy, especially the country's involvement in matters of international peace and security, is an involvement similar to that of great powers. This can be seen as a sort of state branding for Norway. *State branding* is the imagery created through a nation's heritage, history, political behaviour, nature, cultural expression and so forth. It is about how nationalism and national identity are utilized (Angell & Mordhorst, 2015, p. 187).

To be visible and achieve what one wants, it is important for a state to have some kind of power. According to Nye, *soft power* is one's ability to affect the behaviour of others to get what one wants. This can be done through the element of attraction. If a state can set the agenda of others or shape their preferences, it can gain a lot (2009, p. 160). A country may obtain the outcomes it wants in world politics because other countries are admiring its values and evaluates its example. Making them aspire to its level of prosperity and openness. In this sense it is important to set the agenda and attract others in world politics. Not only forcing them to change by threatening military force or economic sanctions (Nye, 2004, p. 5). According to Nye, foreign policies strongly affect soft power (2004, p. 13). Domestic or foreign policies that appear to be hypocritical, arrogant, indifferent to the opinion of others or based on narrow approaches to national interests can undermine soft power (Nye, 2004, p. 14). The values a government champions in its behaviour at home, like democracy, or working with others in international institutions, and promoting peace and human rights in its foreign policy, strongly affect the preferences of others (Nye, 2004, p. 14).

In a different angle, it is relevant to explore Robert Cox's conception of *power* and *hegemony* as a conceptual frame in this context. In a Critical theory framework, Cox understands power through the connection between power in production, power in the state and power in international relations. The notion of a framework for action consists of a particular configuration of forces (1981, pp. 135-136). These forces are either material forces, institutional or ideas, such as shared notions of the nature of social relations or collective images of social order held by different groups of people. The configuration of forces empower pressures and constraints. Individual groups may move with the pressure or resist and oppose them, but not ignore them (Cox, 1981, pp. 135-136). Institutionalisation is a means of stabilizing and perpetuating a particular order. Institutions reflect power relations that take on their own life, becoming a battleground of opposing tendencies or rival institutions (Cox, 1981, pp. 136-137). Cox's approach to power is closely linked to the Gramscian concept of hegemony. While hegemony cannot be reduced to an institutional dimension, institutions provide ways of dealing with conflicts, minimising the use of force. Power and hegemony at the international level is a complex of international social relationships that connect the social classes of the different

countries (Cox & Sinclair, 1996, p. 137). To become hegemonic, a state would have to found and protect a world order which most other states could find compatible with their interests (Cox & Sinclair, 1996, p. 136). The self-organisation of social and political power relations has to be understood as a process of evolving consciousness; the ways in which people understand the world they live in and communicate with each other about it (Cox, 2007, p. 513). Hegemony is expanded when other people come to accept the conditions of a world order as natural. Hegemony is weakened when the legitimacy of the power structure is called into question and alternative order seems possible and desirable (Cox, as quoted in Schouten, 2009, p. 7).

Carvalho & Lie (2015), Lodgaard (2007), Toje (2010) and Tvedt (2007) discuss Norway's portrait in foreign policy. Tvedt points to the fact that the political leadership has linked Norway's national and international state branding to its development and peace policies on the global scene. The field of politics has acted for several decades as an important reservoir for the production of national identity and has at the same time played a decisive role in the formation of relationships between different types of Norwegian social institutions (2007, p. 616).

Both Carvalho and Lie (2015), and Toje (2010) discuss Norway and its policy of involvement which have been central to Norway's foreign policy since the early 1990s. An important factor in Norway's high status is Norway's involvement in international peace and security. Norway is famous for its policy of engagement. The state's quest for status as a good state rests on its international involvement in humanitarian action and international peace and security – dressing up as a great power (Carvalho & Lie, 2015, p. 56). Toje points to the fact that Norway looks at itself as an embodiment of universal values. However, the preferred means of power is dialogue and money contribution. Norway is seen as being especially capable to solve problems on a global scale by virtue of an international mindset and willingness to pay (2010). As a consequence of this posture, Norway has been referred to as a *humanitarian great power*, as both a description and normative ambition of the country's foreign policy and international involvement. Traditionally, Norway has had the role of being a facilitator, by using trust and open communication. With a goal to increase international predictability, development and enforcement of international rules, norms and standards have been an important interest (Lodgaard, 2007).

However, there are signs of what can be referred to as a *Nordic human rights paradox*. Honour and reputation figure centrally as drivers of foreign policy for smaller and middle-sized states (Carvalho & Lie, 2015, p. 58). According to Langford and Schaffer, existing research paints a contrastive picture

of how the Nordic states engage with international human rights. On one hand, foreign policy and international relations scholars explain the Nordic countries as "moral superpowers". On the other hand, research struggle to address a behavioural paradox where an ambivalence towards international human rights regimes is underplayed (2015, p. 2). While Norway is described as a humanitarian great power, known for being one of the most committed donor countries, on the top on the international statistic for humanitarian aid, it is also described as a selfish state (Lodgaard, 2007, p. 282). Lodgaard describes Norway as an internationalist, preferring to keep the rest of the world at an arms distance, being more restrictive when other populations or nationalities have knocked on Norway's door (2007, p. 282). If Norway did not give humanitarian aid, the picture Norway send out would be of a country with few immigrants, a protective trade policy, with a great self-determination on marine-resources, large income, voiding commitment to the EU and not giving humanitarian aid (Lodgaard, 2007, p. 282). Lodgaard pointed out in 2007 that "there is a large distance between Norway as a contributor to the UN, facilitator in peace-processes, the contribution to international utility and our territorial demands" (p. 282).

Connecting this to the political will concerning migration today, while the number of people seeking refuge is increasing globally, the number of asylum-seekers arriving in Norway is one of the lowest in many years (NOAS, 2019, March 1b). Looking at Norwegian white papers and statements concerning the issue of Norwegian foreign and security policy, human rights in Norway's foreign policy and development cooperation; migration is referred to as a problem and a security threat (Norwegian Ministry of Foreign Affairs, 2017).

This can be linked to the research of Gammeltoft-Hansen (2017). He talks about refugee policy as negative state branding in relation to trends in deterrence policies and stricter asylum regulations in Nordic states. When migration is referred to as a problem and policies and access to the physical border becomes stricter, the policies will contribute to a *beggar-thy-neighbour dynamic*. The state portrays itself negatively in the attempt to prevent migrants to arrive at its borders. While affecting the core rights of migrants, it pushes the responsibility of receiving migrants and examine applications of asylum to other countries. Rather than building a positive image to attract, for example, highly skilled labour migration, the goal is to employ political measures in order to project a negative image of the state. At the same time, negative nation branding may impact the perception of a given country more generally (Gammeltoft-Hansen, 2017).

The different demands set by Norway in the international sphere and its territorial demands might not come as a surprise considering Norway's policies on migration in the last decades. From the early beginnings of the 1970s, the proportion of immigrants grew in Norway, starting with labour migrants from Pakistan and Mediterranean countries, and later refugees from Chile, Vietnam, Iraq, Somalia and Afghanistan, among others (Brochmann & Hagelund, 2012, p. 149). While the Norwegian state confirmed itself as a welfare state, new tools for controlling immigration into the country and a political language concerning the topic was created. In the beginning immigration policies were "limited, controlled immigration combined with an active policy of integration and recognition of cultural diversity" (Brochmann & Hagelund, 2012, pp. 153-156). Following came an integration stop. In the 2000s, the question of what binds us together became more urgent than the desire to recognize diversity. Labour immigration from the South was then considered a problem. New and tighter restrictions were placed on access to work permits, justified with being necessary for the protection of Norwegian society's interests and that "allowing too many immigrants with cultural backgrounds far removed from that of Norwegians would potentially lead to social conflicts" (Brochmann & Hagelund, 2012, pp. 156-162). For Norway, being a liberal democracy, characterized by the domination role of respect for human rights, controlling immigration can be particularly difficult (Hollifield, as quoted in, Pécoud & Guchteneire, 2006, p. 71).

In the article *Immigration and national identity in Norway*, Eriksen (2013) discusses immigration and integration in Norway. He mentions that Norway's success in maintaining its level of welfare, security and employment, may have contributed to the rise of xenophobic views. Eriksen states that there is a "notion of "we Norwegians" […] a vulnerable island of prosperous stability in a rough sea" (2013, p. 6). This, he continues, may be seen as a reason to close ranks. Resentment concerning immigration is largely associated with the perceived cultural otherness of immigrants. In addition, there is suspicion that many arrive as "welfare tourists" (Eriksen, 2013, pp. 6-8). The Progress Party (FRP) has been a central actor in putting migration on the Norwegian agenda. FRP views migration and migrants as the most fundamental threat to society (Berggren & Neergaard, 2015, p. 169). The political party justified its policies on immigration with concerns for the justice of the taxpayer and the welfare state. "Since immigrants to Norway automatically gain full rights under social legislation and national insurance without having contributed in advance, such a policy cannot be applied in practice" (Brochmann & Hagelund, 2012, p. 175). After making the issue of immigration and asylum-seekers a main focus in elections, other parties could not allow themselves to ignore immigration as a political issue. Therefore, immigration has become a central issue in Norwegian politics (Brochmann & Hagelund, 2012, pp. 174-182).

2.4. Stricter Asylum Regulations in Norway

While wanting to be an international actor with a focus on development and humanitarian aid, Norway is a country where deterrence policies are central to its discourse on migration governance. Therefore, newer asylum regulations and migration policies enforced in the aftermath of the refugee crisis in 2015, will be presented.

2.4.1. Stricter Asylum Regulations and Prolonging of Border Controls

During the last three years, the number of people applying for protection in Norway have been record-low. In 2018, around 2600 persons applied for protection (NOAS, 2019, March 1a), and in the fourth yearly quarter of 2019, the net immigration to Norway was at 8721 persons (Statistics Norway, 2020, November 27). Despite the difficult and vulnerable situation migrants experience, crossing the Mediterranean and at the southern borders of Europe, there is shown little will to relocate asylum seekers from Greece to Norway (NOAS, 2019, March 1b). In January 2018, the Norwegian Government stated that it is important to conduct an asylum policy which restrains the number of migrants applying for asylum without a need for protection, to use resources on asylum-seekers with a need for protection and quota refugees. "Norway shall urge for better solutions for the worlds' refugees, both through help in the surrounding areas and by accepting quota refugees" (Office of the prime minister, 2018, March 23). Looking at the numbers of quota refugees and asylum seekers granted refugee status in Norway in 2018, the words of the Government fall short (NOAS, 2019, March 1b). On November 22 2019, the Ministry of Justice and Public Security stated that the expected number of asylum seekers arriving in Norway in 2019 would reach 2200, and not 3000, as planned for (Norwegian Ministry of Justice and Public Security, 2019). It was also expected that the official development assistance funds to refugees (ODA), would be 99,6 million NOK lower than what was budgeted for in 2019. The Ministry of Foreign Affairs therefore suggested that these expenses would go to, among other things, humanitarian aid, climate and environment, health, education and aid to vulnerable states and regions (Norwegian Ministry of foreign affairs, 2019, p. 1). Between November 2016 and October 2019, Norway relocated 1509 asylum seekers from Greece and Italy (UDI, 2020, February 5). Considering numbers from the Norwegian Ministry of Justice and Public Security, and the Ministry of Education and Research, the Norwegian Government had in 2019 287 million NOK left on their budget for refugees, asylum and integrative measures (Norwegian Ministry of Education and Research, 2019; Norwegian Ministry of Justice and Public Security, 2019). While stating that the solution has to be European (Søreide & Kallmyr, 2019, September 3), Norway is determined to follow

the procedures of the Dublin regulations inclining every first country to take responsibility for the asylum seeker (NOAS, 2019, March 1b).

The largest cause behind migration to Norway is labour before family reunification, then refuge, and lastly education (Statistics Norway, 2020, May 12). However, there is still a political sentiment in which migration is considered a problem. It is seen as something that needs to be controlled and highly regulated (Office of the Prime Minister, 2016, April 8, 2018, March 23). In the negotiations for the Global Compact on safe, orderly and regular migration (GCM), Norway was stating that the GCM must "secure and ensure that all migrants can enjoy their fundamental human rights, regardless of their status". Simultaneously, Norway has pushed forward the importance of the GCM "being a product of intergovernmental negotiations [taking] due account of fundamental national interests related to migration" (United Nations, 2019). The Norwegian government has also stated that they wished the GCM had gone further on issues of return (Office of the Prime Minister, Norwegian Ministry of foreign affairs, & Norwegian Ministry of Justice and Public Security, 2018, November 13).

Austenå, the Secretary-general for the Norwegian Organisation for Asylum Seekers (NOAS) states that the politics of the Norwegian government in the area of immigration and integration is marked by immigration regulative concern and symbolic politics. In line with negative nation branding, Austenå proclaims that the purpose is to make Norway seem like an unattractive country for asylum, sending a signal on the expense of individual applicants that it is not worth taking the risk migrating to Norway (2019, March 1).

Gammeltoft-Hansen highlights the fact of legal geography. While being placed in the north, not being a border country for the EU in the south, it is already quite difficult for migrants to reach Norway (2017, p. 118). As a member of the Schengen area, Norway shall have its borders shared with other Schengen countries open. Nonetheless, Member States of the Schengen-area have the "capability of temporarily reintroducing border control at the internal border in the event that a serious threat to public policy or internal security has been established" (European Commission, 2020). Even though this is supposed to be an exception, Norway has reintroduced border controls in all of its internal borders (European Commission, 2020).

In 2015, migrants started crossing the Russian-Norwegian border, making Norway a "first Schengen country of arrival" for asylum-seekers. With an aim to avoid this, Norway's response was to return

the asylum-seekers to Russia and close the borders (Linha et al., 2019, p. 5; NOAS, 2019, March 1b). The Ministry of Justice decided to amend the Immigration Act in an expedited legislative procedure, removing the "safe third country" provision form the immigration act. This entails that the Norwegian government could judge asylum applications as inadmissible if "the applicant has travelled to the realm after having stayed in a state or where the foreign national was not persecuted" (Linha et al., 2019, p. 21), with no guarantees for an examination of the applicants' merits in another state (Linha et al., 2019, p. 20). This amendment has since been applied with respect to third countries other than Russia (Linha et al., 2019, p. 50). In the area of asylum, Norway has introduced emergency measures to deny access to asylum seekers at the borders with other Nordic countries (Gammeltoft-Hansen, 2017, p. 106). Moreover, the independence of the Immigration Appeals Board (UNE) was affected as the power of the Ministry of Justice and Public Security was extended to give general instructions to the Board on the interpretation of the law and exercise of discretion. These changes were immediately followed by several binding ministerial instructions to the immigration authorities, creating further obstacles for asylum-seekers, including on their access to legal aid. In 2018, UNE gained its independence, but the safeguard in the amended "safe third country" provision was not restored (Linha et al., 2019, pp. 20-21). When denied examination, asylum-seekers are not entitled to legal assistance. The right to free legal assistance has been effectively abolished in asylum cases where the assessment on the merits is denied pursuant to the amended "safe third country" provision (Linha et al., 2019, p. 51). In addition, the 1951 Refugee Convention states that refugees *can* lose their residence permit, if the situation in their home country improves considerably and permanently. In 2016, the Norwegian government instructed that the *can*-determination should be practiced as a *shall*-determination in relation to applications of permanent residence (Austenå, 2019, March 1).

Furthermore, border management has become a central issue in Norwegian migration policies because it does not only entail controlling the physical state border anymore, but also external measures and deterrence effects (Casas-Cortes et al., 2015). An example of this, is the Facebook campaign launched by the Norwegian Department of Justice and security, directed towards potential migrants, which will be presented and analysed in the chapter *Data findings and* analysis (Norwegian Ministry of Justice and Public Security, n.d.). The video presents no background information or information for those who have the right to seek asylum. Simultaneously, it is becoming harder to cross Norwegian borders (NOAS, 2019, March 1b), and other policies make *family reunification* and *resident permits* more inaccessible (Office of the Prime Minister, 2016, April 8)

2.4.2. Migrants Residing in Norway

The wish to regulate migration is also noticeable for immigrants staying in Norway. As already mentioned, family reunification is the largest reason people migrate to Norway. In an attempt to regulate migration, the Norwegian government has made it harder to get permission for family reunification. Applications for reunification can be denied if the family can live safely in another third country they have a connection to. It does not say anything about access to a residence permit in the particular third country for the applicant of the reunification (Norwegian Ministry of Justice and Public Security, 2017, June 6). In addition, a requirement for family reunification is that the person of reference (the applicant) has worked or taken education in Norway for a minimum of four years (The immigration act, 2020 § 40 a). As Lentin & Titley remarks, integrative measures are increasingly linked to questions and domains of security, migration and citizenship in a process of choosing migrants for their utility, and compatibility (2011, p. 200). Measures like these can reject many spouses and children out of the legal sphere and affect immigrants' self-image. It reminds them of a separation between themselves and the indigenous fellow-citizens (Fassin, 2011, pp. 215-218).

3. Theoretical Aspects of Critical Theory and Critical Discourse Analysis

3.1. Introduction

The aims of this study are to explore how Norway's contrasting discourses on migration governance affect its status as a humanitarian great power, to determine how Norway's foreign policy discourses in migration governance relate to country's current national policies on migration, and explore to what extent hegemonic power relations are maintained in this discourse. With the aim of exploring the effects of Norway's reasoning on the matter of migration, the theoretical framework will be based on Robert Cox's IR's *Critical theory* and *Critical Discourse Analysis (CDA)*. Critical theory asks how the prevailing order of the world came about and is directed towards an assessment of the framework for action on problematics (Cox, 1981, p. 129). The use of Critical theory and a critical discourse analysis framework, will help me identify the underlying assumptions of Norwegian discourse on migration, in relation to issues of *power*, *hegemonic relations* and *ideological preferences* (Cox & Sinclair, 1996; Fairclough, 2015). CDA is a problem-oriented and interdisciplinary approach, drawing attention to ideologies and power through systematic investigation of semiotic data (Wodak & Meyer, 2016, p. 2). This chapter will be divided in two parts. First, a subsection on Critical theory will be presented, before an account of the theoretical framework of CDA will be portrayed. There is no single agreed-upon framework in CDA. However, in this study the focus will be on Norman Fairclough's dialectical-relational approach and understanding of CDA.

3.2. Cox's Critical theory: World Order and Power Relations

Critical theory asks how the prevailing order of the world came about, while calling institutions, social and power relations, into question. It concerns itself with their origins, and how and whether they might be in the process of changing (Cox, 1981, p. 129). Critical theory is directed towards an assessment of the framework for action or problematics. It is directed to the social and political complex as a whole and takes as its starting point aspects of human activity, leading to the construction of a larger picture in which the researched element is just one component (Cox, 1981, p. 129). Critical theory adopts a holistic approach, directing attention away from the specific properties of apparently autonomous units and towards the systemic pressures of what Cox calls orders that impact on them (Budd, 2013, pp. 16-17). The holistic approach enables an exploration of the

connections and contrasting relations in discourse, concerning Norway as a humanitarian great power, but also Norway's foreign policy discourse and national policies.

In an international relations (IR) framework, Robert Cox (1981) attempts to sketch a method for understanding global power relations. Given the state-centrism of IR, Cox prefers the term *world order*. Cox's intention has been to broaden the notion of "the international", from political and military interactions, to also include states as products of evolving societies and shapers of those societies. The concept of world order creates a bridge between the domestic and the global, and therefore a bridge between Norwegian citizens, policies and discourse and the international society. The societies are shaped by and shape the world order. In this way, Cox links productive forces, ideas and institutions (Moolakkattu, 2009, pp. 440-443).

Cox sees structures and institutions as made by human agency (Cox, 2007, pp. 514-516; Moolakkattu, 2009, p. 445). To understand structural and institutional changes, it is necessary to understand changes in the "mind", imagine the mental process of actors and rethink their thoughts (Cox, 2007, pp. 514-516; Moolakkattu, 2009, p. 445). A structure is a moment in an evolving process of structural change (Cox, 1981, pp. 135-136). Looking at structure this way, Cox can get an understanding of the context of the origin of the structure, but also the knowledge of how it may be transformed (Moolakkattu, 2009, p. 447). Within a structure, three categories of forces interact. Material capabilities, ideas and institutions (Cox, 1981, p. 136). The material capabilities are productive potentials, existing as organisation capabilities and in their forms as natural resources and wealth. Ideas are intersubjective meanings and shared images of social order by different groups of people. Institutions are ideas of and material power, reflecting power relations that take on a life of their own, becoming a battleground of opposing tendencies (Cox, 1981, pp. 136-137). Relating this to the element of discourse, discriminatory opinions, stereotypes and beliefs are produced and reproduced by means of discourse and through discourse (Wodak, 2012, p. 406). Changes in the mind and structures are in this way a result of discourse.

Drawing on historical materialism, conflict is a possible cause of structural change. There is a need to focus on "state-society complexes" as constituting entities and their particular historical forms. Historical materialism examines the connection between power in production, in the state and IR. Production includes the production of ideas, institutions and material life. In the sphere of production, possibilities of change are dialectical and can therefore affect other spheres, such as those of the state and the world order (Moolakkattu, 2009, p. 447).

According to Cox, the production of goods and services which creates both the wealth of a society and the basis for a state's ability to mobilise power behind its foreign policy, takes place through a power relationship between those who control and those who execute the tasks of production (1981, pp. 134-135). The state, which remains the primary focus of social struggle and the basic entity of international relations, is the enlarged state which includes its own social basis. This interpretation of the state creates the foundation for the foreign policy bureaucracy of the state (Cox & Sinclair, 1996, p. 134).

In understanding the meaning of international organisations, Cox found Gramsci's concept of *hegemony* useful. While Gramsci developed the concept of hegemony at the national level, Cox went further and extended it to the international (Moolakkattu, 2009, p. 448). Gramsci brought the idea of hegemony to the conceptualization of power (Moolakkattu, 2009, p. 441). In a Gramscian view, politics is seen as a struggle for hegemony, a particular way of conceptualizing power which, amongst other things, emphasises how power depends upon achieving consent, or at least acquiescence rather than just having the resources to use force, and the importance of ideology in sustaining relations of power (Fairclough, 2003, p. 45).

The power of a ruling class is exercised less by coercion than by its intellectual and moral capacity to win the consent of the people (Moolakkattu, 2009, p. 441). Cultural hegemony inclines developing a world view that appeals to a wide range of other groups within society, while being able to claim that their particular interests are those of society at large (Lears, 1985, pp. 569-571). Following Gramsci, the relation of political forces – meaning an evaluation of the degree of homogeneity, self-awareness and organisation attained by various social groups, can turn into hegemony. Being aware of one's own interests, one creates conscious alliances with other people or groups with the same interest. When all members of a social group are conscious of the solidarity and mutual interest, the group can win politico-juridical equality with the ruling groups. In this situation, the capital interest of your group can become the interests of other subordinate groups. In this phase ideologies become conflicting with the ruling groups', and only one ideology tends to prevail and gain the upper hand. This brings about a unison of political and economic aims, together with intellectual and moral unity, thus creating the hegemony of a fundamental social group over a series of subordinate groups (Gramsci, 2000, pp. 204-205). The emerging hegemonic culture serves as the interests of ruling groups at the expense of subordinate ones. Ruling groups maintain hegemony by winning consent over subordinates (Lears, 1985, pp. 569-571).

The construction of hegemony was a product of negotiation between the dominant and the dominated (Moolakkattu, 2009, p. 441). The state is seen as the organ of particular groups, destined to create favourable conditions for the latter's maximum expansion. But the expansion of the particular groups is conceived of as being the motor force of a universal expansion, of a development of all the "national" energies. In this way, the dominant group is coordinated concretely with the general interests of subordinate groups, and the state sustains by presenting both interests of the fundamental group and those of the subordinate ones (Gramsci, 2000, pp. 205-206). According to Cox, Gramsci did not diminish the importance of the state. The state remained for him the basic entity in international relations and the place where social conflict takes place. And therefore, also where hegemonies of social classes can be built (Cox & Sinclair, 1996, p. 134). Cox states that:

> [H]egemony at the international level is… not merely an order among state. It is an order within a world economy with a dominant mode of production which penetrates into all countries and links into other subordinate modes of productions. It is also a complex of international social relationships which connect the social classes of the different countries. (Cox & Sinclair, 1996, p. 137)

The concept of institutionalisation is in relation to that of hegemony, as a means of stabilizing a particular order. A transnational class arises from an internationalisation of production, leading to an internationalisation of the state. The internationalisation gives precedence to certain state agencies (Cox, 1981, pp. 137-146). Adjusting national economic practices and policies to the image of the global economy, it will be a link from global to national economy (Moolakkattu, 2009, pp. 449-450). For Cox, globalization has created a three-level social hierarchy; "Those who are integrated into the global economy in a "reasonable stable environment", those who serve it in a subordinate and more precarious way, and those who are excluded from it (Moolakkattu, 2009, p. 451).

In this way the concept of institutionalisation and hegemony relates to the issue of Norway's current discourse on migration governance, as Norwegian migration governance and the producers of its discourse can be seen as productive forces, shaping migration and policies on the national level, therefore also at the international level. Simultaneously, the critical approach of Cox, enables an investigation of the relation of power between the national and international society, and how this hegemony affects the human rights system, exploring the effects and presence of state branding, border management, in relation to "the unwanted migrant" and a discriminatory discourse.

3.3. Critical Discourse Studies (CDS)

In critical discourse studies, the term critical stems from the influence of Critical theory (Fairclough, Mulderrig, & Wodak, 2011, p. 2). The field of Critical Discourse Studies (CDS) is broad and discussed among several central scholars in the field, such as van Dijk, Wodak, Meyer and Fairclough. CDS has never attempted to provide for one single or specific theory. Studies in CDS are derived from different theoretical backgrounds, oriented towards different data and methodologies (Wodak & Meyer, 2016, p. 5).

Critical Discourse Studies are interested in analysing, understanding and explaining social phenomena that are complex and require a multidisciplinary and multimethodological approach (Wodak & Meyer, 2016, p. 2). As in Critical theory, the aim is to produce and convey critical knowledge which enables human beings to emancipate themselves from forms of domination through self-reflection. Such theories seek not only to describe and explain, but also to root out a particular kind of delusion (Wodak & Meyer, 2016, pp. 4-7).

In the framework of CDS, Wodak has focused on the discourse-historical approach while portraying how scholars who have engaged in linguistics, semiotic and discourse analysis from different scholarly backgrounds, share a perspective in which the concepts of power, ideology and history figure centrally (2001b, p. 7). The discourse-historical approach endeavours to work with different approaches, with an aim to not evaluate what is "right" or "wrong", but rather justify theoretically why certain interpretations of discursive events seem more valid than others (Wodak, 2001a, pp. 64-65). Van Dijk understands CDS as a cross-disciplinary study that has established itself in virtually all areas of the humanities and social sciences, as well as in history, literature and political science. Discourse analysis pays attention to global structures, such as superstructures of conversations, news reports or scholarly articles. Meaning and action are not only described at the local level, but in terms of global meanings and global citations (2011). According to van Dijk, CDA is primarily motivated by pressing social issues. Theories, descriptions, methods and empirical work are chosen as a function of their relevance for the realization of such a socio-political goal (1993). According to Fairclough, the point of CDA is to analyse and criticize, and ultimately change the existing social reality in which discourse is related in particular ways to other social elements such as power relations, ideologies, economic and political strategies and policies. CDA combines a critique of discourse and explanation of how it figures within and contributes to the existing social reality, as a basis for action to change that existing reality in particular aspects (Fairclough, 2015, pp. 5-6).

CDS approaches are characterized by the common interests in constructing ideologies and power through the systematic investigation of semiotic data – either as written, spoken or visual data (Wodak & Meyer, 2016, p. 4). It is also distinctive in this view of the relationship between the notions of *discourse* and *critical* (Fairclough et al., 2011). Critical social analysis is a normative critique in the way that it does not simply describe existing realities. It evaluates them, assesses the extent to which they match out to values that are taken to be fundamental for just or decent societies. It is also explanatory critique because it does not simply describe and evaluate existing realities but seeks to explain them, e.g., by demonstrating their effects as structures, mechanisms or forces, which the analyst requires and whose reality the analyst seeks to test out (Fairclough, 2013, p. 178). According to van Dijk, critical discourse analysts (should) take an explicit sociological stance, and critique should not be ad hoc: they spell out their point of view and aims within the society at large. The hope is to promote change through critical understanding. Their perspective is that of those who suffer most from dominance and inequality, and their critical targets are the power elites that enact, sustain, legitimate, condone or ignore social inequality and injustice. The analysts' critique of discourse implies a political critique of those responsible for its perversion in the reproduction of dominance and inequality. Critique should be general, structural and focused on groups, while involving power relations between groups (Dijk, 1993, pp. 252-253). Being critical is not just identifying features and types of discourse that are open to criticism of various sorts, it is also asking *why* is the discourse like this (Fairclough, 2015, p. 7).

The critique of the existing reality starts with discourse. Most fundamentally, discourse is defined as a form of social interaction among human participants. Besides speaking (writing or singing) and meaning, language users engaged in talk or text will accomplish social acts, by jointly and mutually coordinating their actions. According to van Dijk, it is this fundamental interactional dimension of discourse that defines the basis of the social order of human societies (2011, p. 3). In the most abstract sense, Wodak, Fairclough and Mulderrig, define *discourse* as an analytical category describing the vast array of meaning-making resources available to us. Since discourse is socially influential, it gives rise to important issues of power (Fairclough et al., 2011, pp. 357-358).

Foucault introduced the conjunction of power and discourse. He portrayed that power is exercised with intention – but this is not an individual intention (Wodak & Meyer, 2016, p. 10). Foucault focused on what is accepted knowledge about how to exercise power. Within CDS, power is usually perceived in the Foucauldian sense, and discourse is widely regarded as a manifestation of social action which is determined by social structure and simultaneously reinforces or erodes structure.

Consequently, it is not the individual resources and not the specifics of unique interactions that are crucial for CDS analysis, but overall structural features in social fields or in society. Power is central to understanding the dynamics and specifics of control (of action) in modern societies, but power remains mostly invisible (Wodak & Meyer, 2016, pp. 11-12).

Since discourse is seen as a form of social practice (Fairclough, 2015, p. 53), the analysis of discourse can reveal underlying relations of power. In this way, it can portray the relation between Norwegian migration policies and migrants, and between Norwegian and international institutions, by exploring structural features within the Norwegian society, especially power elites legitimising, and condoning unequal treatment in relation to the asylum system.

3.3.1. Fairclough's Framework of CDA

The term CDA is used nowadays to refer more specifically to the critical linguistic approach of scholars who find the larger discursive unit of text to be the basic unit of communication. This research specifically considers institutional, political, gender and media discourses (in the broadest sense) which testify to more or less overt relations of struggle and conflict (Wodak, 2001b, p. 2).

As already presented, the analysis in this study is based on Norman Fairclough's framework of CDA. Fairclough uses a dialectical-relational approach, drawing connections to the work of Foucault and Karl Marx (Wodak & Meyer, 2016, p. 18). In "Language and Power", Fairclough emphasises the power behind discourse – how people with power shape the order of discourse, as well as the social order in general. It emphasises ideology and views discourse as a stake in social struggle as well as a site of social struggle, and views social struggle as including class struggle (2015, p. 3). This will give an appropriate framework for comparing Norway's foreign policy on migration governance and its national policies.

Fairclough's version of CDA has three interconnected stages: (1) normative critique of discourse, leading up to, (2) explanatory critique of aspects of existing social elements, as a basis for transformative action, and (3) to change existing reality for the better (2015, p. 47). Fairclough's approach to discourse analysis is based upon the assumption that language is an irreducible part of social life, dialectically interconnected with other elements of social life, so that social analysis and research always have to take account of language (2003, p. 2). To understand what is implicit in a *dialectical-relational approach*, one must understand the concept of *semiosis*. Defining the concept

of discourse, Fairclough refers to semiosis, where meaning-making is an element of the theoretical process. When discourse analysis is concerned with various semiotic modalities, like language, visual images and body language, semiosis is viewed as an element of the social process which is dialectically related to others – hence, a dialectical relational approach (2016, p. 87). The conception of language needed is therefore that of discourse, language as a form of social practice (Fairclough, 2015, p. 53).

According to Fairclough, there is no external relationship between language and society. A dialectical relationship is a two-way relationship: the discursive event is shaped by situations, institutions and social structures, but it also shapes them. Discourse is socially constitutive as well as socially shaped: it constitutes situations, objects of knowledge, and the social identities of and relationships between people and groups of people. It is constitutive both in the sense that it helps to sustain and reproduce the social status quo, and in the sense that it contributes to transforming it (Fairclough et al., 2011, p. 2). However, the relationship between language and society is not symmetrical. Society is the main unit, and language is a strand of the unit. A text is a product, a product of the process of producing a text. Discourse is the whole process of social interaction of which a text is just a part (Fairclough, 2015, p. 57). It is because the relationship between discourse and social structures is dialectical in this way that discourse assumes such importance in terms of power relationships and power struggle: control over orders of discourse by institutional and societal power-holders is one factor in the maintenance of their power (Fairclough, 2015, pp. 67-68)

The relationship between society and language brings us to three other elements central in Fairclough's theory of CDA, *power*, *ideology* and *hegemony*. Fairclough highlights that it is important to distinguish between the "power to" do things and "power over" other people. Power is not inherently bad as long as it is legitimate. Having and exercising power over other people becomes open to critique when it is not legitimate, or when it has bad effects. For instance when it results in unacceptable and unjustifiable damage to people or social life (2015, pp. 26-27). Fairclough also distinguishes between power *in* discourse and power *behind* discourse. Power in discourse is a place where relations of power are actually exercised and enacted (2015, p. 73). Discourse that is not face-to-face often has a "one-sidedness" where the interpreter of the text never will take the role of being a producer. An example of this is mass-media discourse. While this type of discourse is designed for mass audiences, there is no way that producers can know who is in the audience. Therefore, the discourse is produced with an ideal subject in mind (Fairclough, 2015, p. 76). Power behind discourse is concerned with how discourses, as dimensions of the social orders of social institutions or societies,

are themselves constituted and shaped by relations of power (Fairclough, 2015, p. 73). The whole social order of discourse is put together and held together as a hidden effect of power (Fairclough, 2015, p. 83). Considerations of the ways in which conventions are shaped by those who have the power behind discourse take us to the relation of discourse and ideology (Fairclough, 2015, p. 88).

One of the causal effects of texts, which has been a major concern for critical discourse analysis, is ideological effects – the effect of texts in inculcating and sustaining or changing ideologies. Ideology is related to the concept of *common sense.* Common sense is a form of everyday thinking, creating frameworks of meaning-making, how to make sense of the world. It is popular knowledge which works intuitively without forethoughts or reflection (Hall and O'Shea, as quoted in Fairclough, 2015, p. 13). Institutional practices that people draw upon without thinking often embody assumptions that directly or indirectly legitimize existing power relations (Fairclough, 2015, p. 64). Common sense is an important factor in social change. Change of existing reality for the better, is more likely to happen if the existing reality of wrong resonates with common sense (Fairclough, 2015, p. 13). Considering common sense as a philosophy implicit in our conception-making of the social world, ideology becomes backgrounded and taken for granted (Fairclough, 2015, p. 107). According to Fairclough, ideologies are representations of aspects of the world, which contribute to establishing and maintaining relations of power, domination and exploitation. **Practices which appear to be universal and commonsensical can often be shown to originate in the dominant class or the dominant bloc, and to have become naturalized.** Where types of practice, and in many cases types of discourse, function in this way to sustain unequal power relations, Fairclough states that they are functioning ideologically (Fairclough, 2015, p. 64). For this reason, textual analysis needs to be framed in a way that considers bodies of text in terms of their effects on power relations (Fairclough, 2003, p. 9). Value systems can be regarded as belonging to particular discourses. A particular discourse includes assumptions about what there is, what is the case, what is possible and necessary. These are meanings of particular ideological significance (Fairclough, 2003, p. 58).

The ideological work of text is connected to the concept of hegemony. Fairclough presents hegemony in relation to the version of Marxism, connected to Antonio Gramsci, as described earlier. Power can be won and exercised only in and through social struggles in which it may be lost (Fairclough, 2015, p. 73). The question is who has access to which discourses, and who has the power to impose and enforce constraints in access (Fairclough, 2015, p. 89) The hegemonic struggle between political forces can be seen as partly a contention over the claims of their particular visions and representations of the world to having a universal status (Fairclough, 2003, p. 45).

This research's focus on hegemonic power relations acquires a theoretical framework which takes into consideration the way power enacts in the global society. As the dialectical approach is focusing on the relation of power and common sense, enacted through language, it creates the ability to explore elements of power between migrants and the producers of the discourse, in this case, the Norwegian government. By providing an understanding of ideological preferences in the Norwegian society, why the migration governance is shaped the way it is and the cost of this discourse on the Norwegian state branding as a humanitarian great power, the legitimacy of the power relations will be transparent.

4. Methodology: Critical Discourse Analysis as a Method

4.1. Fairclough's Three-Dimensional Model

As Bryman states, "Language is bound to be significant for social researchers. It is, after all, through language that we ask people questions […] and through which questions are answered" (2016, p. 525). As has been noted, CDA is used theoretically as a tool to problematise (Winther Jørgensen & Phillips, 1999, p. 72). Fairclough's approach to CDA will also be used as the methodological framework in this research, as CDA is used methodologically to investigate relations between discursive practices, and social and cultural developments in different social interactions (Winther Jørgensen & Phillips, 1999, p. 72). Fairclough's approach is a text-oriented discourse analysis. To enlighten the connection between texts and the society and cultural processes and structures, it needs a macro-sociological analysis of social practice. The macro-sociological tradition takes the way social practices are shaped by social structures and power relations into consideration. In this way, one can create an understanding of how power actively creates norms and rules in everyday life (Winther Jørgensen & Phillips, 1999, p. 78).

The central goal of CDA is to establish a connection between the use of language and social praxis. The focus is on the role of discursive practices in maintaining the social practice, and the occasions where the use of language is a part of the order of discourse (Winther Jørgensen & Phillips, 1999, p. 82).

To understand Fairclough's approach, one has to understand his use of the terms *discourse* and *genre*. Discourse is language (as spoken, a text, song and more) as a form of social practice (Fairclough, 2015, p. 53). Discourse analysis is therefore an analysis of a productive and interpretive process (Fairclough, 2015, p. 57). Language is a part of society, and not external to it. Language is also a social process simultaneously as it is a socially conditioned process, conditioned by other parts of society (Fairclough, 2015, pp. 55-56). So, discourse is a way to talk, giving meaning to an experience, determined from a specific perspective. A discourse contributes to the construction of social identities, social relations, and systems of knowledge (Winther Jørgensen & Phillips, 1999, p. 79). Fairclough uses the term discourse to refer to the whole process of social interaction of which text is just a part. This process includes in addition to the text, the process of production, of which a text is a product, and the process of interpretation, for which the text is a resource (Fairclough, 2015, p. 57).

Genres are semiotic ways of acting and interacting in different contexts, such as news, job interviews or reports. Part of doing a job or running a country is interacting semiotically or communicatively in certain ways. Such activities have distinctive sets of genres associated with them (Fairclough, 2016, p. 88). The sum of all genres of discourse that is used within specific social institutions are different orders of discourse. The orders of discourse are above all a system, that is shaping and being shaped by different uses of language (Winther Jørgensen & Phillips, 1999, p. 82)

Every use of language is a communicative event including three dimensions: 1) It is a text, 2) it is a discursive practice, and 3) it is a social practice.

Figure 1: Fairclough's three-dimensional model

Figure one represents an analytical framework for empirical research. All three dimensions are to be a part of a critical discourse analysis. First one shall analyse the properties of the text (Winther Jørgensen & Phillips, 1999, p. 80), as a text is not only a process, but also a product (Fairclough, 2015, p. 57). Here, one considers the specific vocabulary and grammar of the text to see what kind of experiential, relational or expressive values the vocabulary and the grammar have. Relations between the social practice and texts are mediated through the discursive practice. How language and text are used to produce texts shape texts, which again is shaped through social practice (Fairclough, 2015, pp. 128-153). Second is the process of production and interpretation, which is connected to the discursive practice. The analysis of discursive practice is focusing on how the producer of the text draws on already existing discourses and genres to create a text, and how the interpreter of a text considers pre-existing discourses and genres in his/her interpretation of the text (Winther Jørgensen & Phillips, 1999, p. 81). The last step in the three-dimensional model is the social practice (Winther Jørgensen & Phillips, 1999, pp. 80-81). The social practice is conditioned by other, non-linguistic parts of society (Fairclough, 2015, p. 57). To analyse the wider social practice, a discursive analysis

is not adequate. A social practice has both discursive and non-discursive elements. One is therefore to use sociological and culture theory, in addition to discursive analysis (Winther Jørgensen & Phillips, 1999, p. 82). What goes on at each of these stages can be referred to as "analysis", but the nature of analysis changes as one shifts from stage to stage. (Fairclough, 2015, p. 59).

4.2. Multimodal Texts

A multimodal text is a text that incorporates semiotic resources beyond verbal language (Jancsary, Höllerer, & Meyer, 2016, p. 181). Two of the texts analysed in this research is part of a video. It is therefore incorporated in the methodology and analysis, methods for multimodal texts in CDA. This enables an analysis of the interrelationship between verbal and visual mode (Kress and Kress & van Leeuwen, as quoted in Jancsary et al., 2016, p. 186). The multimodal approach is, in similarity to Fairclough's approach, occupied by how modes constitute conscious and unconscious choices made by the producer that reflects hers/his particular social and cultural positioning as well as interests at the moment of creation (Kress and Kress & van Leeuwen, as quoted in Jancsary et al., 2016, p. 184). To analyse the vocabulary presented in the multimodal text, the main method is Fairclough' approach to CDA. To comprehend the signification of the visual elements, these elements will simultaneously be implemented to the multimodal approach of Jancsay, Höllerer and Meyer (2016):

1) How can the design and layout of the overall text be described (Jancsary et al., 2016, p. 195)?
2) What kind of rhetorical and stylistic techniques and strategies are used (Jancsary et al., 2016, p. 195)?
3) How do verbal and visual elements relate to each other (Jancsary et al., 2016, p. 198)?
4) What integrated messages or narratives are created through this composition (Jancsary et al., 2016, p. 198)?

4.3. Sample

A key concept within CDA is the notion of intertextuality. This notion draws attention to connections between texts so that any text being subjected to scrutiny is considered in relation to other related texts (Bryman, 2016, p. 540). The choice of research material depends on the research questions and the researches knowledge of what is relevant and available within the social domain being researched, and also the access to the material (Winther Jørgensen & Phillips, 1999, p. 91).

Documents have been gathered from both the national and the international debate concerning migration governance and the Norwegian implementation of migration governance at the national

level. Fairclough's methodological approach within CDA was used to critically analyse the following texts:

Case one:

Text one: *Why risk your life* (Norwegian Ministry of Justice and Public Security, 2017, December 1)

Text two: *You risk being returned* (Norwegian Ministry of Justice and Public Security, 2017, December 1)

Text three: *Representantforslag fra stortingsrepresentantene Jon Engen-Helgheim, Siv Jensen, Sylvi Listhaug og Helge André Njåstad om tiltak for kontroll på grensen ved en ny migrantstrøm til Norge (Midlertidig)* [*Representative proposal from members of parliament Jon Engen-Helgheim, Siv Jensen, Sylvi Listhaug and Helge André Njåstad concerning control measures at the border in case of a new flux of migrants to Norway (Temporary)*] (Engen-Helgheim, Jensen, Listhaug, & Njåstad, 2020)

Case two:

Text four: *Unga71: Roundtable 3 on High-level meeting on addressing large movements of refugees and migrants* (Solberg, 2016, September 21)

Text five: *69th Session of UNHCR Executive Committee 1-5 October 2018, Agenda Item 4a) International Protection Statement by Norway* (Rosenvinge, 2018)

Text six: *GA: Global Compact for Safe, Orderly and Regular Migration: Explanation of vote by Ambassador Tore Hattrem on the resolution to endorse the Global Compact for Safe, Orderly and Regular Migration* (Hattrem, 2018, December 19)

Text seven: *Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure (UN Human Rights Committee, 2017, September 23)*

Text eight: *Sixth periodic report submitted by Norway under articles 16 and 17 of the Covenant, due in 2019* (UN Committee on Economic Social and Cultural rights, 2019, December 2)

Text nine: *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2* (UN Human Rights Council, 2019, February 13).

The texts have been selected to represent two cases. One on the research of the national discourse and one on the foreign policy discourse on migration governance. Comparative design entails studying two contrasting cases using more or less identical methods. It embodies the logic of comparison in that it implies that social phenomena can be understood better when compared in relation to two or more meaningfully contrasting cases or situations (Bryman, 2016, p. 64).

Limitations considering the size of this research and time restrictions, have influenced the sample. The sample was chosen to display Norway's national and foreign policy discourses on migration governance from 2015 until today. To make the research topic more precise, documents related to the Global Compact for Safe, Orderly and Regular Migration, and the Global Compact on Refugees,

were chosen to display Norway's foreign policy discourse, parallel to national reports related to human rights, and deterrence initiatives, as this portrays elements from current and present events.

Three texts were used to analyse national policies on migration. Two of them are multimodal, in the format of videos, part of a campaign directed to potential migrants. The third one is a statement made in the Parliament. The aim of gathering data from such different sources is to be able to display a larger picture of the discourse, and how the same topic is presented in different settings.

Text three is a Norwegian text. All citations of the proposal in this study are translated by the author of this study. Because this study adopts APA as a style of reference, quotes from translated texts are not to be considered as direct quotations (Lee, 2014, November 4). Nevertheless, due to the importance of clearly presenting the text which CDA is conducted on, citations from text three will be written up as direct quotations.

4.4. Epistemological and Ontological Foundations

The research is conducted from an interpretivist position. As the research project concerns discourse and therefore the interpretation of discourse, it concerns the social world and requires a logic that reflects the distinctiveness of humans. The research is therefore conducted from an interpretivist and phenomenological position (Bryman, 2016, p. 26). Social reality has meaning for human beings and therefore human action is meaningful. It is meaningful for the individual and humans act on the basis of the meanings they attribute to their acts and to the acts of others (Bryman, 2016, p. 27). The major units of analysis, such as causes of power and domination are social facts, hence they are not beyond human reach. They are created by people themselves (Regmi, 2017, p. 9). Consequently, human behaviour is a product of how they interpret the world (Bryman, 2016, p. 27). This means that it is the job of the social scientist to gain access to people's common-sense thinking and hence to interpret their actions and their social world from their point of view (Bryman, 2016, p. 27). When the social scientist adopts an interpretative stance, he or she does not simply reveal how members of social groups interpret the world around them. The social scientist will aim to place the interpretations that have been elicited into a social scientific frame. There is a double interpretation going on: the researcher provides an interpretation of others' interpretations (Bryman, 2016, p. 28). The production of knowledge without personal interpretation by the researcher is impossible (Regmi, 2017, p. 11). In this way, the research takes a constructionist view of the world (Bryman, 2016, p. 30).

A major assumption of CDA is that there is a relation between society and the means of communication (Regmi, 2017, p. 3). Constructionism essentially invites the researcher to consider the ways social reality is an ongoing accomplishment of the social actors rather than something external to them and that totally constrains them. Constructionism also suggests that the categories that people employ in helping them to understand the world around them are in fact social products. Their meaning is constructed in and through research. The social world and its categories are not external to us. It is built up and constructed in and through interaction (Bryman, 2016, p. 30). Therefore the act of interpretation can never be neutral, involving the imposition of expectations, anticipations, and conjectures upon external events (Regmi, 2017, p. 11). This is highly relatable to critical discourse analysis. What people draw upon to produce and interpret texts (what Fairclough calls members resources (MR)), are cognitive in the sense that they are in people's heads, but they are social in the sense that they have social origins – they are socially generated, and their nature is dependent on the social relations and struggles out of which they were generated – as well as being socially transmitted and, unequally distributed (Fairclough, 2015, p. 57). People internalise what is socially reproduced and made available to them and use internalised MR to engage in their social practice, including discourse.

4.5. Ethical Considerations and Positionality

Values intrude in all phases of the research process – from the choice of a research area to the formulation of conclusions. This means that the social researcher never conducts an investigation in a moral vacuum (Bryman, 2016, p. 141). The issue of legitimacy and validity is difficult when conducting CDA. Personal presuppositions, biases and dispositions are likely to infiltrate in the process of making meaning out of the analysed discourse. Thus, as CDA is a critical approach dealing with power and hegemony, it fails to ensure validity and credibility (Regmi, 2017, p. 13). Reflexivity is commonly viewed as the critical self-evaluation of the researcher's positionality, as well as active acknowledgement and explicit recognition that this positionality may affect the research process and outcome. The responsibility accompanying how the researcher is situated within the research topic, and its effects on the setting and case being studied, data collection and interpretation needs to be taken into consideration (Berger, 2015, p. 220). This study is influenced by a variety of presuppositions that in turn have implications for the conduct of social research (Bryman, 2016, p. 141). The author's positionality in this research led to the selection of the data collected and the research question in this study (Bryman, 2016, p. 141; Smith, 2012, pp. 44-49). Being a Norwegian, an interest in researching a case concerning the Norwegian government and its policies in an international forum was latent. However, the choice to compare the national migration governance

with the Norwegian foreign policy discourse is a result of an interest in migrant's rights, and to advocate for what is considered a fair and more humane discourse and implementation of rights. As social science research is based upon ideas, beliefs and theories about the social world, Western research brings to bear on any study, a cultural orientation, a set of values, a different conceptualization of subjectivity, and structures of power. While it is acknowledged that people always live in some form of social organisation, Western forms of research also draw on cultural ideas about the human self and the relationship between the individual and the groups to which he or she may belong. (Smith, 2012, pp. 44-49).

Conducting this study, it is kept in mind that worldview and background affect the subjective construction of the world, the use of language, which data is gathered and how information is analysed (Berger, 2015, p. 220). Researching discourse in the light of power and hegemonic power relations, it is relevant to bear in mind that this study investigates a field where the researcher, as a Norwegian with a Norwegian upbringing, cannot identify with those affected by the research subjects, namely migrants. While studying the unfamiliar can offer several advantages, because the researcher is "ignorant" to the case, and might consider it with "fresh eyes" (Berger, 2015, p. 227), this may be problematic when doing critical discourse analysis as every step of the research process is up to the researchers' interpretation. While most of the analysis is based on texts produced by institutions stemming from the same Western construction of society, culture and worldview, the topic of the discourse concerns somebody most likely outside of this worldview. When trying to demonstrate how power relations are developed and how this affects migrants, it is based on an interpretation from a Norwegian discourse and not analysing discourse where the migrant is the producer.

CDA does not consider itself as politically neutral, but as a critical access, where it is political engagement in social change. It is about being on the side of the suppressed social groups (Winther Jørgensen & Phillips, 1999, p. 76). As this study is conducted on the Norwegian government's discourse on the topic of migration, the research will be affected by the researchers' view of migrants as the suppressed in this context.

It should also be noted that the researcher's political stance is in opposition to the current Norwegian government. While the aim is to present an objective research, it is unlikely that that is the actual result (Bryman, 2016, p. 141). What one "sees" in a text, what one regards as worth describing, and what one chooses to emphasise in a description, are all dependent on how one interprets a text (Fairclough, 2015, p. 59).

4.6. Problems and Limitations

As this study uses critical discourse theory, some challenges occur throughout the process. First of all, qualitative research is frequently very open-ended (Bryman, 2016, p. 405). This is especially the case in CDA considering that it is based on the researcher's interpretation of language (Bryman, 2016, p. 28). However, as the ontological and epistemological view considers social research as a double interpretation of the subject of research (Bryman, 2016, p. 28), this is difficult to avoid. As the method is based on the interpretation of text, another problem concerns the understanding of language and translation. First of all, most of the texts analysed and the research itself are written in English, which is not the researcher's native language. Secondly, *the Representative proposal from members of parliament* analysed in *case one*, was originally written in Norwegian. Interpreting English text, translating from Norwegian to English may have affected the outcome of the analysis, as the understanding of English can be different from native speakers.

A critique of CDA is that it has a weak understanding of the processes of group formations, subjectivity, agency and people's level of control over their use of language. However, because Fairclough underlines the fact that discourses are a part of constructing social identities, social relations and systems of knowledge, he does not dismiss the issue. Nevertheless, according to Winther Jørgense and Philips, this is one of the weakest elements of Fairclough's theory and methodological approach (1999, p. 102).

In addition, the choice of analysing official documents deriving from the state presents some questions of credibility of the source of data (Bryman, 2016, p. 553). It is tempting to assume that documents reveal something about an underlying social reality, so that the documents that an organisation generates are viewed as representations of the reality of that organisation. According to such a view, documents are windows into social and organisational realities. However, it can be argued that documents should be viewed as a distinct level of "reality" in their own rights. Therefore, documents should be examined in terms of the context in which they were produced and, on the other hand, their implied readership (Bryman, 2016, p. 560). Thus, documents need to be recognized for what they are – namely, texts written with distinctive purposes in mind, and not as simply reflecting reality (Bryman, 2016, p. 561). This element CDA embraces. Nevertheless, in some of the texts, there were difficulties stating who the actual producer of the texts was. The producer is a central part of the context (Winther Jørgensen & Phillips, 1999, pp. 93-94). Therefore, not knowing who the producer is may affect the interpretation of the context and the discourse.

5. Data Findings and analysis

This chapter consists of a thematic analysis of two cases, drawn from a selection of political statements, reports and multimodal texts. The thematic analysis of the sample includes a comparison of case one, migration governance in Norway, and case two, Norway's foreign policy discourse on migration governance. The analysis is combined with Fairclough's dialectical approach and Robert Cox's approach to Critical theory, to reveal how Norway's contrasting discourse on migration governance affect its status as a humanitarian great power. The thematic analysis reflects key issues related to power, ideology and its relation to ideas and institutions as productive forces. Hence, it addresses the research questions, exploring how Norway's foreign policy discourse relates to the country's national policies on migration, and to what extent hegemonic power relations are maintained and reproduced, challenging the human rights of migration (see chapter 1.2).

5.1. Case One: Stricter Asylum Regulations in Norway From 2015 Onwards

5.1.1 Background of Texts

The relationship between text and social structures is an indirect and mediated one. It is mediated by the discourse which the text is a part of, because the values of textual features only become real and socially operative if they are embedded in social interaction where texts are produced and interpreted against a background of common-sense values (Fairclough, 2015, p. 154). The background of the texts will therefore be established briefly, to identify who the producer of the text is, contextualise it, and compare current context and discourses with the discourse from 2015 up until today.

In 2015, Norway received 31 145 asylum applications, the highest number of applicants in Norway received in one year (UDI, n.d.). At this time, Høyre (H) and FRP were in Government, together with the liberal Party (V) and the Christian Democratic Party (KrF), led by the leader of Høyre, Erna Solberg, who is still Prime Minister today (The Norwegian Government, n.d.). In a press release, published on October 30 2015, The Norwegian Government announced that "in a time where many asylum seekers come to Europe and Norway, there is a need for new measures to ensure that the asylum system works well" (Norwegian Ministry of Justice and Public Security, 2015, October 30). A key component in both political and academic discussions on migration management is the role information plays in migrants' decisions to migrate and, if so, to which destination (Brekke & Thorbjørnsrud, 2018, p. 3). Many migrants rely on social media to gain information while traveling

because it can provide them with real time information as they try to make their way to a safer place (Latonero & Kift, 2018, p. 4). In an effort to influence migrants' destination preferences, the political leadership of the Ministry of Justice, launched the Facebook campaign *Stricter Asylum Regulations in Norway* at the heights of the refugee crisis. The Facebook campaign was to present factual knowledge about the immigration regulations in Norway. Regulations that migrants would take into account when deciding whether to move across borders, and therefore not choose Norway as a destination (Brekke & Thorbjørnsrud, 2018).

During the second half of 2016, the Norwegian Government created a webpage, linked to the Facebook campaign. The two videos, *Why risk your life* and *You risk being returned,* were published as an extension of the Facebook campaign (Norwegian Ministry of Justice and Public Security, 2017, December 1). The intent was to communicate restrictive immigration regulation to potential immigrants (Brekke & Thorbjørnsrud, 2018, p. 17). The webpage, also named *Stricter Asylum Regulations in Norway,* was created with the purpose of portraying the videos and related information (Norwegian Ministry of Justice and Public Security, n.d.). The videos will be analysed in the following chapter. The asylum applicants that came to Norway in 2015 came from among others, Iran, Iraq, Afghanistan and Syria, while some were stateless (UDI, n.d.). Consequentially, the webpage and videos were available in English, French, Arabic, Dari, Tigrinya and Pashto (Norwegian Ministry of Justice and Public Security, n.d.). The texts *Why risk your life* and *You risk being returned*, will be referred to as *text one* and *text two*.

To display a wider image of Norway's national migration governance, this part of the analysis will also present findings from the text *Representative proposal from members of parliament Jon Engen-Helgheim, Siv Jensen, Sylvi Listhaug and Helge André Njåstad concerning control measures at the border in case of a new flux of migrants to Norway (Temporary)* (Engen-Helgheim et al., 2020), in addition to the Facebook campaign. February 27 2020, Turkey opened its borders to migrants between Turkey and the EU (Weise, 2020, February 27). Since 2016, the agreement between the EU and Turkey was that migrants were to be stopped in Turkey, before reaching EU's boarders (Skribeland, 2018). Turkey is the country with the world's highest numbers of refugees and asylum seekers (Skribeland, 2018). Due to a different set of political circumstances between the EU and Turkey, the borders are open again, and migrants have started crossing over to Europe (Weise, 2020, February 27). The reinforced flux of migration restarted a debate between Norwegian political parties on Norwegian migration governance, asylum regulations and which actions the Norwegian state should take in relation to migrants' movement. On March 3rd, members from FRP, who are no longer part of

the Government, but member in the Storting (Parliament), promoted several proposals to prevent migrants coming to Norway (Engen-Helgheim et al., 2020; Remen, Grønli, Kalajdzic, Randen, & Tandstad, 2020, 3 March).

5.1.2. Criminalising Migrants

The following analysis is of two multimodal texts; text one and two. Each text is part of a video. Beneath each video, the text is repeated in full text. Keeping in mind that the videos were published and made in the aftermath of the refugee crisis, it may seem like the videos explicitly try to send a clear message with an apparent producer. The videos are marked with the logo of the Norwegian Ministry of Justice and Public Security, giving the message a sense of authority right away. The visual elements of the video are used as an enhancement of the verbal and written elements in the video. Throughout the video, the text is read out loud by a female voice. Each phrase of the text is paired up with clips that are to present the journey referred to in the texts (Norwegian Ministry of Justice and Public Security, n.d.). The texts can be described as direct. They are written in short sentences and the grammar is simple. The image of the producer is reinforced by the last sentence of the texts "Stricter asylum regulations in Norway" (Norwegian Ministry of Justice and Public Security, n.d.), making a statement that associates Norway with a hardhanded enforcement of regulations.

The texts can easily be attached to a type of migration governance, where the Norwegian Government is trying to create a deterrence effect, portraying policies designed to make asylum conditions appear as unattractive as possible (Gammeltoft-Hansen, 2017, p. 100). Over-wording shows preoccupations with some aspects of reality (Fairclough, 2015, p. 133). In text one, the sentiment of migration as something illegal is prominent. This is visible in sentences three, four and seven, where the phrases and words "not valid reasons", "return home", and "permission" are used (Norwegian Ministry of Justice and Public Security, n.d.).

Text one:

1) "Are you leaving your country to seek a better economic future?

2) Are you leaving your country in search of a job?

3) These are **not valid reasons** for granting adults asylum in Norway.

4) In fact, you have to **return home**.

5) Many have lost their lives or have been abused on their journey to Europe.

6) Since 2014, over ten thousand people have died trying to cross the Mediterranean.

7) Why risk your life and use your savings to **pay smugglers** when you will **not get permission** to stay?

8) Stricter asylum regulations in Norway" (Norwegian Ministry of Justice and Public Security, n.d.).

All of the words highlighted above, for the purpose of this analysis, can be related to a sentiment of doing something that will have sanctions for the interpreter and incriminating him/her. "Smugglers" is also a word that is connected to criminal actions. The text is creating a negative impression, implying that migration is a criminal act. In this way, one can say that the producer portrays a picture where the Norwegian state sees migration as something illegal (Marin & Spena, 2016, p. 147), despite its complex interpretation in terms of the extension of rights and special legal status (United Nations, 1948). Motives for migration are often manifold. Migrants who primarily move due to economic reasons may also flee political oppression (Castles et al., 2014, p. 26). The simplistic choice of wording in these texts attempts to undermine the complex nature of migration processes. Reasons to migrate are often blurred and interconnected to social and economic contexts (Castles et al., 2014). Migration is therefore not so black and white as the text is suggesting. Going back to Fairclough's perception of ideology and power, ideologies are representations of aspects of the world, which contributes to establishing and maintaining relations of power, domination and exploitation (Fairclough, 2003, p. 9). Prioritizing border management over human rights portrays a value system belonging to a discourse (Fairclough, 2003, p. 58) where the Norwegian state is putting more consideration to regulating their borders and keeping unwanted people out, than taking into consideration international obligations, which leads to a beggar-thy-neighbour dynamic, handing the responsibility of flows of migration and upholding the right to seek asylum to other countries (Gammeltoft-Hansen, 2017). It can be assumed that this type of discourse also will have an effect on immigrants already receding in Norway. Cox sees structures and institutions as made by human agency. Therefore, to understand structural and institutional changes, it is necessary to understand changes in the "mind" of actors (Moolakkattu, 2009, p. 445). As the producer, the Norwegian Ministry of Justice and Public Security, creates this campaign, new structures are made, creating a change in the way immigrants sees themselves to criminal actors, or as outsiders (Wodak, 2012, p. 406). The texts refer to reasons and rights for migrating, meant for the interpreter to consider. The set of language and semiotics used relates to the concept of identity and where the migrant comes from. Through the discourse in these texts, the producer creates a structural change, creating conflict between migrants' intention and need to create a better life and a migrant's feeling of self-worth. In this way, the current discourse can reduce the migrants' self-worth and remind the immigrant of its past (Fassin, 2011), creating a feeling of being unwelcome and rejection. It can provoke every feeling from a sense of helplessness, irritation, fury and humiliation (Flam & Beauzamy, 2008, pp. 227-228).

5.1.3. Hegemony: The use of Discourse to Sustain Power Relations

In text one, "not get permission to stay" and "return" are actions that the Norwegian state will take in the specific situation of a migrant arriving in Norway. This is evidence of agency of the producer of the text. In relation to the last sentence "stricter asylum regulations in Norway", it sets clear precedence. Again, the producer portrays Norwegian authority as strict. In text two, this set of wording continues and the text is paired with visual images of what appears to be an asylum seeker, meeting a Norwegian police officer in uniform, registering the asylum seekers fingerprints, detaining him, and then having to board a plane out of Norway (Norwegian Ministry of Justice and Public Security, n.d.). In these images, the power relation between the officer is present throughout the situation that is described, the focus is placed on the police uniform and images portraying detention. One might also notice the use of actors with different skin colours. The characters of the police officers are always acted by white-skinned actors, while the asylum applicant is acted by a dark-skinned actor. Therefore, one might say that the divide between the producer and interpreter becomes more evident, in this way creating an image of "we" and "you".

Both in *text one* and *text two*, the producer is talking directly to the interpreter.
Text one:

> 1) "Are you leaving your country to seek a better economic future?"
>
> 2) "Are you leaving your country in search of a job?"
>
> 4) "In fact, you have to return home."
>
> 7) "Why risk your life and use your savings to pay smugglers when you will not get permission to stay?"
>
> (Norwegian Ministry of Justice and Public Security, n.d.)

Text two:

> 2) "If you do not need protection, you risk being returned by force."
>
> 4) "Consider this, before embarking on a dangerous journey."
>
> (Norwegian Ministry of Justice and Public Security, n.d.)

In all of the sentences above, the text is directed directly towards the interpreter. This indicates a clear power relation between the producer and the interpreter. Asking questions is generally a position of power, especially where there is not a one-to-one relationship (Fairclough, 2015, p. 142). In relation to potential migrants, while the text is distributed as mass communication, and there is no way of knowing who the audience will be, the pronoun "you" is repeated. This implies an authoritative relationship (Fairclough, 2015, pp. 76, 144). "Asylum in Norway" is an antonymy in the relation of

"return home" and "not get permission to stay". Being the opposite of each other, it might convey the message that the interpreter is not entitled to protection or welcome in Norway. While the text gives clear indications of who is not qualified for asylum, it does not say anything about who is in fact entitled to get asylum and protection in Norway. Analysing these texts in relation to migrants already resending in Norway and the Norwegian population at large, it can be connected to Cox' idea of power as exercised by its intellectual and moral capacity to win consent (Moolakkattu, 2009, p. 441). Through discourse pertaining migrants as unwanted and unwelcome, creating a divide between migrants and the Norwegian population, one can assume that the Norwegian Government is increasing its hegemonic power at the cost of migrants as the subordinate groups (Lears, 1985, pp. 569-571). The production of this type of discourse creates new sets of norms (Cox, 1981, pp. 135-137) which might affect new policies, attitudes concerning migrants and migrants' feeling of belonging in the Norwegian society (Jiwani & Richardson, 2011; Wodak, 2012). This can put a question to whether the power the producer has over the interpreter is legitimate. According to Fairclough, power is not legitimate when it results in unacceptable and unjustifiable damage to other people or social life (Fairclough, 2015, pp. 26-27). The UNHCR encourages states to include in information campaigns the rights and obligations of persons on the move and inform about available protection and legal migration options in information strategies (2011, p. 266). Because the discourse is one-sided, the producer can portray the opportunities to migrate with a specific intention, and power is according to Foucault, exercised with intention (Wodak & Meyer, 2016, p. 10). In this discourse, it is only the producer who has the possibilities of affecting the conditions of the discourse, migration policies, and the ability to travel regularly and safely. Portraying only the irregular opportunities of migrating creates a notion saying that "we don't want you here", and gives no indication of a safe and regular opportunity to seek protection. The attitude explored here, creates a paradox to the notion of Norway as a humanitarian great power (Langford & Schaffer, 2015; Lodgaard, 2007), which the country's power, and national identity rests on (Angell & Mordhorst, 2015; Cox, 1981).

Text one and text two are built upon what seems to be factual statements of events and a legal discourse. *Text one:* "These are not valid reasons for granting adults asylum in Norway*", "*Many have lost their lives or have been abused on their journey", *"*Since 2014, over ten thousand people have died trying to cross the Mediterranean"; *Text two*: *"*Norway is not a safe haven for migrants", "In 2015, Norway deported nearly 8000 people" (Norwegian Ministry of Justice and Public Security, 2017, December 1). Here, it seems like the producer is presenting truth claims, portraying a correlation between traveling to seek asylum and being deported, abused or dying on the journey. As mentioned, the texts are part of videos, describing the journey to Europe. Therefore, one might draw

the deduction that the producer is using fear as an element. In text one, the sentences "Many have lost their lives or been abused on their journey to Europe", "Since 2014, over 10 000 people have died trying to cross the Mediterranean" and "why risk your life and use your savings to pay smugglers when you will not get permission to stay" (Norwegian Ministry of Justice and Public Security, n.d.), are paired up with videos of crowds walking and packing down tents under chaotic circumstances, a video of aid personnel, trying to help someone who is hurt, and a beach with abandoned life jackets and rubber dinghies. In this way, the producer is portraying migration as something that will only have negative consequences for migrants. Reports from The Norwegian Directorate of Immigration (UDI) shows that there was a profound decrease in the number of asylum applications without a need for protection in Norway, after 2015, going down from 31 145 to 2305 applicants in 2019 (UDI, 2019, p. 13; 2020, Januar 23, n.d.). However, existing scholarships argues that indirect deterrence has no, or only a limited, impact on the number of asylum applications a state receives (Brekke & Aarset, 2009; Gammeltoft-Hansen, 2017, p. 100). According to the UNHCR, information strategies related to mixed movements can be targeted towards helping prevent irregular movements by ensuring that people are sufficiently informed about the potential risks. While information campaigns can help fill gaps of knowledge about desired countries of destinations, and the risk of trafficking, abuse and exploitation, UNHCR are stating that information alone will not prevent irregular movements if the push factors are of a too serious degree (2011, p. 264).

5.1.4. Hegemony: The use of Fear as a Means to Increase Power

The *Representative proposal from members of Parliament Jon Engen-Helgheim, Siv Jensen, Sylvi Lishaug and Helge André Njåstad concerning control measures at the border in case of a new flux of migrants to Norway (Temporary),* is a proposal delivered in the parliamentary hearing at the Storting, from members of FRP. The text is formal, conveying the producers' argumentation for the need for new measures with the purpose of hindering a migration-flux to Norway (Engen-Helgheim et al., 2020). The proposers of the text are all members of the Storting, and well-known politicians from FRP (Stortinget, 2017). The proposals conveyed in the text are: 1) to reinstate the divide between refugees granted asylum through the Refugee Convention and other asylum seekers, 2) adolescent minors must only get temporary residence, 3) demand of four years of work or education in Norway before being granted family reunification, 4) regulations for Subsistent requirements for asylum seekers and refugees, 5) requirements of affiliation to Norway; the asylum seeker must have been granted permanent residence in Norway before applying for family reunification, 6) increase temporary residence permit from three to five years, 7) no automatic right of entry for asylum seekers,

8) possibility to reject asylum seekers at the borders, 9) reintroduce authority of instruction of the Immigration Appeals Board (UNE) (Remen et al., 2020, 3 March).

In the argumentation, there are many ideological indications from the producer. At the beginning of the text, the producer states that:

> "Since the migrant crisis in 2015, the Progress Party has warned that the pressure against Europe is too big and one has to be in a state of preparedness. February 27, 2020, the Turkish president notified that the country would no longer keep refugees from reaching the European border. Immediately, several thousand migrants from many different countries set course towards Europe. There are 3,6 million Syrians in Turkey. Additionally, the land [Turkey] is a transit country for migrants from many different countries, both from the Middle East and Africa" (Engen-Helgheim et al., 2020).

Keeping in mind that this text is concerning regulations at the Norwegian border, it seems like the producer is implying that all the 3,6 million Syrians and additional migrants in Turkey will come to Norway. The use of the word "warning" can imply that Norwegians have to protect themselves from migrants. The element of fear can be found again later in the text:

> "The proposers refer to the great uncertainty when it comes to future arrivals of asylum seekers. The Norwegian welfare model will be put under tremendous pressure with new and increased arrivals. It is therefore necessary to tighten the asylum politics to be able to manage the flow of refugees that may arrive" (Engen-Helgheim et al., 2020).

By using the words "great uncertainty" in relation to an increased pressure on the Norwegian welfare model, the producer present ideologically significant meaning relations (Fairclough, 2015, p. 133). In an article by NRK concerning the proposal referred to, FRP has stated that the Government must put Norwegian values first (Remen et al., 2020, 3 March). It becomes clear here that according to FRP, Norwegian values are not equivalent to keeping borders open for migrants. Politics is seen as a struggle for hegemony, meaning that power is a result of consent rather than the use of force (Fairclough, 2003, p. 45), and a cultural hegemony inclines to develop a world view that appeals to a wide range of other groups within the society (Gramsci, 2000, pp. 204-205). One can imagine that the element of fear is an effective tool to gain support for the producer's ideology. Power behind discourse is concerned with how discourse as dimensions of the social orders of social institutions, or societies, are themselves constituted and shaped by relations of power (Fairclough, 2015, p. 83). By creating elements of fear, it is likely that the issue of migration becomes more politicised, creating

greater opportunities for hegemony as the interest of the producers are presented as crucial to the interpreter's interests. As the idea of stricter asylum regulations and migration governance takes root in the population at large, a particular order is stabilised, and will therefore more likely affect the international society and its migration governance. According to Cox, the state is an organ of particular groups (Gramsci, 2000, pp. 205-206), and globalization has created a social hierarchy. At the bottom are those who are excluded from the global economy (Moolakkattu, 2009, p. 451). By stating that closed borders go hand in hand with a well-functioning welfare state, and therefore global economy, the producers place migrants at the bottom of this hierarchy. It is important to emphasise, that the whole proposal is written in a way implying that a crisis or new flux of migration *can* happen or arrive. In this way the producer can't say anything for sure. The FRP is known to have a restrictive immigration policy (Berggren & Neergaard, 2015, p. 169). It can therefore be assumed that the producer uses this situation to create fear in the native population to gain political support, while also alienating immigrants from the majority population. While gaining political support, the producer advocates for creating favourable conditions by eliminating the element of fear, thus the migrants.

5.1.5. Hegemony: The Power of Signals – Dismissing the Individual and the Asylum Institution

In this research paper, the term *migrant* is used as an umbrella term, or hypernym, for everybody traveling from one place to another. In the proposal to the Storting, the term migrant is used for the broader part of the text. However, in the sentence "As a consequence of the serious and ongoing situations with a high number of migrants, asylum seekers and refugees arriving and wishing to come to Europe, it is necessary to promote these proposals again for a new consideration in the Storting" (Engen-Helgheim et al., 2020*)*, the producer creates a division between migrants, asylum seekers and refugees. This can imply that they are not talking about refugees and asylum seekers when they refer to migrants. Still, the proposal suggests new regulations concerning refugees and asylum seekers (Engen-Helgheim et al., 2020*)*. All of the above can signify rhetoric, where the producer actively chooses to use the word migrant, because it can easily be associated with economic migrants who are not entitled to gain residence permit. This rhetoric also goes against the fact that everybody has a right to seek asylum (United Nations, 1948, article 14). Creating a norm or idea, where migrant is associated only with those who are not within the rights of residence permits, is affecting both the common sense and the structures of society, thus having greater effects on the social society (Cox, 1981, pp. 136-137; Wodak, 2012, p. 406).

Both in relation to the topic of border control and temporary residence permit to adolescent minors seeking asylum, the producer emphasises the importance of "sending a signal". Two examples are: "In migration governance, the body of rules and signals are essential" (Engen-Helgheim et al., 2020*),* and "In today's situation, it is completely necessary to consider tightening which sends a signal that counteracts children being sent to Europe, especially in situations where the child is not in danger in the home country if attended to by adults" (Engen-Helgheim et al., 2020). This relates to the arguments of Austenå, stating that politics in the area of immigration and integration is marked by immigration regulative concern and symbolic politics, with the purpose of making Norway seem like an unattractive country (2019, March 1). In this way, individual rights are being diminished, favouring a larger, political goal. This is not something that the producer attempts to hide. Simultaneously, the producer also states that "the asylum system was to be an opportunity for temporary protection for persons who are individually and politically persecuted" (Engen-Helgheim et al., 2020*),* implying that the producer acknowledges that the right to asylum is individual.

In this example, there is a relation of power that is quite obvious. While the producer is aware of the individuality of seeking asylum, the producer contradicts this by talking about the importance of the effect of sending a signal, so that fewer migrants will come to Norway and the welfare state will stay intact. First of all, the ideological preferences of the producer are evident here. As mentioned, ideology is related to the concept of common sense (Fairclough, 2015, p. 13). With the power the producer has implicit in its position at the Storting and in the national discourse, the producer has an extensive reach and possibility to affect the meaning-making of others. Ideologies are representations of aspects of the world, which contribute to establishing and maintaining relations of power, domination and exploitation (Fairclough, 2003, p. 9). Value systems can be regarded as belonging to particular discourses that include assumptions about what there is (Fairclough, 2003, p. 58).

Text one and two are quite different from text three, the proposal from members of FRP. When comparing the texts, what is interesting to look at are the different formats in which the messages of the texts are given and produced in. While the two first texts are part of a campaign, and directed towards a migrant as the interpreter, text three is delivered at the political level and in a much more formal format and setting. However, the messages are quite similar. The difference is who the foreseen interpreter is. While text one and two is directed towards possible migrants, text three is directed towards the political elite, and the Norwegian people and electorates. Comparing the message from 2017 until today, one has to take into consideration that the FRP is no longer part of the government, however, they contribute to a great part of the discourse at the political level. The

political spokesman of Høyre for immigration has also stated in the media that Høyre agrees with a need for stricter regulations (Remen et al., 2020, 3 March). Discourse helps to sustain and reproduce the social status quo (Fairclough et al., 2011, p. 2). By continuing to raise its voice clear and loudly, the producer, parliament members from FRP, are able to maintain the party's ideology, and influence both Norwegian politicians, the population at large, immigrants and potential migrants. This is another example of how hegemony is created at the national level. As institutions and norms create a more homogenous population, this frame of thought and policy will affect the global world order (Cox, 1981).

While stating that "A central intent with making changes in the immigration act is to secure that the asylum institute is reserved for those with a need for protection" (Engen-Helgheim et al., 2020*)*, the producer advocates, among other things, for temporary residence permit for adolescent minors, demand of four years of work or education before being qualified for applying for family reunification, an increase of temporary residence permit from three to five years and the right to reject asylum seekers at the borders, to stop "consideration of the substance of the case" of asylum applications from Turkey or another safe third country (Engen-Helgheim et al., 2020*)*.

There are two aspects that are important to be aware of here. First, it is the inherent right everybody has to seek asylum, and secondly, how temporary residence affects integration and feelings of discrimination for migrants and people who have already immigrated to Norway. As previously mentioned, many migrants travel in mixed movements including those who are entitled to refugee status, stateless people, victims of trafficking and people in search of a better place to live (UNHCR, n.d.-a). By closing the border for all migrants coming from Turkey, the producer assumes that everybody in this mixed movement of migration are traveling for the same reason. This indicates a discredit of asylum seekers as individuals, therefore delegitimizing the asylum institution (Fassin, 2011, p. 220). As demonstrated in the definition-chapter, the refugee definition is declaratory. One therefore has to assume that a migrant is entitled to refugee status until a formal conclusion on migrants' status is made (UNHCR, 1951).

Second is the issue of integration and exclusion. By using words like "migrant crisis", "less attractive", and "uncertainty" in the context of restricting rights, making it harder to get permanent residence and family reunification (Engen-Helgheim et al., 2020), the producer makes it clear that they don't want migrants in Norway. Denying migrants access to residence permits and family reunification reminds its newly naturalized members how they still differ from their indigenous

fellow-citizens (Fassin, 2011, p. 215). A greater use of temporary residence and restrictions on family reunifications will have negative consequences for the integration of migrants in Norwegian society (Brekke, 2001; Wodak, 2012). If family reunification is made difficult to obtain, the process of integration is restrained (Eide, 2019, November 15). It is important to keep in mind that according to international law, the UDHR, article 16(3) states that, "The family is the neutral and fundamental group unit of society and is entitled to protection by society and the State" (United Nations, 1948). The possibility of return influences the motivation and access to integration, leading to a self-exclusion and a formal exclusion of society (Brekke, 2004, p. 59; Brekke, Birkvad, & Erdal, 2019, p. 65). Because of the uncertainty of temporary residence, many adolescent minors have disappeared from Norwegian asylum systems. Either to other countries or to live on the streets (Press, 2017).

5.2. Case two: Ideological Preferences and Hegemony in Norwegian Foreign Policy on Migration

5.2.1. Background of Texts

All the texts presented here are statements or reports delivered in an international forum. The first three texts are statements presented by the Norwegian Prime Minister and ambassadors for the Norwegian Government in relation to the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration (GCM). The three other texts are reports Norway has delivered in relation to the Universal Periodic Review (UPR), and periodic reports submitted to the ICESCR and the ICCPR. To define the research area, only answers related to the topic of asylum and migration in these reports are analysed.

On 19 September 2016, Governments came together at a global level within the UN General Assembly to discuss issues related to migration and refugees. This resulted in a recognition of the need for a comprehensive approach to human mobility and enhanced cooperation at the global level. Therefore, intergovernmental negotiations started, with the aim of developing the GCM. The GCM was adopted by the majority of UN Member States endorsed by the UN General Assembly on 19 December 2018 (IOM, n.d.). While the GCM is a non-binding document, it demonstrates commitment to international cooperation for migration. The GCM aims, among other things, to address all aspects of international migration, enhance coordination on international migration, and present a framework for comprehensive international cooperation on migrants and human mobility (IOM, n.d.). In this section six texts will be analysed.

Text four, *Unga71: Roundtable 3 on High-level meeting on addressing large movements of refugees and migrants*, is a statement made by the Norwegian Prime Minister Erna Solberg, at the 71st session of the General Assembly 21 September 2016, the first meeting at the global level addressing large movements of refugees and migrants (IOM, n.d.; Solberg, 2016, September 21). Here, the Prime Minister is talking about the need for a global compact on refugees and for safe, orderly and regular migration, in light of the refugee crisis.

Text five, *69th Session of UNHCR Executive Committee 1-5 October 2018, Agenda Item 4a) International Protection Statement by Norway,* is a statement given by Senior adviser Marit Rosenvinge, in relation to the Global Compact on Refugees (Rosenvinge, 2018), which was affirmed in the same timeframe as the GCM. In the opening statement at the 69th session, the United Nations High Commissioner for Refugees emphasised the unequal burden-sharing in regard to refugees and migrants. While referring to the rising number of refugees globally and overcrowded camps, the High Commissioner stated that "principles and values of international cooperation have come under immense pressure" (Grandi, 2018, October 1, p. 1). An issue being that neighbouring countries have kept their borders open, while rich countries tend to make it difficult for people to seek asylum and close their borders (Grandi, 2018, October 1).

Text six, *GA: Global Compact for Safe, Orderly and Regular Migration: Explanation of vote by Ambassador Tore Hattrem on the resolution to endorse the Global Compact for Safe, Orderly and Regular Migration,* is an explanation on the resolution to endorse the Global Compact for Safe, Orderly and Regular Migration. In the light of signing the GCM, the Norwegian Government used this platform to emphasize its explanation of the vote, while stating to advocate for bilateral, regional and global work to achieve safe, orderly and regular migration and combat irregular migration (Hattrem, 2018, December 19).

Text seven, *Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure* (UN Human Rights Committee, 2017, September 23), text eight, *Sixth periodic report submitted by Norway under articles 16 and 17 of the Covenant, due in 2019* (UN Committee on Economic Social and Cultural rights, 2019, December 2), and text nine, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2* (UN Human Rights Council, 2019, February 13), are all national reports submitted to UN institutions. While text seven and eight are submitted to *the International Covenant on Civil and Political Rights*, and the *Economic and Social Council*, text nine is submitted to the Human Rights

Council as a contribution to the Universal Periodic Review of Norway. These texts will be analysed in relation to the topic of amendments in the Norwegian Immigration Act, especially concerning the right to asylum and the principle of non-refoulement, which all of the reports have commented on to some degree.

5.2.2. Hegemony and International Migration Governance

Although Norway is a small state, its foreign policy and the country's involvement in matters of international peace and security is an involvement resembling that of great powers (Angell & Mordhorst, 2015, p. 187). For a state to achieve its goals, the state's conditions of power have to be legitimate and desirable (Cox, as quoted in Schouten, 2009, p. 7). Two of the texts analysed within this case study bring forth central foreign policy elements, especially elements of the need for collective action. This brings us to the research question; To what extent are hegemonic power relations being maintained and reproduced in this discourse?

> "Democratic societies are not perfect, but because disagreements are tolerated, they have an ability to learn from mistakes and improve themselves – and to create security and prosperity" (Solberg, 2016, September 21).

> "We can all do more to resolve conflict and foster developments" (Solberg, 2016, September 21).

> "These situations should not be of concern for just a few states, but for all" (Rosenvinge, 2018).

> "This underscores the urgent need for collective action" (Rosenvinge, 2018).

The elements of "collective action" are noteworthy in relation to the concept of hegemony. Using words and phrases like "disagreement", "we can all do more", "a concern for all" and "collective action", the producer gives an impression of advocating for a sense of unity. According to Gramsci, hegemony is a conceptualization of power, meaning that politics are a struggle to gain hegemony, which emphasises how power depends on achieving consent (Fairclough, 2003; Moolakkattu, 2009). While being a soft power, to gain more impact, the Norwegian state needs to develop a world view appealing to other governments, while being able to claim that the Norwegian interest is that of society at large (Lears, 1985, pp. 569-571). It also needs to brand itself in a way that portrays its ideology as legitimate and trustworthy (Cox, as quoted in Schouten, 2009, p. 7).

Throughout the Norwegian Prime Minister's statement, the word "global" is repeated. "The refugee crisis is a global challenge, and time has come for a global approach. That is why the process we start here today must lead to global compacts on refugees and for safe, orderly and regular migration- by 2018". "This is what a compact is about – a complete set of long-term and short-term measures, on global national and individual levels […]". "Humanitarian needs have exploded. Unfortunately, the global response has not" (Solberg, 2016, September 21). Considering the context of the statement, the use of the word global is not unexpected, and it can be interpreted as a need for collective action, and the ability to work together.

However, while there is a use of language advocating for a collective action, all the texts concerning a global compact, in this case study, has elements of an attitude of superiority. While all the texts are statements given in formal settings, and therefore with a formal language, the statements are often presenting a picture of what the Norwegian state has achieved, and other governments have not.

> "This year, the UN and the Red Cross have issued their largest humanitarian appeals ever. Humanitarian needs have exploded. Unfortunately, the global response has not. Norway has increased its humanitarian budget by more than 25 percent" (Solberg, 2016, September 21).

> "Worldwide, 37 million children and adolescents are out of school because of crises and conflicts. If young people are to be the future architects of peace and stability, they must get access to education. We have made education a top priority in Norway's development policy, and we have initiated the Global Commission on Financing of Education Opportunities. […] Many governments must do more for education" (Solberg, 2016, September 21).

> **"With our** support, UNHCR and partners **must** address the protection risks and needs of affected populations […].
> **We will** continue to support and **expect** UNHCR to enhance […].
> **We encourage** state and UN organizations to support this initiative
> **We would like to emphasize** the need for a step-change in international humanitarian response […].
> **We expect** all humanitarian actors to shape their plans to.." (Rosenvinge, 2018).

> "Norway does not interpret the Global Compact as requiring any revision of the portability of the Norwegian benefits for migrants, in particular with a view to improving migration management and stemming irregular migration" (Hattrem, 2018, December 19).

In the first example, humanitarian need is being given attention to, in this way advocating for the issue. However, considering the way the "global response" and Norway's effort on the subject are presented together, a contrast between the two is created, and an attitude of superiority can be deduced from the text. This is also relevant for the second example. When first referring to the Norwegian Government's actions, and then addressing other governments and their lack of action, it creates a division between the two. In relation to human rights, foreign policy can be defined as activities by policy-makers to influence another state or group of states so that they may improve the respect for human rights (Baehr & Castermans-Holleman, 2004, pp. 1-2). In this way, it can be said that the Norwegian Government is attempting to create more power and obtain hegemony by contrasting its own action to what it claims needs to be done.

All the words highlighted above are words of a relational value, setting a definitive precedence for the producers' expectations of other governments, and being a clear feature of authority (Fairclough, 2015, pp. 142-143). In these examples, there is no mentioning of a collective "we". "We" is the Norwegian state, and then other governments have to follow through. Using phrases like "we expect" and "we would like to emphasize the need" gives an impression of an attitude of power, which can imply that the producer is taking advantage of its soft power and the legitimacy implicit in it, to achieve its interests, as the construction of hegemony is a product of negotiation between the dominant and the dominated (Moolakkattu, 2009, p. 441).

It can therefore be deduced from these examples that in its foreign policies on migration, the Norwegian Government's shifts between a superior attitude and a wish for collective action. Later in the chapter, the use of collective action as a means to reduce responsibility will be discussed.

5.2.3. Sovereignty and International law: An Obligation but not Much More?

Both text four, the Prime Ministers statement and text five, the statement on international protection, were occupied with a collective effort. The sixth text, explanation of vote on the Global Compact for Safe, Orderly and Regular Migration, however, seem to be more concerned with what is actually expected from the individual state in relation to international law and obligation, with an emphasised focus on the sovereign right to govern state borders, as the state in question sees fit (Hattrem, 2018, December 19). Power and sovereignty are related concepts, as sovereignty can be defined as a state's ability to control actors and activities within and across its own borders (Thomson, 1995, p. 213). When researching the underlying assumptions in Norway's foreign policy, this is highly relevant.

"The Global Compact for migration is not legally binding nor does it seek to establish international customary law or further interpret existing treaties of national obligations" (Hattrem, 2018, December 19).

"The Global Compact reaffirms the sovereign right of states to determine their national migration policy and their prerogative to govern migration within their jurisdiction in conformity with international law. (…). It is up to each state to decide how and whether to draw from these examples. States have the authority to distinguish between regular and irregular migratory status. The Global Compact reaffirms the legal and practical distinction between refugees and migrants" (Hattrem, 2018, December 19).

Sovereignty can be seen as something changeable that is actively constructed through discursive strategies and various border-guarding practices (Qvist et al., 2015, p. 56). "Not legally binding", "international customary law" and "interpret existing treaties of national obligations" are all references to what the GCM is not. Combining this with "sovereign right", "migration policy", "authority" and especially "prerogative to govern […] in conformity with international law" creates a clear statement of how despite the GCM, it is still up to each nation state to conduct its migration governance as the state seems fit. The word "prerogative" means "a right or advantage belonging to a particular group" (Oxford Learner's Dictionaries, 2020), but being a right, it can also be voluntary to use this advantage. This can indicate a discourse where the importance of national border management preponderates the work of the GCM and the call for collective action.

In the National report delivered by Norway for its evaluation on the Universal Periodic Review in 2019 (UN Human Rights Council, 2019, February 13) and Norway's seventh periodic report in relation to the UN International Covenant on Civil and Political Rights (UN Human Rights Committee, 2017, September 23), the producer answers questions concerning regulations in the Norwegian Immigration Act, in relation to the asylum procedure and the principle of non-refoulement. It is therefore a discourse about national migration policies, but in an international forum.

"Paragraph 51: The Government pursues a restrictive, responsible immigration policy that ensures due process within the framework of Norway's international obligations" (UN Human Rights Council, 2019, February 13, p. 11).

"Paragraph 160: The preparatory works for the act contain an account of the bill's compatibility with the Constitution and with our international obligation. The government finds that this condition goes

beyond Norway's obligations under international law, and the condition was therefore repealed" (UN Human Rights Committee, 2017, September 23).

These examples demonstrate a sense of obligation. Despite being questioned internationally about procedures concerning the human rights of migrants and their well-being, the Norwegian Government does not seem to display any humility. References to international law are repeatedly mentioned as an obligation, simultaneously as the Norwegian Government is not giving an impression of wanting to do anything additional for migrants' rights, other than its obligations. This assumption is enhanced considering that the government decided to repeal regulations that were considered beyond international obligations (UN Human Rights Committee, 2017, September 23). In this way, the discourse gives an impression of wanting to give the bare minimum in relation to asylum regulations within Norwegian borders. This affirms the importance of sovereignty in relation to migration governance (Joppke, 2008).

Going back to text six, the explanation of vote concerning the GCM, the producer claims in the second paragraph that "The adoption of the Global Compact for Migration at the high-level meeting in Marrakech in December 10 was a historic moment" (Hattrem, 2018, December 19). Using the phrase "historic moment" implies a sentiment or action of great change in the world, giving a lot of credit to the GCM. Furthermore, the producer goes on stating that "Norway will join the Global Compact for Migration, but due to the ambiguity of the text, we find it necessary to submit for the record the following explanation of vote" (Hattrem, 2018, December 19). A text's choice of wordings helps create social relationships between participants (Fairclough, 2015). In this context, the participants are assumed to be Norway, and other governments and institutions discussing migration governance. The use of the word "ambiguity" here, in relation to the logical connector "but" (Fairclough, 2015, p. 146), stands in contrast to the "historic moment". This may imply that the GCM is weak, or that there is less national support to the GCM. It can also create an association with "historic" as something that is in the past.

The importance of sovereignty and conveying that Norway is fulfilling its international obligations, and not more, portrays a contrasting side to Norway's foreign policy as a humanitarian advocating for collective action. Considering Cox theoretical framework, the consequences of such a discourse can modify structures in the world order (Schouten, 2009), creating a greater disinterest in international cooperation. On the other hand, as the element of power acquires honour and a good reputation, the Norwegian Government has to sustain its humanitarian efforts and preserve

international obligation and human rights. The use of obligation as a negative element contradicts the *humanitarian great power* – branding, in this way weakening Norway's international power status and restraining the universal expansion of particular ideas, norms and ideologies (Gramsci, 2000, pp. 205-206). This brings us to a discussion on the idea of Norway as a *humanitarian great power.*

5.2.4. Hegemony: A Humanitarian Great Power or an Irresponsible one?

5.2.4.1. Evidence of a Humanitarian Great Power

Analysing the texts chosen for this case study, there are several elements portraying why Norway is perceived as a humanitarian great power.

> "We can all do more to resolve conflict and foster developments" (Solberg, 2016, September 21).

> "Norway has increased its humanitarian budget by more than 25 percent" (Solberg, 2016, September 21).

> "Worldwide, 37 million children and adolescents are out of school because of crises and conflicts. If young people are to be the future architects of peace and stability, they must get access to education. We have made education a top priority in Norway's development policy, and we have initiated the Global Commission on Financing of Education Opportunities […]" (Solberg, 2016, September 21).

> "Norway will continue to provide unearmarked funding for UNHCR and other agencies in order to ensure sufficient flexibility, so that resources can be utilized where they are most needed. There is a need for more states to step up funding efforts" (Rosenvinge, 2018).

These examples show how the Norwegian Government put in an effort to increase humanitarian aid, increase opportunities for good education and work for peace and stability. In the last paragraph above, the word funding is mentioned twice. This is an element that may portray Norway as a humanitarian actor, while also implying the importance of funding as a tool. This also comes to show in the national report for the UPR.

> "The government is continuing its efforts to support developing countries in their fight against poverty. Norway is one of the world's largest aid donors, and for the last decade has maintained aid at 1% of GNI. The aims of Norwegian development policy are to save lives, contribute to lasting poverty reduction and promote democracy and human rights. The government presented a white paper on

human rights on Norway's foreign policy and development cooperation in 2014, and a white paper on partner countries in development policy in 2918. These emphasize the importance of supporting partner countries' own priorities and plans, while ensuring room for flexibility and changes to the cooperation. Norway has an Action Plan for Women's Rights and Gender Equality in Foreign and Development Policy (2016-2020)" (UN Human Rights Council, 2019, February 13, p. 19).

All the statements concerning the global compacts are related to the topic of ensuring international protection, and safe, orderly and regular migration. From the examples given above, Norway is presented as a giver of funds to those in need. However, from this analysis of the statements, there does not seem to be any mentioning of what more Norway can contribute with, and no mentioning of how Norway and other governments specifically can work together to ensure migration under safe conditions. The producer advocates for common action and how "governments in question must take the main responsibility" (Solberg, 2016, September 21). At the opening statement at the 69th session of the Executive Committee of the High Commissioner's programme, the United Nations High Commissioner for Refugees opened by stating that

> "Neighbouring countries have largely – although not invariably – kept their borders open, receiving and hosting refugees with generosity, despite enormous constraints. Yet further afield, often in rich countries, the trend is towards making it difficult for people to seek asylum – even by closing borders and pushing people away" (Grandi, 2018, October 1, p. 2).

The High Commissioner for refugees continues by stating that "we must not forget that neighbouring countries [of Syria] host 5.6 million refugees across the region [...]. Donors have been generous, but funding – and resettlement places – are insufficient, [...]" (Grandi, 2018, October 1, p. 5). Simultaneously, there is no mentioning of which actions the Norwegian state will take, when it comes to burden-sharing. This brings us to the issue of *renouncing responsibility*.

5.2.4.2. Renouncing Responsibility

In the Global Compact for Safe, Orderly and Regular Migration, it is stated that

> "We acknowledge our shared responsibilities to one another as Member States of the United Nations to address each other's needs and concerns over migration, and an overarching obligation to respect, protect and fulfil the human rights of all migrants, regardless of their migration status, while promoting the security as prosperity of all communities" (United Nations, 2018, July 13, p. 3).

Shared responsibility between all states is therefore an important value in the international discourse on migration. In relation to the research questions concerning, Norway's contrasting discourses on migration governance effects on its status as a humanitarian great power and to what extent hegemonic power relations are being maintained and reproduced in this discourse, the issue of responsibility becomes present. Here, national policies and the international discourse meet.

The texts analysed in this case study are from 2016 until 2019. In all of the texts some aspects of a renouncing of responsibility are present.

> "We will only succeed if the governments in question take the main responsibility" (Solberg, 2016, September 21).

> "We have made education a top priority in Norway's development policy, and we have initiated the Global Commission on Financing of Education Opportunities. […] Many governments must do more for education" (Solberg, 2016, September 21).

As presented in the section on *collective action*, the word "global" was referred to excessively in the Prime Minister's statement addressing large movements of refugees and migrants (Solberg, 2016, September 21). In this section, it was stated that it could imply a wish for a shared and collective action in response to the flow of irregular migration. However, this over-wording could also signify the opposite. In relation to the acclamation of a global effort, the producer stated, as presented in the example above, that "We will only succeed if governments in question take the main responsibility" (Solberg, 2016, September 21). This diminishes the value of the diplomatic sentiment given in the previous sentence. Rather, it can imply a renouncing of responsibility. When analysing the statement, the word global can be seen as an antonymy to the national aspect, implying that the producer considers the responsibility not to be Norwegian. The same goes for the paragraph on education. Stating that many governments must do more for education can be interpreted as saying that this is not on Norway but other states.

> "Norway will continue to provide unearmarked funding for UNHCR and other agencies in order to ensure sufficient flexibility, so that resources can be utilized where they are most needed" (Rosenvinge, 2018).

As presented above, the phrase "where they are most needed" is used. This is relevant both to the aspect of ideology and hegemony presented through Cox and Fairclough. As a cultural hegemony is

dependent on a world view in the interest of the society at large (Lears, 1985, pp. 569-571), development of the degree of homogeneity in political forces can turn into hegemony (Gramsci, 2000, pp. 204-205). The effect of text is that it can sustain, and change ideologies (Fairclough, 2015, p. 13). A common feature of the Norwegian Government of 2018's discourse was to increase donations to migrant's surrounding areas, in this way reaching more people with financial aid and emergency relief (FRP, n.d.; Remen et al., 2020, 3 March). "[…] so that resources can be utilized where they are most needed" (Rosenvinge, 2018) is a rhetoric that resembles the rhetoric of FRP and Høyre. In this way, it can be said that the Norwegian Government used text to try to change the ideologies of other governments. While saying that migrants should get help before needing to migrate, or in their surroundings, the Norwegian Government imply that migrants are not welcome in Norway. While the producer is assertive in the discourse when it comes to other states, it is vaguer when it concerns Norwegian actions. "Norway aims to strengthen its efforts in the coming years in the following areas…" (Rosenvinge, 2018). The word "aim" may indicate a deflection of new specific measures to improve the situations of refugees.

> "In December 2015 the ministry of Justice and Public security issued for comment a proposal for a range of measures to tighten the regulations and make it less attractive to apply for asylum in Norway. Several of these proposals were adopted in the spring of 2016. One of the measures adopted was that, in an emergency situation with extraordinarily large numbers of arriving asylum seekers, a decision can be made to temporarily refuse to examine the merits of asylum applications from persons who arrive directly from a Nordic state" (UN Human Rights Committee, 2017, September 23, p. 26).

In this paragraph the issue of a renouncing of responsibility is presented bluntly. "Make it less attractive to apply for asylum in Norway" is a clear statement saying that migrants are not welcome in Norway. Explicitly writing "less attractive" and combining it with regulations created to send migrants back to neighbouring states portray un-solidary policies in relation to other states and responsibility-sharing. The producer also uses the word emergency. However, the emergency referred to is for the welfare state, not the individuals seeking asylum. This is relatable to the Norwegian Government's protective sentiment towards the welfare state and so-called "welfare tourists" (Brochmann & Hagelund, 2012; Eriksen, 2013). Due to Norway's geographical placement, it is easy for Norway to avoid migrants crossing Norwegian borders irregularly (Gammeltoft-Hansen, 2017, p. 104). In the report to the UN Committee on Economic, Social and Cultural rights, the producer also stated that

"Most asylum applications will be considered on their merits in Norway, and as a main rule, the asylum seeker will have the right to stay in Norway during the appeal procedure. However, this does not apply to cases that fall under the Dublin regulation. An asylum application may also be refused consideration on its merits is the applicant has travelled to Norway after having stayed in a safe third country" (UN Committee on Economic Social and Cultural rights, 2019, December 2, p. 22).

Almost everybody who is not a resettlement refugee travels through other countries before arriving in Norway. In this way the producer states that no migrant is welcome in Norway, and therefore leaving the responsibility of regulating migration over to other states.

5.2.5. Ideology: The Unwanted Migrant

Up until now, this case study has focused on hegemony and migration governance – how the statements concerning the Global Compacts are on one hand portraying an advocacy for a collective action to regulate migration, and how Norway is a large contributor to humanitarian aid. On the other hand, issues of sovereignty and renouncing of responsibility have been explored. All the statements have to some degree displayed a strong and powerful discourse, when it comes to what is expected of other governments and the issue of sovereignty. When it comes to action, affecting national migration governance and border management, the discourse has been rather evasive or non-existent.

When migrants are mentioned in the statements, it is mostly in a negative sense. In the statement by the Norwegian Prime Minister, the need for "safe, orderly, and regular migration" is confirmed, but other than that migration is mentioned in a negative context. This can be deduced from the following examples;

"[…] addressing the root causes of poverty, conflict, violent extremism, the refugee crisis, youth unemployment, forced migration and global warming." (Solberg, 2016, September 21).

"Not everybody on the move are escaping conflict. If we cooperate closer and better on the return of nationals who do not qualify for asylum, we can focus our attention on those in genuine need of protection. We must also coordinate our efforts to combat the criminal networks that are running the illegal refugee and migrant business" (Solberg, 2016, September 21).

The words "escaping conflict" are a simplification of the reasons for migrating. Those in need of asylum may not have been in a genuine need for protection at the start of their journey. As migrants

are vulnerable for exploitation, violence and sexual abuse, their situation might change during their journey, and they will therefore have the right to protection upon arrival at their destination (Norwegian Ministry of Foreign Affairs, 2018, p. 22). Secondly, the combination of the words and phrases "return" and "combat the criminal networks that are running the illegal refugee and migrant businesses" is implying a criminalization of migrants. It is important to be aware that many are not entitled to protection by the Refugee Convention and the asylum regulations, but they might still be in a vulnerable situation and in need of humanitarian aid (Norwegian Ministry of Foreign Affairs, 2018, p. 22).

In all three of the statements analysed here, the issue of return is brought up, as displayed in the example above and the following examples;

> "The Global Compact clearly confirms the obligation of all countries to readmit their own nationals if they have been staying illegally in other countries, whether they return voluntarily or not […]. Norway will actively seek to enter return - and readmission agreements with relevant countries and to implement these fully" (Hattrem, 2018, December 19).

> "Norway remains clear that in order to have a well-functioning asylum system, we also need well-functioning systems for the return of those not deemed to be in need of international protection as this is critical for the credibility of the asylum system" (Rosenvinge, 2018).

The persistence of the topic of deportation of migrants, while not mentioning ways to make migration safe and regular, indicates the priorities and preferences of the Norwegian Government. The same wording and semantics are used about the asylum system and system of return: "well-functioning asylum system" and "well-functioning systems of return" (Rosenvinge, 2018). While return and asylum are incompatible, it can indicate that the importance of the return system is at least as important for the producer as the functioning of the asylum system. If Norway is perceived as a state with reasonable values, it means that it has some level of soft power (Nye, 2004, p. 2). The discursive event is shaped by situations, institutions and social structures, but it also shapes them (Fairclough et al., 2011, p. 2). By using the platform created to discuss the creation of safe migration, to talk about return, the producer uses the statement to affect ideologies to the desired outcome (Fairclough, 2015, p. 13).

> "All migrants, as human beings, have certain fundamental rights that must be fully respected, However, the Global Compact does not create any new legal categories, nor does it establish a human

right to migrate. Moreover, it allows countries to reserve certain rights and welfare benefits for regular migrants" (Hattrem, 2018, December 19).

In this paragraph, the producer reaffirms the humanity of migrants. On one hand, it can show how the producer keeps this in mind, wanting to emphasise the importance of it to its interpreters. On the other hand, human rights are to be equal for everybody and not discriminatory. The logical connector "however" often signals a contrast or a problem (Centre for Language and Communication Studies, 2004). While reaffirming that migrants have human rights, the producer is stating that the GCM does not do anything to expand the rights of migrants. Stating that it is not a human right to migrate can be seen as a refusal of the UDHR, stating that "1) Everyone has the right to freedom of movement and residence within the borders of each state. 2) Everyone has the right to leave any country, including his own, and to return to his country" (United Nations, 1948 article 13). Stating that it is not a human right to migrate, the producer steps away from the image as a humanitarian great power and confirms an ideological preference where migrants can be discriminated from the human rights.

The Norwegian state has not ratified the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (OHCHR, n.d.-b). Yet, the producer states that "Norway does not interpret the Global Compact as requiring any revision of the portability of the Norwegian benefits for migrants, in particular with a view to improving migration management and stemming irregular migration" (Hattrem, 2018, December 19). Comparing this to the previous statements mentioned, it may be concluded that the Norwegian Government view return of migrants coming to Norway, and how to stop people from traveling, as the most important factors. Instead of ensuring migrants' rights and contributing to a discourse that ensures the wellness of migrants. Looking again at the phrase "The adoption of the Global Compact for Migration at the high-level meeting in Marrakech on December 10 was a historic moment" (Hattrem, 2018, December 19), it has already been mentioned that the word "historic" can signify something in the past. Keeping this in mind when analysing the phrase above her, it seems like the producer is using the discourse to be able to maintain an ideology where it is not a need to do more for migrants.

5.2.6. Strict Asylum Regulations

Moving on to the three reports analysed in this case, the Norwegian Government has been asked questions regarding whether measures taken by the state party ensure strict compliance with the principle of non-refoulement, whether asylum applications are considered on its merits and whether

the asylum procedure is within Norway's international obligations (UN Committee on Economic Social and Cultural rights, 2018, November 12; UN Human Rights Committee, 2016, August 17; UN Human Rights Council, 2019, February 13)

> "Norway's asylum practice is based on the principle of fair and humane treatment of all applicants in accordance with the Immigration act. All asylum applications are considered on an individual basis by the Norwegian Directorate of Immigration (UDI) and the Immigration Appeals Board (UNE)" (UN Human Rights Council, 2019, February 13, p. 11).

Here, the producer assures that the application process is fair and humane and that all individuals are considered on an individual basis. If this is placed in the context of the Norwegian Government's agenda to implement stricter asylum regulations and a stricter border management, this statement is arguable. As mentioned in *chapter 2.4.1, Stricter asylum regulations and prolonging of border controls,* The Ministry of Justice and Public Security decided in 2015 to judge asylum applications as inadmissible and not consider applications based on its merits if the applicant had stayed in a state where the applicant was not persecuted (Linha et al., 2019, p. 21). For some time, the Ministry also removed the independence of the Immigration Appeals board, in this way diminishing migrants' access to legal aid (Linha et al., 2019, pp. 20-21).

> "Norway respects the principle of non-refoulement and underlines the importance of quality in all parts of the asylum process to secure this principle. […] Norwegian immigration authorities recognize the difficult security situation in Kabul, but it is of the opinion that Kabul can still be considered as an internal flight alternative. Whether Kabul is considered to be a safe and accessible internal flight alternative is assessed on an individual basis, and is based on all relevant information in the case" (UN Committee on Economic Social and Cultural rights, 2019, December 2, p. 22).

The principle of non-refoulement applies to all migrants at all times. It guarantees that no one should be returned to a country where they would face torture, cruel, inhumane or degrading treatment or punishment and other irreparable harm (OHCHR, 2019). Already when deciding that asylum applications should not be considered on its merits if the applicant has stayed in a safe third country, the principle of non-refoulement is endangered (Linha et al., 2019, p. 49). Referring to the difficult security situation, the UNHCR recommended states in 2018 not to return Afghani migrants to Kabul, due to the high level of danger for civilians in Kabul. "UNHCR notes that civilians who partake in day-to-day economic and social activities in Kabul are exposed to a risk of falling victim to generalized violence that affects the city" (UNHCR, 2018b). By stating that Norwegian immigration

authorities "recognize", but still return migrants there, may imply that the producer values its own judgment and sovereignty over border controls and the asylum system, more than the advice given by UN agencies. Value systems can be regarded as belonging to particular discourses. A particular discourse includes assumptions about what there is, what is the case, what is possible and necessary. These are meanings of particular ideological significance (Fairclough, 2003, p. 58). In this way, the producer conveys that its ideology finds it more important to keep the numbers of migrants receding in Norway low, than listening to the UNHCR.

> "September 2016 the ministry of justice and public security updated its instruction on instituting proceedings to revoke a residence permit and refugee status if a refugee no longer needs protection. The main conditions for revocation to take place are that the need for protection no longer exists and that return is safe and compatible with our international obligations" (UN Human Rights Committee, 2017, September 23, p. 25).

The effects of temporary residence have already been reflected on in *case one*. It creates uncertainty for the individual migrant and have negative effects on integration (Brekke, 2004, p. 59; Brekke et al., 2019, p. 65; Press, 2017). The paragraphs mentioned above present an attitude where strict asylum regulations are more important than international obligations, the asylum system and the individual migrant.

All of the texts in this case study are written in different ways. While the wording in the two statements concerning the GCM (Hattrem, 2018, December 19; Solberg, 2016, September 21) is authoritative, it is evasive when concerning Norwegian actions and what needs to be done to achieve the goals of the compact. The statement of the Global Compact on Refugees (Rosenvinge, 2018) is more direct, creating an image of more willingness to maintain the rights of refugees. The reports all have a very formal wording, given the context of the reports (UN Committee on Economic Social and Cultural rights, 2019, December 2; UN Human Rights Committee, 2017, September 23; UN Human Rights Council, 2019, February 13). However, the choice of wording is not elaborative, in this way not portraying the complex image of migrants' situation (Castles et al., 2014). While all of the texts are concerned with regular and irregular migration, none of the texts are perceiving options for more humane and regular migration.

5.3. Comparing the Cases

This research paper has three goals: 1) to figure out how Norway's contrasting discourse on migration governance affects its status as a humanitarian great power, 2) figure out how Norway's foreign policy discourse on migration governance relates to the country's current national policies on migration, and 3) comprehend in which extent hegemonic power relations are being maintained and reproduced in this discourse, challenging human rights of migrants.

5.3.1. The Relation Between Norway's Foreign Policy Discourse on Migration Governance and its National Policies on Migration

There is a connection between the power in production within the state and between states. In the sphere of production, possibilities of change are dialectical and can affect other spheres, such as those of the state and the world order (Moolakkattu, 2009, p. 447). This implies that when analysing Norway's contrasting discourse in migration governance, one needs to consider how national and foreign policy discourses relate to each other. Elements from both the national and the international discourse on the topic have been analysed. Therefore, it is possible to comprehend and compare Norway's contrasting discourse on migration governance. The analysis of Norway's foreign policy discourse on migration highlighted many similarities to the national discourse.

Robert Cox use of the term *world order* in relation to states and the international relations of states creates a bridge between the domestic and the global society, as it includes states as products of evolving societies and shapers of those societies. The society within a state is shaping and shaped by the world order (Schouten, 2009). Looking at the national discourse, semiotic elements in the information campaign was directed towards migrants, giving the impression of a criminalisation of migrants. The Norwegian Ministry of Justice and Public Security attempted to create a deterrence effect and discourage migrants from coming to Norway by portraying a one-sided image of the asylum-system. The representative proposal from members of Parliament (Engen-Helgheim et al., 2020) gave an indication of another part of the discourse, as this text is directed towards a different group of interpreters. Here, the ideological preferences of a political group were portrayed. These ideological preferences reflect a substantial group of Norwegian voters (Stortinget, 2017). While the message of the text also is part of a public discourse, therefore being able to shape the mind of politicians, the political process on migration, and also the mind of Norwegian voters (Cox, 1981; Cox & Sinclair, 1996). In similarity to the *Stricter asylum regulations*- campaign, the parliamentary

proposal was used to diminish the asylum system, while creating a divide between "us", the Norwegians, and "them" the foreign migrants. The analysis conducted until now portrays a national migration governance emphasising migration regulative concerns. This is both through regulations at the physical border, regulations and limitations for migrants already receding in Norway, and through deterrence measures.

Norway's foreign policy discourse on migration governance and border control relates to the country's current national policies in several manners. First of all, the international forum created to discuss common, international compacts for refugees and migrants were used to promote the importance of a system of return. A topic that also was repeated, was the importance of stopping irregular migration. In the discourse concerning the GCM and the Global Compact on Refugees, the issue of return was brought up in all of the statements being part of this research. In the foreign policy debate, the issue of migration was spoken of in the matter of establishing an asylum system that functions well and that protects the rights of migrants entitled to refugee status. In resemblance, the analysis done on the national discourse portrayed Norwegian policies on migration as diminishing the function and worth of the asylum system by using a rhetoric that is one-sided. This is both used in the information campaign and the national political debate. This rhetoric goes against the fact that everybody has a right to seek asylum (United Nations, 1948, article 14), while creating a discourse of misinformation.

Another relation between the national discourse and the foreign policy discourse is the renouncing of responsibility. Analysing the *Stricter asylum regulations*-campaign, the texts and videos gave a one-sided set of information to migrants. Not giving any information on how to migrate safely and regularly, but portraying reasons not to travel. The representative proposal from members of parliament consists of suggestions to make it harder to enter Norway through family reunification and the asylum system. The proposals also wish for an increase in temporary residence permits. In the foreign policy debate, the discursive elements analysed showed clear signs of a renouncing of responsibility from the Norwegian state. The Norwegian Government was mostly stating what it is "obligated to" and does not read the international situation and discourse on migration as creating a need for the more extensive actions from the Norwegian Government. By doing this, Norway is automatically placing the responsibility of upholding the asylum system and human rights in other countries.

Comparing all the texts analysed in the foreign policy discourse, there is not much sign of any evolvement in the Norwegian discourse on migration governance from 2015 until today. According to Cox, the state is the enlarged state including its own social basis, and the interpretation of the state creates the foundation for the foreign policy bureaucracy of the state (Cox & Sinclair, 1996, p. 134). Concerning the national discourse, the analysis portrays a continues, from the refugee crisis up until today, on stricter border management, neglecting the situation of the individual migrant. While the issue of migration is not a new event, the creation of a Global compact is new, and could therefore affect the overall discourse on migration while having an effect on society, and the world order (Cox, 1981; Fairclough, 2015). However, as the world order includes the holistic state (Cox, 1981; Cox & Sinclair, 1996), the national discourse on migration largely affects the foreign policy discourse on migration. Looking at the resemblances presented above here, contrary to a contrasting discourse, there is a significant relation and resemblance between the national discourse and the international. Considering the findings from case one, where migration governance is being used as a means of hindering migration to Norway, it is not surprising to see a replica of this discourse in Norway's foreign policy.

5.3.2. Weakening of the Humanitarian Great Power

What does this mean for Norway's status as a humanitarian great power? Considering Norway's role as a facilitator in relation to international involvement, donations to humanitarian work and enforcements of international rules, norms and standards (Lodgaard, 2007), it correlates with some aspects of the findings. Firstly, the analysis portrays that the Norwegian Government is, in some respects, working towards a collective action, where every state takes on the responsibility needed concerning migration. Simultaneously, the foreign policy discourse is produced and given in a way that emphasises Norway's effort internationally as a donor to UNHCR, the humanitarian budget and education programs (Rosenvinge, 2018; Solberg, 2016, September 21; UN Human Rights Council, 2019, February 13). This corresponds to the reputation of being a humanitarian great power (Lodgaard, 2007). On the other hand, is the elements of superiority, renouncing of responsibility and the continuous use of a negative discourse and need to talk about measurements for limiting migration to Norway and in the world, instead of a discourse giving room for a positive development for migrants.

The analysis of the foreign policies has portrayed a Norway where strict asylum regulations, governing the sovereignty of the state, is more important than international obligations, the asylum

system and the individual migrant. While Norway is using a lot of resources to help other countries, the analysis makes it clear that the intention is to help the near surroundings where people and possible migrants are, and not in Norway.

In relation to the humanitarian great power status, it is interesting to consider the reports delivered by Norway to UN-institutions. As it is important for Norway to uphold its soft power in foreign policies, Norway has to maintain the legitimacy for its actions (Cox, 2007, p. 513; Cox & Sinclair, 1996, p. 136; Fairclough, 2003, p. 45). In the reports, the Norwegian Government has to answer questions related to its national policies on migration. Here, the national discourse is interrelated in the foreign policy discourse and can therefore be a good example as to how the state and the international society have a dialectical relationship. In the foreign policy discourse, Norway is proclaiming that other states need to do better when it comes to migration, while trying to place itself as a good example. Drawing on a causality between the foreign policy discourse and national migration policies, Norway has to maintain the same elements in its national policy as in the foreign policy discourse. Therefore, the Norwegian Government has to reassure other states that it is protecting the asylum system.

Furthermore, according to Tvedt, the humanitarian regime has a unique standing and legitimacy in Norway. The whole nation supports it, and regards it as institutionalising the right moral response of the whole country to the challenges of global development, peace and poverty (2007, p. 621). The discourse on migration governance presented in this research, challenges the humanitarian great power regime, therefore portraying a behavioural paradox underplaying an ambivalence to the human rights regime (Langford & Schaffer, 2015, p. 2).

5.3.3. Challenging Migrants' Human Rights: The Reproduction of Hegemonic Relations in the Discourse

Analysing the Norwegian Government's discourse on migration policy, there are three hegemonic relations which have to be taken into consideration. First, is the relation between the national state and the international community. Second, is the hegemonic relation within the state between the politicians and the Norwegian people. And thirdly, the hegemonic relationship between the Norwegian state and migrants. These three levels are all interconnected (Cox, 1981, p. 142).

Hegemony implies having power that you can exercise over others, or use to achieve something. Politics is seen as a struggle for hegemony (Fairclough, 2003, p. 45). It can be won and exercised

only in and through social struggles in which it may be lost (Fairclough, 2015, p. 73). According to Fairclough, the question is who has access to which discourses, and who has the power to impose and enforce constraints in access (Fairclough, 2015, p. 89). As hegemony at the international level is not merely an order among states, it is an order within a world economy, with a dominant mode of production that penetrates into all countries and links into other subordinate modes of productions. It is also a complex of international social relationships that connect the social classes of the different countries (Cox & Sinclair, 1996, p. 137; Schouten, 2009, p. 3).

The involvement of Norway, in the international discourse, proclaims to some level of power (Angell & Mordhorst, 2015, p. 187). This is evident in the authoritative discourse of the Norwegian Government and made legitimate by the actions the Norwegian state has taken as a donor country of funds. In this way, Norway has power and hegemonic status through being a resource and creating an attraction for other states. Adding this to the fact that Norway advocates for a sense of unity, which is noteworthy in relation to hegemony, the state is developing and maintaining a world view which appeals to other governments (Lears, 1985, pp. 569-571). For a state to achieve its goals, it is important for the state to shape other states' preferences (Cox, 2007, p. 513; Cox & Sinclair, 1996, p. 136). Even on the issue of return and deportation, the Norwegian Government is managing to present its interests as a universal interest. By connecting the issue of return to the issue of a functioning asylum system (Rosenvinge, 2018), the Norwegian state presents itself as a protector of the asylum system, migrants' rights and the common good.

On the other hand is the behavioural paradox (Langford & Schaffer, 2015, p. 2). While Norway is showing an interest for collective, humanitarian work, the Norwegian Government is diminishing the importance of global policies like the GCM by stating that "Norway does not interpret the Global Compact as requiring any revision of the portability of the Norwegian benefits for migrants, in particular with a view to improving migration management and stemming irregular migration" (Hattrem, 2018, December 19). The statement by the United Nations High Commissioner for Refugees emphasised the unequal burden-sharing for refugees and migrants (Grandi, 2018, October 1). One can say that the Norwegian state is maintaining some of its legitimacy by reassuring the High Commissioner with a common wish to partake in a collective action and maintain values of international cooperation (Rosenvinge, 2018). However, the Norwegian Government does not interpret the Global Compact as requiring any revision of the portability of the Norwegian benefits for migrants, in particular with a view to improving migration management and stemming irregular migration" (Hattrem, 2018, December 19). As portrayed in this analysis, the repeated topic of the

Norwegian discourse is that of return, and an enhancement of the divide between Norway and the global society, which again creates a diminishing of international regulations and human rights. It can therefore be assumed that the hegemony in Norway's foreign policy is reducing, as it loses its legitimacy.

The international society is affected by what happens within states and the needs of different governments. In the creation of the GCM, the international level created a platform where the Norwegian state got to express itself. Cox framework of Critical theory explains hegemony as an order within a world economy, with a dominant mode of production, penetrating all countries and links into other subordinate modes of productions (Lears, 1985, pp. 569-571). Consequentially, Norway's national policies are affected by the control of the international environment. This is portrayed through the reports delivered by Norway to the UN-institutions, verifying the preservation of the human rights (UN Committee on Economic Social and Cultural rights, 2019, December 2; UN Human Rights Committee, 2017, September 23; UN Human Rights Council, 2019, February 13). In these reports, Norway has to defend the legitimacy of its national migration policies. One can assume that this affects how Norway conducts its migration policies. On the other hand, this analysis has considered two different sources and elements in the migration governance at the national level. The findings portray a Norway that goes against international obligations.

When analysing discursive events, a central question is who has access to which discourses, and who has the power to impose and enforce constraints in access (Fairclough, 2015, p. 89). The relation of power in the national discourse is apparent. While partaking in a discourse concerning the rights of people, the producer diminishes their right of the individual person by only discussing the topic in relation to groups. Simultaneously, members of this group do not have any possibility of partaking in the discourse or shape it. Hegemonic relations are shaped by influencing ideology and common sense (Fairclough, 2015, p. 13). Gregor Noll states that: "From the viewpoint of states, the issue is not whether irregular immigrants have or not have basic human rights. The point is rather that they are denied access to those rights "here" and "now", and they are supposed to vindicate those rights "there" and "later", that is, in the country of origin" (Gregor Noll, as quoted in Oudejans, 2019, p. 456). As well, given this study, the discourse advocating for a return-system, while openly stating that the goal of national migration policies is to make Norway less attractive for migrants creates a distance. While Norwegian nationalism historically has been based on ethnicity, while also being influenced by Enlightenment concepts of human rights, one can say that the foreign policy discourse is increasing the sense of a "we Norwegians" (Eriksen, 2013). Simultaneously, the discourse diminishes the value

of human rights, not recognizing the individual rights of migrants by talking about the act of migrating as not in line with the human rights and as a violation of policies.

Both in the *Stricter asylum regulations* - campaign and in the political proposal from FRP, hegemonic relations where being produced and maintained, towards Norwegian inhabitants and migrants. When it comes to the proposal, the hegemonic relation was reproduced both towards the political elite and towards the Norwegian inhabitants, following the political discussion. The use of fear in relation to Norway as a welfare state is enhancing the ideological preferences of the producer. In this way, the FRP is increasing its hegemony by gaining support in the political environment (Remen et al., 2020, 3 March) and by shaping the discourse, from which voters base their support on. By portraying a one-sided discourse, the producer dismissed the fact that everybody has a right to seek asylum (United Nations, 1948). This discourse will most likely have an effect on Norway's inhabitants, which in turn will affect Norwegian policies and the international world order. For Cox, globalization has created a three-level social hierarchy; "Those who are integrated into the global economy in a "reasonable stable environment", those who serve it in a subordinate and more precarious way, and those who are excluded from it" (Moolakkattu, 2009, p. 451). The Norwegian discourses on migration governance and the implicit hegemonic relation is excluding migrants' rights and diminishing their sense of worth.

6. Conclusion

The aim of this study has been to contribute to the field of human rights by analysing discourses from both social media and political platforms, concerning the current Norwegian migration governance and its effect on migrant's rights. Critical discourse analysis and Cox's Critical theory have provided the opportunity to shed light on the Norwegian national migration governance, in comparison to the country's foreign policy discourse on migration governance. A critical discourse analysis was conducted to reflect on key issues related to power, ideology and its relation to ideas and institutions as productive forces. The aim of this study has been to answer how Norway's contrasting discourses on migration governance affects its status as a humanitarian great power. The discourse analysis disclosed a discourse creating the criminalisation of migrants, using fear as a means to increase power and affect migrants' decision-making and possibilities, renouncing responsibility of migrants and their rights, thus disregarding the asylum system.

Awaiting a European solution (Søreide & Kallmyr, 2019, September 3), the national migration governance has its main focus on deterrence measures and restrictive regulations for migrants residing in Norway. While enforcing "safe third country" measures and stricter asylum criteria (Linha et al., 2019), the Norwegian Government create a beggar-thy-neighbour effect (Gammeltoft-Hansen, 2017, p. 119), where the responsibility of migrants is placed on the shoulders of other states. Based on the sample in this study, findings show that the national and the foreign policy discourse is preoccupied with providing information on the negative effects of migration and a need to prevent it. The world order includes all institutions, ideas and ideologies constantly reforming in the national society (Cox, 1981). The national discourse is repeated in the foreign policy discourse, thus shaping the international discourse while enhancing the divide between the Norwegians and others.

One of the main objectives of the analysis was to examine to what extent hegemonic power relations were being maintained and reproduced. The amplification of the divide between Norway and the rest, reduces the legitimacy of Norway's reputation as a humanitarian great power, and therefore reduces Norway's hegemony in the international sphere (Cox, 1981). This study placed the Norwegian discourse on migration governance in the broader context of human rights. By analysing governmental texts from the foreign policy discourse and national migration policies, the study found that the discourse on migration governance is excluding migrants, diminishing their sense of worth by taking advantage of significant power structures within the national society and between the Norwegian Government and the individual migrant. This set of discourse portrays a paradox concerning Norway's status as a humanitarian great power. There are still elements validating

Norway's reputation as a great contributor to international relations and humanitarian work. However, this study reveals a behavioural paradox when it comes to Norway's willingness to contribute within its own borders.

This study has displayed how power over discourse is defining and shaping the realities of migrants. As this analysis attempts to contribute to the research gap on migration governance and developed countries, further research could be done to develop a greater sense of how the findings of this study correlate with hegemonic relations, both within the Norwegian population and especially towards migrants, by moving beyond an interdisciplinary research framework to a transdisciplinary framework. In this way the effects of the migration governance discourse could be examined to a greater extent. In terms of limitations, it is important to note that this study only considers some elements of the Norwegian migration governance discourse. As discourse is constantly changing (Cox, 1981; Fairclough, 2015), it is difficult to obtain the whole picture of the discourse. Also, this study tries to unveil political views towards migrants, but it does not measure actual outcomes of this discourse. This study argues that the Norwegian Government is hiding behind its status as a humanitarian great power. The creation of the GCM exemplifies the importance of migration governance in today's international discourse. To maintain its status as a humanitarian great power, the Norwegian Government should display a greater will to respect international obligations and direct the discourse towards the creation of safe and regular ways of migration, through international cooperation and national responsibilities. Nevertheless, the Norwegian Government disregards international interests, reproducing the right-wing politics of fear which criminalise migrants. While empowering the ethnic-Norwegian ideology, migrants are victims of a discriminating discourse, affecting their inherent rights.

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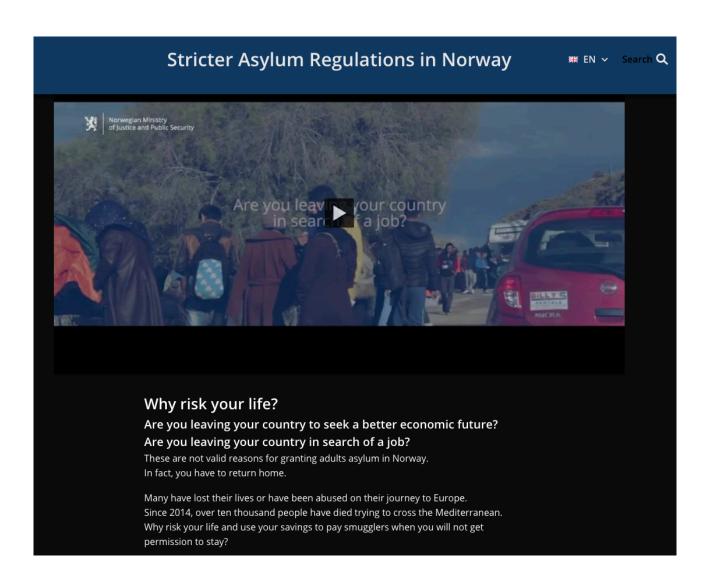Wodak, R. (2012). Discrimination via disocurse: theories, methodologies and examples. *Zeitgeschichte, 39*(6), 403-421. Retrieved from https://www.researchgate.net/publication/290029601_Discrimination_via_Discourse_Theories_Methodologies_and_Examples

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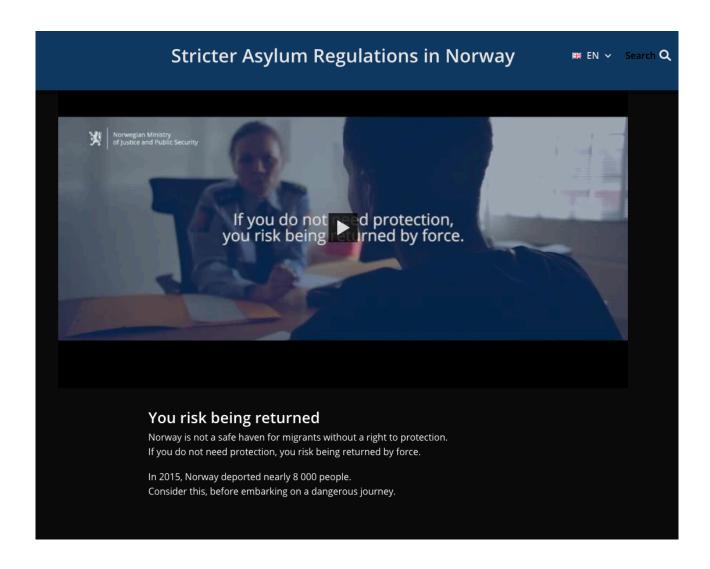
Annexes

Annex 1: Why risk your life

Retrieved from the Norwegian Ministry of Justice and Public Security's campaign Stricter Asylum Regulations in Norway

Annex 2: You risk being returned

Retrieved from the Norwegian Ministry of Justice and Public Security's campaign Stricter Asylum Regulations in Norway

Annex 3: Representative proposal from members of parliament Jon Engen-Helgheim, Siv Jensen, Sylvi Listhaug and Helge André Njåstad concerning control measures at the border in case of a new flux of migrants to Norway (Temporary))

Representantforslag fra stortingsrepresentantene Jon Engen-Helgheim, Siv Jensen, Sylvi Listhaug og Helge André Njåstad om tiltak for kontroll på grensen ved en ny migrantstrøm til Norge (Midlertidig)

Dette dokument

Representantforslag 82 LS (2019–2020)
Kildedok: Dokument 8:82 LS (2019–2020)

Tilhører sak

Representantforslag om tiltak for kontroll på grensen ved en ny migrantstrøm til Norge

Gå til saker

Merknader

Midlertidig versjon

Innhold

Bakgrunn
Forslag

Til Stortinget

Bakgrunn

Tiltak for kontroll på grensen ved en ny migrantstrøm til Norge

Helt siden migrantkrisen i 2015 har Fremskrittspartiet advart mot at presset mot Europa er stort og at man må være i beredskap. 27. februar 2020 varslet Tyrkias president at landet ikke lenger vil holde flyktninger tilbake fra grensen mot Europa. Umiddelbart satte flere tusen migranter fra mange ulike land kursen mot Europa. Det befinner seg 3,6 millioner syrere i Tyrkia. I tillegg er landet transittland for migranter fra mange ulike land, både i Midtøsten og Afrika. Man så i 2015 at svært mange av de som kom til Europa som migranter, kom fra andre land enn Syria, og hadde ikke krav på beskyttelse.

Forslagsstillerne anser at internasjonalt samarbeid og bistand til det store antallet flyktninger som oppholder seg i nærområdene, er det viktigste, mest effektive og mest bærekraftige virkemiddelet i asyl- og flyktningpolitikken.

Erfaringene fra 2015 viste at Norge var dårlig forberedt, men at de tiltakene som etterhvert ble iverksatt, var virkningsfulle. For å unngå tilsvarende situasjon som i 2015 og for å sørge for å være bedre forberedt mener forslagsstillerne at det må gjøres nødvendige grep nå. I innvandringspolitikken er regelverk og signaler svært vesentlige. Å stramme inn regelverket nå vil kunne bidra til at Norge blir mindre attraktiv om Europa igjen opplever en migrasjonskrise.

Regjeringen Solberg, da bestående av Høyre og Fremskrittspartiet, foreslo i 2016 nødvendige innstramninger i innvandringspolitikken gjennom fremleggelsen av Prop. 90 L (2015–2016) og Prop. 149 L (2016–2017) jf. Prop. 16 L (2015–2016). Dessverre ble flere av de viktige innstramningen avvist av et flertall i Stortinget (jf. Innst. 391 L (2015–2016) og Innst. 54 L (2017–2018)). Som følge av den alvorlige og pågående situasjonen med et høyt antall migranter, asylsøkere og flyktninger som ankommer og ønsker seg til Europa, er det nødvendig å fremme disse forslagene på nytt til en ny behandling i Stortinget.

Over 5 000 av asylsøkerne som kom til Norge i 2015, kom fra Russland via Storskog. Den gang vurderte regjeringen at det ikke var et generelt grunnlag til å gi beskyttelse til personer som har eller kunne hatt opphold i Russland, da Russland anses som et trygt land. Asylordningen skulle være en mulighet til midlertidig beskyttelse for personer som er individuelt og politisk forfulgt. Det er svært få av asylsøkerne som kommer til Europa som oppfyller dette kriteriet. Mange asylsøkere reiser gjennom mange trygge land for å søke asyl. Dette kan heller ikke anses å være i tråd med asylinstituttets intensjon.

Forslagsstillerne viser til at det under behandlingen av Prop. 90 L (2015–2016) i 2016 var 14 lovforslag fra Høyre og Fremskrittspartiet som ble nedstemt. I tillegg avviste et flertall i Stortinget regjeringens ønske om at underholdskravet for familiegjenforening- og etablering også skal omfatte asylsøkere og flykninger. Disse forslagene fremmes her på nytt igjen.

Hovedlinjene i forslagene som nå preinnsettes, gjengis nedenfor. Forslagsstillerne viser for øvrig til Prop. 90 L (2015–2016) og Prop. 149 L (2016–2017) jf. Prop. 16 L (2015–2016).

Gjeninnføre skillet mellom konvensjonsflyktninger og andre asylsøkere

Forslagsstillerne mener at det er grunn til å gjeninnføre skillet mellom de som har krav på flyktningstatus etter flyktningkonvensjonen og de som har krav på vern mot retur til hjemlandet etter det menneskerettslige returforbudet. Særlig viktig er her bestemmelsen i EMK art. 3 som fastsetter at ingen kan sendes tilbake til land eller områder hvor de kan utsettes for tortur eller umenneskelig eller nedverdigende behandling eller straff.

Anerkjennelse og status som flyktning bør reserveres dem som har krav på slik status og særskilt behandling etter flyktningkonvensjonen. Forslagsstillerne mener også at det er en fordel at norske regler samsvarer med den kategoriseringen som gjelder ellers i Europa og etter EUs statusdirektiv. Det vil blant annet være enklere å sammenligne norsk praksis og statistikk på asylfeltet med praksis i andre land.

Forslagsstillerne viser til den store usikkerheten når det gjelder fremtidige ankomster av asylsøkere. Den norske velferdsmodellen vil bli satt under sterkt press ved nye høye ankomster. Det er derfor nødvendig å stramme inn asylpolitikken for å klare å håndtere den flyktningstrømmen som kan komme.

Etter gjeldende rett følger det visse særrettigheter med flyktningstatus, både i utlendingsloven og i annen lovgivning. Blant annet gjelder det mer gunstige regler om familiegjenforening (herunder unntak fra underholdskravet) og om beregning av botid i forbindelse med retten til permanent oppholdstillatelse og statsborgerskap. Flyktninger har også krav på reisedokument for flyktninger, mens andre utlendinger som ikke kan få hjemlandets reisedokument, eventuelt må søke om utlendingspass. For flyktninger gjelder det videre visse mer gunstige regler for stipend fra Statens lånekasse for utdanning.

Forslagsstillerne mener dagens situasjon gjør det nødvendig å avvikle en ordning som gir noen utlendinger flere særrettigheter enn det Norge folkerettslig sett er forpliktet til å gi.

Midlertidig oppholdstillatelse for enslige, mindreårige asylsøkere

I tilfelle det kommer en stor flyktningstrøm er det viktig at det gjøres innstramninger på flere felt. Enslige mindreårige asylsøkere blir ofte utnyttet og sendt ut på farlige reiser for å skaffe opphold til resten av familien. For å unngå belastningen dette er for samfunnet og de mindreårige asylsøkerne, bør det bare gis midlertidig opphold uten rett på familiegjenforening til enslige mindreårige asylsøkere.

Ved fylte 18 år realitetsbehandles asylsøknadene etter ordinære regler på lik linje med voksne asylsøkere.

Forslagsstillerne mener det er viktig at norsk regelverk bidrar til å motvirke at barn reiser alene, ofte under svært farefulle omstendigheter, til Europa og Norge for å søke asyl. Selv om midlertidige tillatelser har negative konsekvenser for de barna som omfattes og innebærer utfordringer blant annet knyttet til bosetting og integrering, mener forslagsstillerne at dette er et nødvendig tiltak.

Et sentralt formål med å gjøre endringer i utlendingsloven er å sikre at asylinstituttet forbeholdes dem med behov for beskyttelse. I dagens situasjon er det helt nødvendig å vurdere innstramninger som gir et signal som motvirker at barn sendes til Europa, og spesielt i situasjoner hvor barnet ikke er i fare i hjemlandet hvis de ivaretas av voksne.

Krav om fire års arbeid eller utdanning i Norge for familiegjenforening

Asyltilstrømningen fører til en betydelig sekundærinnvandring av familiemedlemmer. På samme måte som asylinnvandringen, skaper familieinnvandringen store utfordringer for hele mottaks- og integreringsapparatet. Det hører særlig med i dette bildet at mange søker familieinnvandring før de selv er bosatt i en kommune eller har kommet seg inn på arbeidsmarkedet. På sikt kan også det store omfanget av flyktninger og deres familiemedlemmer skape større utfordringer for det offentlige velferdssystemet.

Å stille krav til integrering og selvforsørgelse er svært viktig for at innvandringen skal kunne være bærekraftig. Dette må for øvrig ses i sammenheng med at Norge bidrar aktivt for å avhjelpe den akutte flyktningsituasjonen gjennom hjelp i nærområdene.

Ønsket om å føre en bærekraftig innvandringspolitikk var også bakgrunnen for at Fremskrittspartiet i regjering instruerte Utlendingsdirektoratet (UDI) om å tilbakekalle flyktningstatus og oppholdstillatelse dersom beskyttelsesbehovet er bortfalt (instruks GI-04/2016). Hvis situasjonen i hjemlandet har bedret seg såpass mye at flyktningen ikke lenger har et beskyttelsesbehov, skal utgangspunktet være at vedkommende skal returnere til hjemlandet.

En konsekvens av instruksen er at oppholdet i Norge frem til innvilgelse av permanent oppholdstillatelse får en mer midlertidig karakter; det er i hele denne perioden en mulighet for at flyktningen må returnere til hjemlandet. Når referansepersonen på denne måten får en løsere tilknytning til Norge den første tiden, bør dette også få konsekvenser for regelverket om familiegjenforening. Det er ikke nærliggende at familiemedlemmene skal få rett til å komme til Norge med én gang under disse forutsetningene.

Høyre og Fremskrittspartiet fremmet under behandlingen av Prop. 90 L (2015–2016) et forslag om å sette grensen for arbeid eller utdanning for familiegjenforening til fire år jf. Innst. 391 L (2015–2016). Dette forslaget fremsettes nå på nytt.

Regler om underholdskrav må også omfatte asylsøkere og flyktninger

Forslagsstillerne viser til at formålet med underholdskravet er å unngå at søkerne må forsørges av det offentlige. Hensynet til å unngå at søkeren må forsørges av det offentlige gjelder uavhengig av om referansepersonen er kvinne eller mann. Nivået på underholdskravet må dertil anses som et minimum for å kunne forsørge referansepersonen selv og et annet familiemedlem i Norge.

Formålet med et slikt krav er å sikre at den som har fått beskyttelse i Norge, har en viss tilknytning til Norge gjennom botid og deltakelse på arbeidsmarkedet, og at vedkommende er integrert i det norske samfunnet når familien kommer. Også dette er etter forslagsstillernes syn et saklig formål, og det er nødvendig at bestemmelsen gjelder overfor både kvinner og menn for at formålet skal oppnås.

Forslagsstillerne viser til at et forslag om å inkludere asylsøkere og flyktninger i regelen om at referansepersonen må ha en inntekt minimum tilsvarende lønnstrinn 24, ble avvist av alle partier bortsett fra Høyre og Fremskrittspartiet under behandlingen av Prop. 90 L (2015–2016), selv om dette ikke er et spørsmål som trenger å reguleres i lov. Forslaget fremsettes her på nytt.

Tilknytningskrav for familiegjenforening

Forslagsstillerne mener det bør gjøres unntak fra retten til familieinnvandring med en referanseperson som har fått beskyttelse i Norge, dersom referansepersonen ennå ikke har fått permanent oppholdstillatelse og familielivet trygt kan utøves i et tredjeland som partene samlet sett har sterkere tilknytning til enn Norge.

Det er ikke en nødvendig forutsetning for å henvise referansepersonen til å utøve familieliv i søkerens hjemland eller et eventuelt annet tredjeland at søkeren oppholder seg i det aktuelle landet.

Når forvaltningen skal vurdere om familien samlet sett har sterkere tilknytning til et tredjeland enn til Norge, vil flere forhold være relevante. Det må blant annet legges vekt på familiens kulturelle, familiemessige og utdannelses- og arbeidsmessige tilknytning til Norge sammenlignet med tilknytningen til det andre landet.

Øke midlertidig oppholdstillatelse fra tre til fem år

Forslaget innebærer en begrensning i antallet utlendinger som kan bli boende i riket etter at den opprinnelige årsaken til at utlendingen innvandret til Norge ikke lenger er til stede. Forslaget bidrar dermed til en regulert og kontrollert innvandring.

Dagens grense på tre års opphold i Norge gir en begrenset tilknytning til riket. Asylinstituttet er ment for å gi midlertidig beskyttelse fra krise, krig og forfølgelse. Grensen foreslås utvidet til fem år.

Det er naturlig at utlendingen ikke får fornyet oppholdstillatelse i de tilfeller hvor grunnlaget for beskyttelse ikke lenger er til stede, og permanent opphold ikke er innvilget. Dette kan være at landet vedkommende flyktet fra, igjen er blitt trygt å returnere til. Da er det positivt at utlendingen reiser tilbake til hjemlandet og hjelper med å bygge det opp igjen eller delta i samfunnslivet.

Hensynene bak bestemmelsen om permanent oppholdstillatelse i Norge tilsier at det bør gjelde et botidskrav av en viss lengde. Et skjerpet botidskrav styrker myndighetenes mulighet til kontroll med at utlendingen ikke har fått opphold i Norge på et fiktivt grunnlag, for eksempel et proformaekteskap.

Ingen rett til innreise

Dagens bestemmelse gir asylsøkere en ubetinget rett til innreise på linje med personer som har visum eller som er omfattet av en visumfrihetsavtale. Utlendingsloven § 9 bør presiseres, slik at asylsøkere «kan gis» rett til innreise uten visum (i stedet for at de «har rett til» innreise).

Avvise asylsøkere på grensen

Forslagsstillerne viser til at regjeringen i Prop. 90 L (2015–2016) foreslo at Kongen i statsråd kan beslutte at ankomst direkte fra en nordisk stat skal være et selvstendig grunnlag for å nekte realitetsbehandling av søknad om beskyttelse (asyl) etter utlendingsloven § 32. Utlending som mangler visum, og som får avslag etter § 32, vil kunne bortvises etter lovens § 17 første ledd bokstav b eller eventuelt etter en annen relevant hjemmel.

Den foreslåtte hjemmelen var tenkt gitt anvendelse i en situasjon hvor Dublin-samarbeidet formelt gjelder, også for Norge, men hvor andre europeiske stater ikke registrerer asylsøkere slik som forutsatt, og hvor forutsetningene for et fungerende Dublin-samarbeid svikter. I tillegg vil det også være andre forutsetninger for å iverksette de aktuelle grensetiltakene. For det første må det ha oppstått en situasjon med så høye ankomster av asylsøkere at det utfordrer kapasiteten for hvor mange Norge kan motta. For det andre må det være innført indre grensekontroll ved den aktuelle nordiske grensen.

Forslagsstillerne viser til at det under behandlingen av Prop. 90 L (2015–2016) ble foreslått begrensinger i denne hjemmelen som ikke opprinnelig var foreslått av regjeringen Solberg, eksempelvis en unødig rigid tidsavgrensning på tiltaket jf. Innst. 391 L (2015–2016). Etter forslagsstillernes syn setter gjeldende rett derfor opp uheldige begrensinger for denne viktige sikkerhetsventilen. Forslagsstillerne fremmer derfor den daværende regjeringen Solbergs forslag på nytt.

Gjeninnføring av instruksjonsmyndighet over Utlendingsnemnda

I 2015 gav Stortinget regjeringen instruksjonsmyndighet over Utlendingsnemnda (UNE) gjennom å oppheve utlendingsloven § 76 annet ledd annet og tredje punktum.

Endringene skjedde uten vanlig høringsrunde i 2015 og skulle være midlertidig i to år. Regjeringen skulle komme tilbake til Stortinget med en evaluering av de vedtatte bestemmelsene, og med en sak om hvorvidt de midlertidige bestemmelsene skulle videreføres. Regjeringen med Høyre og Fremskrittspartiet foreslo å videreføre regjeringens instruksjonsmyndighet over UNE i Prop. 149 L (2016–2017).

I proposisjonen omtaler departementet behovet for en instruksjonsadgang på følgende måte:

> «(Instruksjonsmyndighet) gir for det første mulighet til å gi mer detaljerte føringer. For det andre ivaretar instruksjonsmyndigheten behovet for av og til å kunne gi raske avklaringer og endringer (innenfor lovens rammer). Lov- og forskriftsendringer er mer tidkrevende å gjennomføre sammenliknet med en instruks; disse styringsmulighetene ivaretar etter departementets mening ikke i tilstrekkelig grad behovet for raske avklaringer og politisk styring innenfor innvandrings- og flyktningpolitikken.»

Bare de daværende regjeringspartiene Høyre og Fremskrittspartiet stemte for forslaget, og stortingsflertallet fjernet instruksjonsmyndigheten over UNE. På denne bakgrunn ønsker forslagsstillerne å fremme forslag om å gjeninnføre denne bestemmelsen som gir nye virkemidler i en potensiell ny migrasjonskrise. Denne myndigheten er først og fremst viktig for raske avklaringer. Alle instrukser må selvsagt være innenfor gjeldende lovverk og Norges folkerettslige forpliktelser. Erfaringene fra tiden før instruksjonsmyndigheten ble fjernet, viser at dette er et nødvendig verktøy for effektiv håndheving av paragrafen.

Stoppe realitetsbehandling av asylsøknader fra Tyrkia eller annet trygt tredjeland

I forbindelse med hastebehandlingen av endringer i utlendingsloven i 2015 ble følgende vedtatt i § 32 fjerde ledd:

> «En søknad om oppholdstillatelse etter § 28 kan nektes realitetsbehandlet dersom søkeren:
>
> – har reist til riket etter å ha hatt opphold i en stat eller et område hvor utlendingen ikke var forfulgt.»

Forslagsstillerne er ikke kjent med at denne paragrafen benyttes i praksis i dag. De fleste asylsøkere som kommer til Norge, har oppholdt seg i et eller flere land, eller i områder der de ikke var forfulgt. Likevel får de innvilget sin søknad. Asylsøkere som nå forlater Tyrkia og som ikke var forfulgt der, kan etter forslagsstillernes mening nektes å få sin asylsøknad behandlet i Norge.

Det samme gjelder alle dem som kommer gjennom europeiske land. Selv om de ikke tidligere har levert sin asylsøknad i et annet europeisk land, bør de ikke få sin søknad behandlet i Norge så lenge de har reist gjennom mange trygge land.

For at denne paragrafen skal bli aktivt tatt i bruk mener forslagsstillerne at UDI må instrueres til ikke å realitetsbehandle asylsøknader fra personer som har oppholdt seg i Tyrkia eller et annet land eller område der de ikke var forfulgt.

Lovtolkning mm.

Forslagsstillerne viser til Prop. 90 L (2015–2016) Endringer i utlendingsloven mv. (Innstramninger II) og Prop. 149 L (2016–2017) Endringer i utlendingsloven mv. (videreføring av innstramninger mv.) jf. Prop. 16 L (2015–2016) Endringer i utlendingsloven (innstramninger) og legger til grunn at dette representantforslaget skal tolkes i overenstemmelse med disse lovforslagene. Alle proposisjonene har gjennomgått utredning og kvalitetskontroll i regjeringen, og relevante høringsinstanser har kommet med innspill under behandlingen av forslagene til lovbestemmelser. Forslagsstillerne registrerer derfor at ytterligere utredning er unødvendig, og er tilfreds med en direkte behandling av lovforslagene ettersom de allerede er utredet på normal måte.

Annex 4: Unga71: Roundtable 3 on High-level meeting on addressing large movements of refugees and migrants

UNGA71: Roundtable 3 on High-level meeting on addressing large movements of refugees and migrants
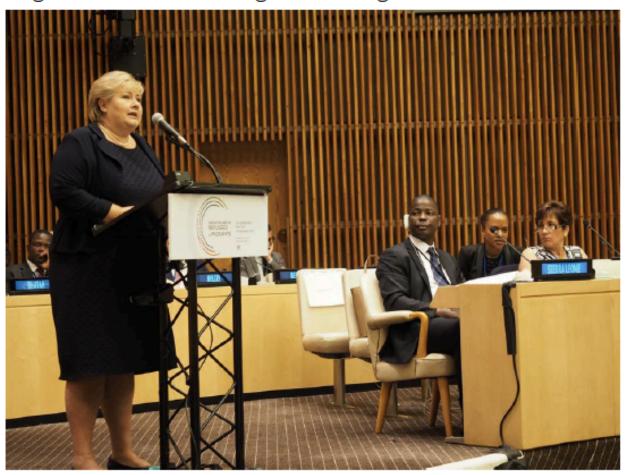

Photo: NorwayUN/Ragnhild H. Simenstad.

Statement given by Norway's Prime Minister Erna Solberg on Roundtable 3 at the High-level meeting on addressing large movements of refugees and migrants at the Seventy-first Session of the General Assembly, 19 September 2016.

Excellences, Ladies and Gentlemen,

The refugee crisis is a global challenge, and time has come for a global approach. That is why the process we start here today must lead to global compacts for refugees and for safe, orderly and regular migration – by 2018.

This is what a compact is about - a complete set of long-term and short-term measures, on global, national and individual levels – addressing root causes and consequences alike.

People leave their homes for many reasons: Conflict and war leads to major refugee flows and internally displaced populations. Lack of freedom and lack of respect for human rights have caused insecurity and put a brake on growth and job-creation. Ethnic and religious differences have been exaggerated and exploited.

Democratic societies are not perfect, but because disagreement is tolerated, they have an ability to learn from mistakes and improve themselves –and to create security and prosperity.

We can all do more to resolve conflicts and foster development, but we will only succeed if the governments in question take the main responsibility.

<div align="center">***</div>

This year, the UN and the Red Cross have issued their largest humanitarian appeals ever. Humanitarian needs have exploded. Unfortunately, the global response has not. Norway has increased its humanitarian budget by more than 25 percent.

We must also use our available resources in a more efficient way – by reconsidering our financing mechanisms and ensure better coordination. And we must step up our efforts to prevent conflict.

As co-chair of the Secretary-General's Sustainable Development Goals Advocacy Group, I will do my part – addressing the root causes of poverty, conflict, violent extremism, refugee crises, youth unemployment, forced migration and global warming.

Worldwide, 37 million children and adolescents are out of school because of crises and conflicts. If young people are to be the future architects of peace and stability, they must get access to education.

We have made education a top priority in Norway's development policy, and we have initiated the Global Commission on Financing of Education Opportunities.

I received its final report on Sunday – its recommendations are highly relevant also in this context. Many governments must do more for education – not least of girls.

UN Security Council Resolution 1325 on women, peace and security was a milestone when adopted 16 years ago – and it remains crucial for building resilience, protecting civilians and creating and sustaining peace.

Not everybody on the move are escaping conflict. If we cooperate closer and better on the return of nationals who do not qualify for asylum, we can focus our attention on those in genuine need of protection. We must also coordinate our efforts to combat the criminal networks that are running the illegal refugee and migrant business.

Successful integration is challenging, but many of us around this table have experienced how refugees can enrich and strengthen the societies they become part of.

Ladies and gentlemen,

We are faced with an unpredictable world – and with multiple crises.

As we embark upon our common endeavour to resolve conflict and foster development, let us be inspired by some of the positive developments we see:

- Since 1990, the share of those living in extreme poverty has been cut in half.

- Colombia is about to see an end to conflict after more than 50 years.

- Exactly one year ago, the leaders of the world agreed on ambitious goals to create sustainable development and eradicate extreme poverty by 2030.

- And last year we agreed in Paris on an ambitious climate agreement.

This proves that results can be achieved through diplomacy – and that we are able to lift together.

Thank you.

Annex 5: 69th Session of UNHCR Executive Committee 1-5 October 2018, Agenda Item 4a) International Protection Statement by Norway

NORWEGIAN MINISTRY OF JUSTICE AND PUBLIC SECURITY

69th Session of UNHCR Executive Committee 1 – 5 October 2018

Agenda Item 4 a) International Protection
Statement by Norway

Senior Adviser Marit Rosenvinge

Check against delivery

Thank you chair,

Norway would like to thank UNHCR for the tremendous efforts over the last year and for the excellent cooperation. We especially thank UNHCR for the hard work on the consultations on the Global Compact on Refugees.

Norway thanks states hosting large numbers of refugees and states that have adopted the Comprehensive Refugee Response Framework.

Norway will continue to provide unearmarked funding for UNHCR and other agencies in order to ensure sufficient flexibility, so that resources can be utilized where they are most needed.

There is a need for more states to step up the funding efforts. This will be crucial for the Global Compact on Refugees to become a success. Sadly, there are numerous situations for refugees and IDPs that are deeply disconcerting, both protracted ones and newer situations that may become protracted. These situations should not be of concern for just a few states, but for all.

With our support, UNHCR and partners must address the protection risks and needs of affected populations both in protracted crises and in emergency response. We will continue to support and expect UNHCR to enhance their protection response capacity.

Norway has launched a new humanitarian strategy, where protection, innovation and comprehensive approaches are main priorities. Norway aims to strengthen its efforts in the coming years in the following areas: Protection of refugees and IDPs, children and youth, civilian documents, restoring family links, preventing and respondning to SGBV, education and health.

This year marks the 20th anniversary of the guiding principles on internal displacement. These detail the rights and guarantees relevant to the protection of IDPs from forced displacement, to their protection and assistance during displacement, up to the achievement of durable solutions. Since the adoption of the guiding principles, the number of IDPs has roughly doubled. This underscores the urgent need for collective action to increase assistance and find solutions. Together with other states, **including heavily IDP-affected states,** Norway has requested the Secretary General to consider the establishment of a high-level panel on internal displacement, with a focus on finding solutions and inclusion of development actors **and in close consultation with states.** We **encourage** states and **UN** organizations to support this initiative.

Chair,

We would like to emphasize the need for a step-change in international humanitarian response to the needs of IDPs. The humanitarian cluster system was set up exactly for this response. We expect all humanitarian actors to shape their plans to achieve protection outcomes. The Resident and Humanitarian coordinators must lead the country teams to meet this expectation. UNHCR, as the protection cluster lead, has a particular responsibility to ensure that protection of affected people is at least one of the overall objectives of the Humanitarian Response Plans.

Chair,

While respecting the UN convention on refugees and international humanitarian law, Norway remains clear that in order to have a well-functioning asylum system, we also need well-functioning systems for return of those not deemed to be in need of international protection as this is critical for the credibility of the asylum system.

With regard to resettlement, we commend UNHCR for the openness in situations where fraud has been detected as we are depending on files to be "clean" for the sake of legitimacy of resettlement.

Norway will continue to work on durable solutions for refugees, and we are currently in the process of deciding on the size and composition of next year's resettlement quota.

I thank you.

Annex 6: GA: Global Compact for Safe, Orderly and Regular Migration: Explanation of vote by Ambassador Tore Hattrem on the resolution to endorse the Global Compact for Safe, Orderly and Regular Migration

Norway in the UN
Permanent Mission to the United Nations in New York

MENU

19. Dec 2018 | General Assembly

GA: Global Compact for Safe, Orderly and Regular Migration

Explanation of Vote by Ambassador Tore Hattrem on the resolution to endorse the Global Compact for Safe, Orderly and Regular Migration, 19 December 2018.

President,

Mass migration poses a major challenge to countries worldwide. We therefore need a common multilateral basis for political efforts to deal with migration more effectively.

The adoption of the Global Compact for Migration at the high-level meeting in Marrakech on December 10 was a historic moment. We thank the Kingdom of Morocco for its hospitality.

President,

First, we would like to express our support to the views expressed by Denmark.

Furthermore, as we stated in Marrakesh, Norway will join the Global Compact for Migration, but due to the ambiguity of the text, we find it necessary to submit for the record the following explanation of vote;

- The Global Compact for migration is not legally binding nor does it seek to establish international customary law or further interpret existing treaties of national obligations.

- The Global Compact reaffirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction in conformity with international law. The list of actions under each commitment constitute examples which may contribute to the implementation of the Compact. It is up to each State to decide how and whether to draw from these examples. States have the authority to distinguish between regular and irregular migratory status. The Global Compact reaffirms the legal and practical distinction between refugees and

migrants. Issuance of documents to migrants will not in any way imply residency entitlement in the country issuing the documents, unless such rights are specifically indicated. Furthermore, effective border management with a view to combating human trafficking and smuggling is crucial for the security of States, communities and migrants alike.

- All migrants, as human beings, have certain fundamental rights that must be fully respected. However, the Global Compact does not create any new legal categories, nor does it establish a human right to migrate. Moreover, it allows countries to reserve certain rights and welfare benefits for regular migrants.

- Our position is that Norwegian legislation and associated schemes function well and there is no need to make any changes as a result of the Global Compact. It is therefore our understanding that the objective to enhance the availability and flexibility of pathways for regular migration cannot be interpreted as conferring any obligation on Norway to further expand legislation or change practices regarding labour migration, education opportunities or family immigration, as these are already in accordance with international law. Decisions regarding which legal pathways are provided at any given time are at the sole discretion of the State concerned.

- The Global Compact recognises that countries must be able to enforce migration legislation. Norway's position is that the detention of foreign nationals may be necessary to prevent unauthorised entry into the country or when action is being taken with a view to deportation or extradition. Detention of minors may only be used as a last resort and for the shortest possible period.

- The Global Compact clearly confirms the obligation of all countries to readmit their own nationals if they have been staying illegally in other countries, whether they return voluntarily or not, and on the obligation of all countries to cooperate on readmission. Norway will actively seek to enter return- and readmission agreements with relevant countries and to implement these fully.

- In many countries, migrants have very limited social security entitlements and benefits, and there are strict rules for their portability. Norway does not interpret the Global Compact as requiring any revision of the portability of Norwegian benefits for migrants.

- The Global Compact reaffirms the obligation to protect freedom of expression and we note that there is nothing in the Global Compact that limits free and fact-based reporting on migration.

President,

On the basis of the clarifications we have made, Norway will take part in the implementation of the Global Compact, in particular with a view to improving migration management and stemming irregular migration.

We must work together – bilaterally, regionally and globally – to achieve safe, orderly and regular migration and to combat irregular migration. This Compact gives us an operational framework for cooperation to address one of the main global challenges of our time.

Thank you.