
Investigating NGO influence on the Council of Europe and on domestic policies

*The case of basic care, food and shelter for undocumented migrants in
the Netherlands*



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Preface

After I finished my bachelor business administration, I started my master Comparative Politics Administration and Society at the Radboud University in Nijmegen last year. I chose for this international combination master of public administration and political science, because my interests shifted towards social issues and the accompanied third sector. During my internship at the Orange Babies Foundation, my work as volunteer and as research assistant at the European 'Third Sector Impact' Project, my connection with the field cultivated. In order to expand my knowledge about relations between stakeholders and more specifically NGOs, I chose NGOs as the subject of this thesis.

Since I finished a bachelor business administration and did some courses of the premaster public administration, some basic ground theories were still unfamiliar for me. I also lacked some practical knowledge, especially with regards to the European Union institutions. Thanks to my supervisor U. Pape and the help of my study colleagues and interview participants, these knowledge gaps were clarified. I would also like to thank my family, my friends and colleagues for their moral support, their patience and their counter reading of documents.

Els ten Hulscher

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1. Introduction

On the 10th of November 2014, the Council of Europe judged that the Netherlands is in violation of the European Social Charter and thus human rights by refraining to provide food, shelter and basic healthcare to undocumented migrants (European Committee of Social Rights, 2014). The Social Charter includes European norms and values about human rights and is signed by all members of the European Union. This Social Charter is monitored and protected by the European Committee of Social Rights (ECSR) (Council of Europe, 1996). The ECSR writes that exclusion from such care for undocumented migrants in the Netherlands must stop since it brings the people in an extreme helpless situation that goes against their human dignity (Deira, 2014; European Committee of Social Rights, 2014).

This juridical decision of the ECSR is the result of a complaint that the Dutch Protestant Church (PKN) submitted through the Conference of European Churches (CEC) in 2013. The ECSR considered it as inhumane that undocumented migrants live on the streets without having shelter and access to basic care (Conference of European Churches, 2014; European Committee of Social Rights, 2014). The judgement of the ECSR resulted in a political resolution of the Committee of Ministers of the council of Europe. The Committee of Ministers is a committee with representatives of all the member countries of the Council of Europe. In their resolution they also condemn the situation in the Netherlands and thus agree on the violation of the European Social Charter (European Committee of Social Rights, 2015). These outcomes led to a fierce political debate and consequently a new policy regarding the provision of shelter, basic care and food to undocumented migrants was developed (Bakker & Hoedman, 2015). It can be observed that CEC had significant influence by using the Collective Complaint Procedure on the Dutch domestic policy process.

Resulting from this case, four important observations can be made. These four observations are the basis for the theoretical relevance of this research. The first observation is that this case gives the impression that migrant policy is not solely in the hands of national governments of EU member states. Besides the Dutch government, it might be argued that another governance level, namely Europe has influence on the Dutch migrant policy as well. This is an interesting development, because according to Marks, Scharpf, Streeck and Schmitter (1996), migration has been rarely associated with vertical ‘multi-level governance’. Decisions regarding the entry and stay of foreigners have traditionally been taken at the national level, because of the sovereignty of the countries. Marks et al. (1996) do suggest that

one might add a vertical dimension regarding migration issues. However, regarding the above-described case, it can be suggested that the vertical dimension should not only be added but also be considered as something with great importance.

Secondly, at first glance, it looks like the transnational network non-governmental Organization (NGO) CEC was crucial in influencing the public debate about accommodating undocumented migrants in the Netherlands. This means that not only governmental institutions are relevant in analysing policy development, but also (and maybe even more relevant) non - governmental network organizations such as the CEC. This is an interesting point since the literature shows contradictory results regarding the influence of NGO's and especially NGO networks. Mazey and Richardson (2006) state that it would be rational to avoid being involved in relationships like NGO networks (p. 16). On the other hand, there are also voices that advocate for cooperation in these kinds of policy networks. Their main argument is that NGOs can learn from each other since there is more knowledge to share and they can use each other's resources in order to lobby (Podolny & Page, 1998; Sabatier, 1998)

Some authors like Keck and Sikkink (1998) and Jordan and van Tuijl (2000) already took a close look at network NGO's operating on the international level. They focused on relations between network NGOs in Europe and the network NGOs itself. Others, like Risse and Sikkink (1999) and Risse and Ropp (1999) investigated the relationship between domestic NGOs and their international network NGOs, but only pointed the relationship out. They did not provide insights in how the relationship works and what might explain differences in the success of transnational network NGOs in influencing domestic policies.

Additionally, most literature of NGO influence is limited, since it is mainly based on environmental policy issues (Betsill & Corell, 2001). This research will build upon this literature in order to analyse social issues in the policy arena of migrants instead of the environmental policy arena. Furthermore, the majority of the authors mentioned above, describe domestic change as a result of pressure from transnational networks in non-western countries. This thesis is concerned with the relation between Dutch NGOs and the transnational network NGOs which they are part of.

Thirdly, not only are non-governmental network organizations relevant, the intergovernmental organization ECSR exerted pressure on domestic policies as well. However, scholars who are trying to measure the influence of such non-binding differ in their findings. Within the case about undocumented migrants in the Netherlands, the statement made by the ECSR through the Collective Complaint Procedure is a non-binding decision. Churchill and Khaliq (2004) state that the Collective Complaint Procedure is a not a fruitful

mechanism, because of the political role of the Committee of Ministers. They argue that a political statement might undermine the juridical decision statement of the ECSR, which detracts the credibility of the system (Churchill & Khaliq, 2004). On the other hand, there are authors that perceive a non-binding decision of the ECRE as a form of international norm diffusion (Risse & Ropp, 1999; Risse, Ropp & Sikkink, 1999). This is because the ECSR decides whether the member states comply with European norms and values described and signed in the European Social Charter. These authors refer to the power of norm diffusion what might lead to institutionalization of the norms and eventually to socialization with the norms (Börzel & Risse, 2000).

Finally, since it was the CEC, an international network NGO who took the initiative in influencing the policy, there might be differences between NGO network organizations in influencing domestic policy processes. The questions as: why did the CEC made this their priority, what made them successful and were they the only network NGO that issued the complaint, arise. Differences can be found in the amount of employers, the core mission and vision or the financial situation for instance.

In sum, the first theoretical gap is the lack of knowledge in the field of migration issues with regard to multi-level governance. The second theoretical gap is concerned with the little empirical evidence of a growing importance of transnational network NGOs especially in other policy areas than environmental issues and western countries. The third gap is the partition among scholars about the influence of norm-diffusion caused by the Collective Complaint Procedure. The final theoretical gap can be found in the lacking amount of data that clarifies the similarities and differences between NGO networks in their influence on domestic policies and their relation with their domestic member NGOs. This research contributes to these theoretical gaps.

With filling in these described theoretical gaps, some practical insights are given. Explaining the differences between transnational network NGOs in their influence, can be used to provide insights in improvement possibilities. In order to fill in these theoretical gaps and to get more insight in the Collective Complaint Procedure used by domestic and transnational network NGOs, the following research question is central in this thesis:

'Which factors explain the success (or lack of success) in the influence of domestic and transnational network NGOs by using the Collective Complaint Procedure on the domestic policy process?'

The influence process is unfolded in three phases which are related to the boomerang effect of Keck and Sikkink (1998). Within the first phase, the influence of domestic NGOs on domestic governments will be analyzed by using the Issue Attention Cycle of Downs (1972) and the Streams Model of Kingdon (1995). Within the second phase, domestic NGOs turn to their transnational network NGO to exert influence on an intergovernmental organization. An analytical framework deprived of the model provided by Betsill and Corell (2001) is developed and adjusted in order to get more insight in this phase. Betsill and Correl (2001) developed an analytical framework to measure the influence of NGOs in international negotiations regarding environmental issues. This thesis will combine this analytical framework with the Policy Network Analysis by Marsh and Rhodes (1992) and the Advocacy Coalition Framework by Sabatier (1998) in order to measure the influence of the NGO networks. The third phase is concerned with the norm diffusion exposed by the intergovernmental organization on the domestic state. Several theories will help this thesis to gain more insight in the influence process of norm diffusion. Sociological institutionalism based on the logic of appropriateness developed by March and Olsen (1989) can provide insight in domestic change (Börzel & Risse, 2000). Additional theories such as the English school of Larson and Schevchenko (2010) and the World of Compliance of Falkner and Treib (2008) are used as well. Furthermore, the internal organization might explain differences in influence during the three phases. These differences might also be caused by the adaption on contextual. In order to explain differences in the influence process, a closer look at their internal organization and the context is realized.

In order to give more insight in the influence that transnational network NGOs can have on domestic policies while using the Collective Complaint Procedure, three transnational network NGOs together with their domestic NGOs are compared in an explanatory multiple-case study. These organizations are all concerned with migrants in the Netherlands and can be seen as the main players in the field. The first transnational network organisation is the already introduced Conference of European Churches (CEC) who issued the complaint. The second transnational network organisation is the European Council on Refugees and Exiles (ECRE). The third transnational network NGO is Platform for International Corporation on Undocumented Migrants (PICUM).

This thesis will start with clarifying the concepts, theories and the models in the theoretical framework chapter. After this, the methodological section describes how the differences and similarities in the influence of NGO networks will be measured. The analysis chapter will start with a case description that provides clarification about the field of

undocumented migrants and the related Dutch policy. Following, the analysis of the three transnational network NGOs is given. Finally, this thesis will end with a conclusion and a discussion, which includes suggestions for further research and a critical reflection on the limitations of this research.

2. Theoretical framework

In order to provide insight in the success of influence process of domestic and transnational network NGOs on domestic policy process, especially when using the Collective Complaint Procedure this chapter gives an overview of existing theories. Out of these theories a theoretical framework is developed and will form the guideline to answer the central research question. The basic theoretical concepts will be introduced and defined by starting with a definition of non-governmental organisations (NGOs) in general. Consequently it will focus on the definition of NGO networks that have a transnational cooperation. Furthermore the complex term 'influence' is being defined and after this the chapter is divided in the three phases explained in the introduction by using the boomerang effect theory of Keck and Sikkink (1998). Every phase is explained and theorized by using corresponding theories. Finally, theories clarify and explain differences between transnational network NGOs will be highlighted. These theories are necessary in order to develop methodological frameworks to analyze the data.

2.1 Definition of the subject – Transnational network NGOs

In order to provide clarity about domestic NGOs and transnational network NGOs, this section provides an own developed definition of NGOs and transnational network NGOs. It will start with a definition overview of NGOs, followed by characteristics and definitions of NGO networks and will finish with adding the transnational level within the final definition of transnational network NGOs

Non Governmental Organizations (NGOs)

The first step in the definition of transnational network NGOs, is to define an NGO. Authors often struggle to find accurate terms that reflect the type of organizations they are studying (Betsill & Corell, 2001, p. 66), especially when it comes to non-governmental organisations (NGOs). Beyers, Eising and Maloney (2008) also argue that there is a major problem in the field of interest groups since there is a great quantity of neologisms like citizen groups, NGOs, interest groups, grass root organisations, social movement organisations etc. Jordan and Maloney (2007) argue in the same direction by stating that the labelling of interest groups runs from very hierarchical structured, professional, well-known and formal to very informal, unprofessional, horizontally structured with a small amount of economic resources. This

complexity makes the definition of NGOs diffuse and causes differences and similarities in definitions.

As this research focuses on three relatively large and transnational network NGOs, this thesis is concerned with the characteristics of the organizational form of NGOs. One definition of NGOs is: *‘organizations that are officially established, run by employed staff (often urban professionals or expatriates), well supported (by domestic or, as is more often the case, international funding), and that are often relatively large and well-resourced. NGOs may therefore be international organizations or they may be national or regional NGOs* (Mercer, 2002, p. 6). NGOs. However, these are not the only characteristics of the three organisations. Salamon and Anheier (1996), add some interesting features of NGOs. Next to the fact that they support the above definition when stating that there must be some kind of internal organizational structure present in order to be defined as a NGO, they emphasize the fact that the organizations must be private. In other words, it must be separate from the government. It is important to note that according to the authors the NGOs can still can receive government support (Salamon & Anheier, 1996). They furthermore add that the profit made, should not be returned to the owners or directors, but should flow back into the organization. Another extra insight in NGOs is that the organization and their project must include some kind of voluntary participation. These three features, - private organization, non distributive profit and voluntary work - will be add in our definition of transnational network NGOs. Finally, there are two crucial connections between the three transnational NGOs, is that they are all network organisations that cooperate internationally. The next section will deal with the ‘network’ part of the NGOs.

NGO networks

In order to determine what is exactly meant by transnational network NGOs, this thesis firstly reviews existing literature about networks. Networks are understood as groups consisting of different actors. One well-known theory about networks is the Policy Network Analysis (PNA) developed by Marsh and Rhodes (1992). PNA focuses mainly on the interrelationships between different kind of actors involved in policymaking (interest groups and government) and their influence on policy development. They are established when interest groups gather around governmental departments to influence policy, and the government involves them in policymaking to use their resources for its purposes (Marsh & Rhodes, 1992; O’Riordan & Jordan, 1996). In that sense, one can distinguish between permanent and temporary policy networks.

Another well-known theory is the Advocacy Coalition Framework (ACF) developed by Sabatier (1998). This theory can provide some clarity about network NGOs as well. It assumes that actors can be combined into a number of advocacy coalitions, each including actors from various state and non-state organizations that share a set of normative and causal beliefs and engage in coordinated activity. In that sense, Sabatier (1998) argues that network NGOs include both state and non-state organizations. However, this thesis is not aiming to restrict the NGO networks to networks that include both forms of organizations.

To conduct a comprehensive definition of transnational network NGO, Podolny and Page (1998) detract their definition from private organizations. They define network forms of organization: “(...) *as any collection of actors ($N > 2$) that pursue repeated, enduring exchange relations with one another and, at the same time, lack a legitimate organizational authority to arbitrate and resolve disputes that may arise during the exchange*” (Podolny & Page, 1998, p. 59). This thesis argues that these characteristics counts for a great range of forms of organizations, private or not. However, this definition does include the feature that there is no hierarchical relation since there is no central authority. Since this thesis argues that there might be a central authority, it will exclude the last part of this definition in the final definition of transnational network NGOs. The next section will deal with the ‘transnational’ part of the NGO networks.

Transnational network NGOs

As stated above, it is important to add that there is special attention for transnational network NGOs which means that they operate on international level (Keck & Sikkink, 1998, p. 89). These transnational network NGOs have connections on several levels, which results in global interactions (Keck and Sikkink, 1998; Nye and Keohane, 1971). Nye and Keohane (1971) define these global interactions as ‘movements of information, money, physical objects people or other tangible or intangible items across state boundaries.’ (Nye & Keohane, 1971, p.24). They distinguish between conventional diplomatic activity, where global interactions involve solely governments of nation-states and transnational interactions that also involve nongovernmental actor (Nye & Keohane, 1971, p. 24-25). In earlier literature, these state centric relations were central. This means that states were informed by their domestic NGOs and interstate relations took care of the rest, without the intervention of domestic NGOs. This can be seen in figure 2.1a. However, nowadays non-governmental organisations play a more significant role (Beyers, et al., 2008). Moreover, the transnational network NGOs aim to achieve something that cannot be achieved within a single state and

thus need their network to influence domestic policies (Gordenker & Weiss, 1996). In order to reflect the reality of transnational interactions, we thus need to include non-governmental actors operating on different levels as well (Nye & Keohane, 197, p. 25), which can be seen in figure 2.1b.

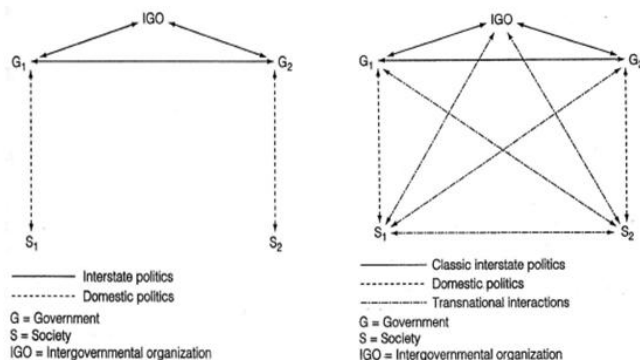


Fig 2.1a *State centric*

Fig. 2.1b *Transnational interactions*

(Nye & Keohane, 1971, p.25)

There are some advantages of transnational network NGOs in contrast with domestic NGOs since they mostly have more tools to gain influence on the policy process (Betsill & Corell, 2001). This assumption is made because, as stated above, information as a strategy of a NGO plays a major role in influencing policy. Information plays even a bigger role in a transnational network NGO according to the Advocacy Coalition Framework of Sabatier (2008) and further expanded by Sabatier and Jenkins-Smith (1999). Sabatier and Jenkins-Smith (1999) state that networks can influence certain beliefs with new information and experiences of the members. Keck and Sikkink (1998, p.2) also claim that information exchange is the core of the relationship in networks. Especially transnational networks have access to an overload of information. This is why transnational network NGOs have an advantage compared with domestic NGO networks, for the reason that together they have more information and experiences at their disposal – more tools – to influence the underlying beliefs of a certain policy. They have more information and experiences because access and resources because networks are a bundling of resources (Marsh & Rhodes, 1992; O’Riordan & Jordan, 1996), which results in the fact that they have more resources (like connections) to gain access to European institutions (Beyers & Kerremans, 2007, pp. 4-5).

Based on these theories the following definition of transnational network NGOs is established: Transnational network NGOs are a collection of more than two actors, who have the same norms and values, pursue repeated enduring exchanges with one another in order to influence international policy process and / or domestic policy process. They are private organizations, officially established, run by employed staff, well supported and are often

relatively large and well resourced. Their projects include voluntary work and the profit is returned back to the organization in order to fulfil its mission. This definition will guide this research.

2.2 Influence on policy process in a multi-level governance context

Now the subject of this research has been defined, the focus of the following section is on theories that give insight in how transnational network NGOs can influence the Council of Europe and thus its member states. It first starts with a definition of influence.

Definition of influence

This research aims to compare three network NGOs with regard to their ability to influence a specific policy process. In order to do this, it needs to be clarified what is meant with these influencing approaches. According to several authors, there is no consensus about the definition of “influence” and how to identify and measure the specific NGO influence (Betsill & Corell, 2001; Beyers et al., 2008). Thus what exactly is meant with influence? Some scholars came up with definitions, however the focus was mainly on the activities of NGOs, their access to negotiations and/or their resources (Betsill & Correll, 2001, p.69). Although, in order to determine the success of influence of NGOs, there must not only be a focus on the ways that NGOs participate but also on the effects of that participation (Betsill & Correll, 2001, p.71). Keck and Sikkink (1998) argue that one should look at goal attainment. In that sense one should wonder and find out if the main objectives are clear and achieved.

Since information exchange is seen as the most crucial strategy to exert influence (Beyers, et. al., 2008; Sabatier & Jenkins-Smith, 1999), the focus of this thesis is on the information strategy. Betsill and Correll (2001) conclude that NGOs influence the outcome when they (1) intentionally transmit information to negotiators that (2) alters both the process and outcome from what would have occurred otherwise. The intentionally transmitting of information is related to the strategies and activities of NGOs. These activities can take place on several government levels.

Multi-level governance context

Keck and Sikkink (1998, p.12-13) describe the interaction between several levels as a boomerang pattern which consist of three phases. The first phase means that the state might block domestic actors in their influence. When they are blocked, the boomerang pattern of influence may occur, when the domestic NGOs bypass their state and activate their network

members to bring pressure on their state from outside (phase 2). Those network members try to influence their state (B) to pressure state A. Sometimes state B exerts pressure directly on state A. Sometimes a third party organization, like an intergovernmental organization mediates to exert pressure on state A (phase 3) as can be traced back in figure 2.2.

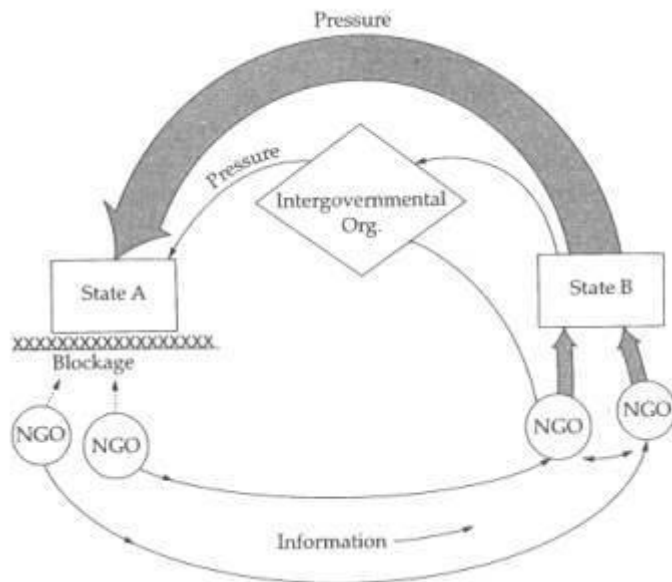


Fig 2.2 *The boomerang model of Keck and Sikkink (1998, p. 13)*

For this study, the model of Keck and Sikkink (1998) will be made a bit more explicit in order to directly apply it to the case that is being used. This customization of the model will be done as follows. The first part of the model will be the same. Domestic NGOs try to influence state A, but are being blocked by this state. Their other option is to activate their network in order to bypass state A and exert pressure by using their network members. This means that the second half of the model is a little bit adapted. Since the NGOs that exert pressure on state A will not try to activate state B, but will try to find support in their transnational network (phase 2). This transnational network might use an intergovernmental organisation in order to bring pressure on state A (phase 3). Information flows between transnational network NGOs and intergovernmental organizations will take place. This leads to the model visualized in fig 2.3 which will be more explained in the analysis when the actors are added.

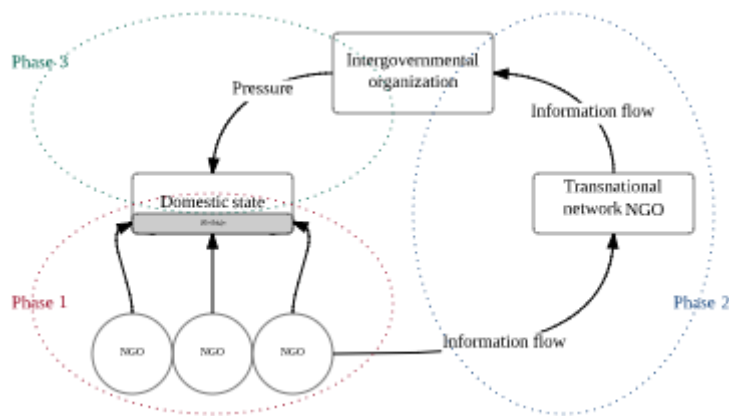


Fig 2.3 *The applied model of Keck and Sikkink (1998) for this thesis*

In conclusion, the boomerang effect regarding policy process on different government levels consists of the three phases. These three phases will be used as a guideline for this thesis.

Phase 1: Influence of domestic NGOs on the domestic policy process

The described phases of influence takes place in order to influence a certain domestic policy process. In order to define the policy process, this section starts with a definition of ‘policy’. The problem here is that there is no single, shared definition of ‘policy’. There are some authors who tried to define ‘policy’. Like Dye (1972, p.2): “Anything a government chooses to do or not to do” (Dye, 1972, p.2). This short definition is about government action. Moreover, it is a fundamental choice whether to do something or not. Finally, it is a conscious decision to act or not (Dye, 1972; Hoogerwerf & Herweijer, 2008) Bovens, ‘t Hart and Kuipers (2008) add an extra dimension by focusing on the fact that all actions are done in order to steer a certain societal development (Bovens et al., 2008). In sum, this thesis argues that ‘policy’ includes government actors who consciously decide to do something or not in order to prevent and/or solve a societal problem.

In order to get more grip on the policy process, researchers use the policy cycle to divide the whole process into smaller bits. There are several kinds of policy cycles, but they are mainly constructed around the following steps. The first step is concerned with the question when attention is being paid, to which issue and why. This step is called the agenda setting phase. The following step is concerned with how the policy is being made, what happens in the decision making phase. The third step is concerned with the implementation of the policy. The fourth step includes the evaluation of the policy which leads to the final step ‘learning’ and is concerned whether the implementation led to change (Howlett, Ramesh & Perl, 2009, p. 13). As such, this thesis categorizes the policy cycle as a policy process.

However, it is important to note that the policy cycle does not run always perfectly like the theory states. The focus of this thesis is mainly on the first step, because the agenda-setting phase is the starting point of the whole policy process. This main focus on the agenda-setting phase is not considered as a problem, since it is about ‘influence’ that can take place in every phase of the policy process. Within this stage, a crucial factor is the recognition of the problem asserted (Howlett, Ramesh & Perl, 2009, p. 12). In order to give more insights in how issues get on the agenda and are perceived as problems that need urgent attention, a short recap of two classic agenda setting theories will take place.

The first one is concerned with the issue-attention cycle of Downs (1972). This issue-attention cycle consists of five stages. The first is the pre-problem stage, which means that there are highly undesirable social conditions. The second stage is that the public becomes aware of and alarmed about the problem which might be due to a dramatic series of events. Then a realization and recognition of the costs of solving the problem will take place. The fourth stage comes fourth out of this realization, since a gradual decline of intense public interest. This might be due to discouragement, feeling threatened and suppressing thoughts and/or becoming bored by the issue. The final stage is the post-problem stage. This means that problems that have gone through the cycle almost always receive a higher average level of attention, public effort and general concern than those still in the pre-discovery stage (Downs, 1972, pp. 39-40). However, one should keep in mind that this is a model and thus not perfectly reflect reality. This means that it might be that not all the stages are completed, some might be left out or stages might be swapped.

Another well-known theory about agenda setting with some overlap with Downs (1972) is the multiple stream model developed by Kingdon (1995). In this model three streams should come together to open a so-called ‘window of opportunity’. But besides the three streams that should come together and the window of opportunity should be open, a ‘policy entrepreneur’ is necessary to truly push for reform. In order to clarify this model, it is necessary to elaborate a bit more on these 5 structural elements: problem stream, policy stream, politic stream, window of opportunity and policy entrepreneur.

The problem stream consists of various conditions that policy makers and citizens want to be addressed. The policy stream includes a “soup” of ideas that compete to win acceptance to solve various problems. The politic stream consists of the national mood, pressure-group campaigns and administrative/legislative turnover for instance (Kingdon, 1995; Zahariadis, 2007). A window of opportunity opens when the 3 streams are coupled or joined together. Windows of opportunity open for several reasons and roughly they can be

divided in four windows. The first is a routine window. A routine window is a window that opens because of a government change after an election every four years for instance. A spillover window is a window that opens automatically if something else happened before, these windows open because it is logical and almost inevitable. The discretionary window opens because of an event, something that happened (Keeler, 1993). The final least predictable and institutionalized window is the random window, which opens unexpectedly and randomly (Howlett, Ramesh & Perl, 2009, p. 105). These windows provide opportunities for advocates of proposals to push for reform. It might also lead to attention to their issue resulting in their issue on the agenda. These advocates are seen by Kingdon (1995) and Zahariadis (2007) as policy entrepreneurs. In that sense policy entrepreneurs are individuals or actors who attempt to couple the 3 streams (Zahariadis, 2007) and uses the window of opportunity that opens to bring a topic to the national agenda for instance.

However, there are more definitions of policy entrepreneurs. Mintrom and Norman (2009) for instance, see policy entrepreneurs as actors who distinguish themselves through their desire to significantly change current ways of doing things in their area of interests. They see policy entrepreneurship as a key explanation of policy change (Mintrom & Norman, 2009). Pralle (2006) links the policy entrepreneur to venue shopping. A venue is an arena in which policy is being made. Each venue has its own decision rules, norms, and procedures, its own discourse and jurisdiction and its own preferences and constituencies (Pralle, 2006). In Pralle's theory (2006), policy entrepreneurs' search for alternative policy arenas and put effort in moving the issue they want to address to other venues. This venue might be located on the same level, a level down (municipalities for instance) or a level up (European Union or VN for instance).

Important for policy entrepreneurs is that they employ resources like time, money, information and networks. A concluding mark about policy entrepreneurs is that they could be in or out of government, in elected or appointed positions, in interest groups or research organizations (Kingdon, 1995). When the problem is on the agenda, it might be that nothing happens, that there is a symbolic policy developed, that small adjustments of policy and/or policy instruments being made or that real reform takes place. However, it can be that the topic is not being recognized by the domestic state, which is crucial for the agenda-setting phase according to Howlett, Ramesh and Perl (2008, p.11). This means that the issue is thus not getting on the national agenda. This might lead to the fact that NGOs can move level-up (phase2).

Phase 2: Influence of domestic and transnational network NGOs on Europe

Within the second phase, domestic NGOs who are member of a transnational network NGO can consult their network and maybe even use them to exert influence on the domestic policy process. When domestic NGOs decide to consult their transnational network NGO, this transnational network NGO can influence the Europe in order to exert pressure by eliciting a binding or non-binding decision. In the 'spiral model' Risse and Ropp (1999) explain this stage as a denial stage by the domestic state. They say that transnational network NGOs (human rights organization regarding their article) can put the topic on the international agenda. The government mostly reacts by denying the charges and the validity of the international human rights norms themselves (p. 237). However, Risse and Ropp (199) remain superficial when it comes to how the transnational network NGO might get an issue on the international agenda.

One way of influencing the international agenda of the Council of Europe for NGOs is through the use of the Collective Complaint Procedure. A selection of international NGOs has the possibility to issue a complaint with the Collective Complaint Procedure against a member state of the council of Europe. This complaint can be issued when NGOs think that a specific state violates the European Social Charter. The European Committee of Social Rights (Council of Europe) analyzes this complaint, which results in a non-binding statement. Some authors are critical on Collective Complaint procedure. Cullen (2009) states that: "the procedural aspects of the system have been criticized, particularly the lack of remedial powers and the significant role played by the Committee of Ministers" (p. 61). This is also the critique provided by Churchill and Khaliq (2004) who disagree with a political body during a juridical procedure.

Nonetheless, it is interesting to see how domestic NGOs and transnational network NGOs can cooperate in using the Collective Complaint Procedure to influence Europe. In order to investigate how this second phase takes place, the framework of Betsill and Corell (2001) is used. This framework was developed to measure the influence of environmental NGOs, but the authors state that it can be used for other policy fields as well (Betsill & Corell, 2001, p.66). The original framework consists of two elements. The first part is NGO participation (which is in line with the first part of the definition of influence) and the other part is goal attainment (which is in line with the second part of the definition of influence). The original framework does not take into account NGO networks. This study thus adds a new perspective to the existing literature by showing that their framework can be linked with NGO networks as well. Furthermore, this framework will be used to analyze the influence on

the Council of Europe instead of the European Union. This thesis argues that it provides enough grips to give insight in the influence process, also with a juridical procedure. It provides insights in how (activities, access and resources) the transnational network NGOs were involved in the process and also to compare NGOs in their participation. For the outcome and the process it is interesting to see whether the outcome fits the goals and can be used as premeditation for the final phase. However, this goal attainment phase is less useful to compare the transnational network NGOs if some of them did not undertake any action. The following section will outline and elaborate on the specific concepts related to the framework of Betsill and Corell (2001).

Participation

The level of participation of NGOs in the policy process can explain how NGOs participate in the process of influencing Europe by intentionally transmit information to the negotiators. This section tries to gain some insights in the ways NGOs can participate through *activities*, *access* and the *resources* available. It is quite clear that NGOs must engage in some activity to ensure their views are heard. The activities are the result of the strategies developed by NGOs. Betsill and Corell (2001) argue that the transmitting of information is crucial for achieving objectives, since it is the most relevant strategy for non-state actors to gain influence. This is due to the fact that decision-making on social issues is highly complex. Because of the complexity, decision-makers often turn to NGOs for help in understanding the nature of the problems and to listen to their proposals for solutions (Betsill & Corell, 2001, pp. 73-74). One should keep in mind that they argue from the perspective of the European Union, and especially the commission relies on the information from stakeholders (Eising, 2007; Haverland & Liefferink, 2012). However, for making a good case during the Collective Complaint Procedure it is also crucial that they receive comprehensive information to understand the nature of the problem. Finally, the problem definition of the issue is part of the decision which activities will be undertaken. If a problem definition does not have a good fit the organizational goals, the organization will probably not undertake any action to transmit information to decision makers.

The second concept related to the participation of NGOs is access. Access is strongly related with the institutional opportunities NGOs have and sometimes even called the most important aspect (Tsebelis & Garrett, 1996). These institutional opportunities for access can be found on local (municipalities), national (the cabinet) and European level (European Union and Council of Europe) and to political institutions (commission, parliament and/or council)

or to juridical institutions (European court of Justice and/or European Committee of Social Rights). It can be that being part of a transnational network NGO, other institutions become accessible, like the Collective Complaint Procedure. Since the Collective Complaint Procedure is a juridical procedure, it might be that it provides more clarity about the process in contrast to a lobby process at the European Union for instance. According to Kassim (2013) is it quite hard to lobby the European Union because of its complex and opaque nature.

Thirdly, in order to see in which way NGOs gain influence in the policy process and specifically the agenda setting phase, it is useful to identify which resources they relied on. These resources can be knowledge, money, people and / or connections (global interaction) for instance. A policy entrepreneur is also considered a resource of the organization. By focusing on the resources of the NGOs, it will open the black box about which sources of leverage the NGOs used to transmit information.

Goal attainment

The second part of the framework, goal attainment, will determine if the decision that is being made, supports the goal of the NGOs. This goal attainment includes both the outcome and the process. Regarding the outcome, it is the most direct indication of NGO influence whether the final agreement reflects NGO goals (Betsill & Corell, 2001, p. 75). A comparison of NGO goals with the specific outcome provides more concrete evidence of NGO influence than a focus limited to activities, access and/or resources. In order to analyse this, one needs to ask whether the final agreement contains texts drafted by NGOs and if the final agreement reflects the NGO goals and its principles. It is also interesting to see whether the transnational network NGOs could come to an uniform goal. It might be that the goal the transnational network NGO pursued was a compromise made by their members (Mazey & Richardson).

It is also important to analyse the process, since ignoring the process can overlook instances of NGO influence (Betsill & Corell, 2001, p. 71). In this case one should ask themselves if negotiators discuss issues proposed by NGOs and perhaps did the NGOs introduce new jargon what became part of the new policy? It is important to find out the crucial factors what led to the decision. In sum, the influence of domestic and transnational network NGOs on the policy process can be defined by the participation of NGOs in the policy making process which includes activities, their access and their available resources in order to transmit information regarding their goals (1). There is influence when behaviour has altered because of this transmission of information (2). The theoretical framework is presented visually in figure 2.1.

	Intentional transmission of information (1)	Behaviour of other actors (2)
	NGO participation	Goal Attainment
Aspects	<p><i>Activities (strategies)</i> What did domestic and transnational network NGOs do to transmit information to decision makers?</p> <p><i>Access (institutional access)</i> What opportunities did domestic NGOs and transnational network NGOs have to transmit information?</p> <p><i>Resources</i> What sources of leverage did domestic NGOs and transnational network NGOs use to transmit information?</p>	<p><i>Outcome</i> Does the decision contain text drafted by domestic and/or transnational network NGO?</p> <p>Does the decision reflect the goals and principles of the domestic and/or transnational network NGO?</p> <p><i>Process:</i> Did negotiators discuss issues proposed by the domestic NGOs and / or transnational network NGOs networks (or ceased to discuss the proposed issues)</p> <p>Did domestic NGOs and/or transnational network NGOs coin terms that became part of the negotiating jargon?</p>

Table 2.1 *Theoretical framework to analyze transnational network NGO influence*

Phase 3: Influence of Europe as an intergovernmental organization on domestic policies

Europe can exert influence in two ways, via a binding decision or via non-binding decision and lead to different adaptation pressures on the domestic states. These decision apply for all the member states, while there are a lot of (institutional and political) differences between those countries. These misfits (between EU policies and domestic policies) might explain non-compliance because misfit leads to high implementation costs (Kassim, 2013; Mastenbroek, 2005; Tallberg, 2002). However, regarding Falkner and Treib (2008) only a misfit does not explain non-compliance with decisions made by the European Union. They state that it also depends in what country the policy or the agreement needs to be implemented. Falkner and Treib (2008) distinguish four categories, which explain their attitude towards compliance. The difference between these clusters is based on “a specific national culture of appraising and processing adaptation requirements” (p.404). They categorize the Netherlands in the world of domestic politics. Within this world domestic interests prevail, which means that domestic concerns are frequently more important than obeying EU-rules. Whether a specific Directive will be implemented depends on whether domestic concerns are in conflict with compliance. When domestic concerns are not in

conflict with compliance, the domestic state will easily implement in the administrative and political system. However, if domestic interests clash with the requirements of the EU non-compliance is likely to occur in the political system (Falkner, Hartlapp & Treib, 2007).

Table 1: Four Worlds of Compliance

	<i>World of Law Observance</i>	<i>World of Domestic Politics</i>	<i>World of Dead Letters</i>	<i>World of Transposition Neglect</i>
Process pattern at stage of transposition	+	o	o	-
Process pattern at stage of practical implementation	+	+	-	+/-
Countries	Denmark, Finland, Sweden (3)	Austria, Belgium, Germany, Netherlands, Spain, UK (6)	Ireland, Italy, Czech Republic, Hungary, Slovakia, Slovenia (6)	France, Greece, Luxembourg, Portugal (4)

Source: Authors' own data.

Note: + = respect of rule of law; o = political pick-and-choose; - = neglect.

Fig 2.5 The Netherlands categorized as World of Domestic Politics (Falkner & Treib, 2008, p. 309)

Thus, culture of a country can provide insight in how they respond on binding and non-binding decisions. Börzel and Risse (2000, p.9) agree with them when explaining the power of norm diffusion that goes along with non-binding decisions. The authors claim that it depends on characteristics of the country concerned how the domestic state perceives the power of norm diffusion (Börzel & Risse, 2000). In order to understand this, it is necessary to elaborate a bit more on the power of norm diffusion.

Börzel & Risse (2000) argue that a statement from the Council of Europe, can be seen as a diffusion of international norms. This norm diffusion can lead to a political debate within the country and might result in institutionalization of the norms by developing or adjusting a certain policy. These institutional changes might in the end lead to socialization of the European norms. This reasoning is supported by Dabrowski (2013) who distinguishes between thin and thick learning. Thin learning can be seen as only changing the policy and institutional change. Whereas thick learning can be seen as fundamentally changing the 'ways of doing things' and agree with the implementation because they believe it is appropriate (Dabrowski, 2013).

However the creation or adaptation of a policy depends on the degree of misfit between the European norms and the domestic norms. This is called a normative misfit. This

so-called normative misfit does not necessarily result into domestic institutional change. Domestic actors and institutions often resist change despite significant pressure for adaptation. Börzel and Risse (2000) state that within the country concerned, norm entrepreneurs should be present and powerful. These norm entrepreneurs should help the decision makers to redefine their norms and values and thus their interests and identity. They can help to stimulate the process of socialization. Secondly, the culture must be consensus seeking oriented which is linked to the World of Compliance developed by Falkner and Treib (2008). The consensus culture is identified by Börzel and Risse (2000) as a political culture where informal institutions exist that prioritizes consensus building and entail collective understandings of appropriate behavior. This collective understanding of appropriate behavior strongly influences the ways in which domestic actors respond to Europeanization pressures (Börzel & Risse, 2000, p. 9). The four worlds of compliance developed by Falkner and Treib (2008) predicts a country's attitude regarding Europeanization pressures. In that sense, it can also partly explain the response of the country concerned on non-binding European decisions.

Adjustment or creation of a policy because of norm diffusion can also be due to the logic of appropriateness. This logic argues that actors are guided by behavior that is socially accepted within a certain structure. These collective thoughts of socially accepted behavior influence the way actors define their goals and thus their policies (Börzel & Risse, 2008, p. 8). Börzel and Risse (2000) explain the consequences of this collective understanding as "rather than maximizing their subjective desires, actors strive to fulfill social expectations in a given situation" (p.8). This reaction from domestic actors has direct links with the constructivist English school explained by Larson and Schevchenko (2010). According to the English School, in order to become and/or stay a great power, one should be recognized with the status of great power with "certain special rights and duties". State behaviour is linked to the recognition by other states in order to seek or retain inclusion and power.

This way of reasoning has all close links with the sociological institutionalism. Sociological institutionalists are concerned with the realm of norms. They put their focus on political ideas, norms and values. Sociological institutionalists question themselves for instance whether participation of member states within an EU institute leads to behavioural change through a process of socialization? (Bulmer, 2007).

The Collective Complaint Procedure can result in the diffusion of international norms, since the ECSR judge compliance with European norms. However, Churchill and Khaliq (2004) argue that the Collective Complaint Procedure is not an effective mechanism for ensuring compliance with the social rights within domestic countries. In other words, they

think that the non-binding statements made by the European Committee of Social Rights and especially the resolution made by the Committee of Ministers is not powerful enough to push for reform. They state that the Committee of Ministers is almost always not pursuing the matter what results in discredit of the system and discourages complaints. They continue with arguing that it is undesirable that such a political body has a role in a juridical process, because their statements are almost always less strict and thus affect the seriousness of the judgment made by the ECSR (Churchill & Khaliq, 2004, p.455).

2.3 Explanation of the differences and similarities in exerting influence

There may be differences in the influence of NGOs during the three phases, which is theorized above. However, these differences might be due to the internal organization. Keck and Sikkink (1998, p.2) determine four crucial aspects in exerting influence. The first is the there might be differences in the belief that individuals can make a difference. This is related to the question if their internal organization is provided with the right people and the right resources to fight for the case. However, it can also be that their believe is unrealistic, because they do not have the resources or they underestimate these. So this indication is not solely linked to the resources available, but also on the mindset of people within the organization. The second one is the centrality of values or principled ideas. These are ideas that specify criteria for determining whether actions are right and wrong and whether outcomes are just or unjust. These are shared principled beliefs or values (Keck & Sikkink, 1998, p. 1) and result in missions and visions of organizations what result in their core business and main target groups. Furthermore, one network might use their connections better or more intensive. There might also be more trust between the members and / or there might be for instance a better information flow because of these connections. Finally, the size of the organization and the group they represent also influence their success. The size is obviously related to the resources available within the organizations, however it also gives leverages to the argument. The same holds for the size of group they represent (Furlong, 1997; Keck & Sikkink, 1998, p.27; Potters & Sloof, 1996).

Related to the internal organization of a domestic NGO and transnational network NGO is their capacity to adapt to their context. Sabatier (2007) and Baumgartner and Jones (1993) put emphasis on the context, also known as dynamic external factors. These factors include changes in the economic climate, changes in government composition and changes in public opinion. However, these factors may be the same for all domestic NGOs and for all three transnational network NGOs. Although one can argue that it is relevant to see how the

different organisations respond to changes in the economic climate, government composition or public opinion. An overview of these characteristics is given in table 2.1.

Organizational structure

Believe in their power to make a difference

Centrality of values

Size of organization plus group you represent

Connections inside

Information flows

Response on context

Response on economic climate

Response on government structure

Response on public opinion

Table 2.2 *Internal organization factors that might influence successfully exerting influence*

3. Methodological approach

The theoretical framework described in the former chapter gives a comprehensive overview about the existing theories. However, in order to contribute to the theory it is necessary to continue with the practical side of this research. Within this chapter, methodological frameworks are developed for each described phase. These methodological frameworks are the operationalization of the most important related concepts. These concepts are visualized in tables and accompanied with questions how the concepts are being measured. Before moving on to the phases, first the format of the research is elucidated. It will start with the clarification of the kind of case study and it continues with the description of process tracing. Consequently, the described three phases will be operationalized including the differences between transnational network NGOs. When the main concepts are operationalized the data collection including the code tree will be explained. Finally it turns to the data analysis part, which includes the validity and reliability of the research.

3.1 Qualitative research and multiple case study design

This qualitative research concerns a multiple case study, since three organisations are being analyzed. A qualitative research design consists of continuous interaction between reflection, observation and analysis. The purpose of this interaction is to find certain patterns within the existing material (Vennix, 2009). A case study deals with certain patterns and processes and can be distinguished in three categories. The first is exploring, this means that a new phenomenon or a not easy accessible phenomenon is being investigated. The second one is a descriptive case study and tries to document a phenomenon intensively. The final is an explanatory case study that tries to explain a certain phenomenon (Vennix, 2009 p. 104).

This research applies a qualitative research design, as it is concerned with patterns and processes. It is concerned with a multiple case study since it studies the influence approaches of several kinds of organizations. When referring to the research question, this research can be labelled as an explanatory case study, since it aims to explain the success of transnational network NGOs and domestic NGOs in their influence on domestic policies. Obviously, it is necessary to develop a comprehensive picture about the influence process, which means that the research has partly a descriptive nature.

3.2 Process tracing

In order to answer the research question, or in other words to reach descriptive and causal inference, it is crucial to identify and explore the mechanisms of this influence. Descriptive inference is the process of reaching descriptive conclusions about a concept or variable on the basis of observed data (Goertz & Mahoney, 2012). Causal inference is the process of reaching causal conclusions about a concept or variable (Goertz & Mahoney, 2012). Process tracing is a way to understand these inferences since it opens the black box about causal relations between different factors. It tries to answer the question if X is really the cause of Y and how this relation is actually working and thus shows the underlying mechanisms (Bennett, 2010). In that sense, the process itself is the outcome of the research (Tarrow, 2010).

This research is concerned with the question what causes differences and similarities in the strategies of transnational Network NGOs to exert influence on national policy by influencing Europe and aims to open the black box of this relation. Betsill and Corell (2001, p. 81) agree that the findings of NGO influence can be strengthened by analyzing the data using process tracing. Process tracing can be used to clarify the relation between NGO activities and outcomes. The authors state that in order to construct a logical chain of evidence demonstrating the activities of NGOs, scholars need to build a stronger foundation for their claims about NGO influence (Betsill & Corell, 2001, p.81). This research agrees with them, that in order to analyze an influence process, the steps which are taken should be clear. This is realized with process tracing where the Y value is successful influencing domestic policies via Europe and X is the influencing process and the underlying mechanism that explain the success or lack of success.

Process tracing is orientated backwards, which means that the researcher moves from the observed outcomes to potential causes (Bennett, 2010). Since the influence process moves in three phases, there are three outcomes to measure. The first outcome is related to the success (or lack of success) from domestic NGOs to influence the Dutch state. This is measured by using the agenda setting theories. The second outcome is related to the success (or lack of success) of transnational network NGOs to influence Europe with the Collective Complaint Procedure. This level of success is measured by using the adapted version of the model provided by Betsill and Corell (2001). The final outcome is related to the reaction of the domestic state which is measured by applying the norm diffusion theories. This research aims at providing explanations about the outcomes. When setting out the process in small bits, differences and similarities can be found even as the considerations that causes these differences.

3.3 Operationalization

In the former section, the overall research method of the research is explained. In this section the concepts used to answer the research questions are operationalized. As explained in the former section, the influence process is divided in three phases. These three phases will guide the operationalization process and thus include a methodological framework with questions how the concepts relating to the theory are measured.

Phase 1: Influence of domestic NGOs on domestic policies

In order to analyze the influence domestic NGO exerted on the domestic state, this research focuses on the agenda setting phase of the policy process. It analysis if the problem came on the national agenda or why it did not came on the national agenda. In order to find out, this research will find answers on the questions in table 3.1. It is important to note that the NGOs mentioned in the framework are related to domestic NGOs, since transnational network NGOs are not involved during this phase.

Issue attention cycle	
<i>Problem definition</i>	What was the problem definition of the domestic NGO? What was the problem definition of the state? Was de problem definition of the NGO acknowledged by the Dutch state?
<i>Pre – problem stage</i>	What was the role of the NGO during the pre-problem stage? What were the highly undesirable social conditions? What is the link between the NGO and the social conditions? What was the role of the state during this stage?
<i>Public awareness</i>	Was the public aware of the problem? Were there events that caused public awareness? What was the response of the state on this public awareness?
<i>Realization of cost</i>	Did the public realized the costs of solving the problem?
<i>Gradual decline of interest</i>	Was the public discouraged? Did the public felt threatened by thinking about the problem and how to solve it? Was the public bored by the issue? Was there a new problem which rose on the public agenda?
<i>Post – problem stage</i>	Did the problem received higher level of attention, public effort and general concern in 2015 than in 2007?
Streams model	
<i>Problem stream</i>	What was the problem stream of the domestic NGO? What was the problem stream of the state? Was de problem stream of the NGO acknowledged by the Dutch state?
<i>Politics stream</i>	Were there pressure – group campaigns regarding the problem of the NGO? What was the national mood regarding the problem? What was the government structure?
<i>Policy stream</i>	Which solutions were considered?
<i>Window of Opportunity</i>	Did the streams come together? Did a window of opportunity opened? If yes, what kind of window? Was this the wanted window for the domestic NGO?
<i>Policy entrepreneur</i>	Was there a policy entrepreneur who took the initiative to couple the streams together and bring the topic on the agenda?

Table 3.3 Methodological framework to analyze the policy process of the case

Phase 2: Influence of domestic NGOs and transnational network NGOs on Europe

Following the framework of Betsill and Correll (2001) described in the theoretical framework, the influence transnational network NGO can exert during the second phase is based on two parts. The first part is the intentional transmission of information (participation) and the second part is the alteration of behaviour of other actors (goal attainment). During a juridical procedure it is hard to measure whether the behaviour is altered. However, within this thesis the goal attainment part depends on whether the juridical statement is in line with the goal of the transnational network NGO. This can be seen as alteration of behaviour, since the Council of Europe did not had an opinion about the Dutch policy before the juridical procedure. In order to measure the concepts related to these two parts as explained in the theoretical framework, questions are developed and can be traced back in the methodological framework (table 3.2).

(1) NGO participation → intentional transmission of information		
Activities	Access	Resource mobilization
<p>What is problem definition of the domestic NGO and transnational network NGO?</p> <p>Did the problem definition of the domestic NGO fit the goals of the transnational network NGO?</p> <p>What did the transnational network NGO do to transmit information to Europe</p> <p>Which strategies did the domestic NGO and the transnational network NGO used?</p> <p>ACF: Did the domestic NGO and transnational network NGO intentionally influence the underlying norms and values of the policy?</p>	<p>What opportunities do domestic NGOs have to transmit information to decision-makers in Europe?</p> <p>What opportunities do transnational network NGOs have to transmit information to decision-makers Europe?</p> <p>When did the domestic NGO and transnational network NGO influenced which institution (venue) and why?</p> <p><i>PNA</i>: Did the domestic NGO relied on connections from fellow members or the transnational network NGO itself, to gain access to the institution they tried to influence?</p>	<p>What sources of leverage do domestic NGOs and transnational network NGOs use to transmit information to decision makers? For example: money, knowledge, experiences, connections.</p> <p>Did the domestic NGO / transnational network NGO has a policy entrepreneur?</p> <p>What was the role of the global interaction with the domestic member NGO and other members?</p> <p><i>PNA</i>: Did the transnational network NGO rely on resources from fellow members to transmit the information to decision makers?</p> <p><i>PNA</i>: Was the transnational network NGO more or less successful in transmitting their information to decision makers if they would have operated as a single NGO?</p>
(2) Goal attainment → Changing the behaviour of other actors		

Outcome	Process
Does the final judgement of the European Committee of Social Rights and does the resolution of the Committee of Ministers contain text drafted by the domestic NGO or transnational network NGO?	Did the negotiators in Europe discuss issues proposed by the transnational network NGO (or ceased to discuss issues opposed by the transnational network NGO)?
Does the judgement and does the resolution reflect the goals and principles of the domestic and transnational network NGO?	Did the domestic NGO or transnational network NGO coin terms that became part of the negotiating jargon?
Were there conflicts in reaching a compromise within the domestic NGO or transnational network NGO regarding the goals?	Was the transnational network NGO included/excluded from the European negotiation table and why?
Were the judgement and the resolution a compromise or not?	Was the transnational network NGO more or less successful in influencing the process (like gaining access to the negotiation table) if they would have operated as a single NGO?
What are the differences between the judgement and resolution and what is the difference between these two statements and the resulted domestic policy?	What were the crucial factors in the process?

Table 3.2 Methodological framework to measure influence level up

Phase 3: Influence of Europe as an intergovernmental organization on domestic policies

As stated in the theoretical framework, the influence of Europe on domestic states depends, among other things, on the nature of the ruling from Europe (Börzel & Risse, 2000). With the Collective Complaint Procedure a non-binding decision has made. In order to analyze the influence of this non-binding decision the concepts are operationalized in table 3.3.

Concept	Influence of norm diffusion on domestic state
<i>Diffusion of norms</i>	What was the role of the judgement of the ECSR in the diffusion of norms? What was the role of the Committee of Ministers in the diffusion of norms? What was the effect of the diffusion of norms on the Dutch policy cycle? ¹ → focus on agenda-setting phase ²
<i>Normative misfit</i>	Did the judgement of the ECSR led to a normative misfit? Did the resolution of the Committee of Ministers led to a normative misfit?
<i>Institutional change</i>	Did the judgement and the resolution from the Council of Europe led to institutional change in the Netherlands? What was the role of the attitude of the Netherlands towards Europeanization pressures within the institutionalization process? (World of Domestic Politics) What was the role of norm entrepreneurs within the Netherlands?
<i>Logic of appropriateness</i>	Does the logic of appropriateness explain the behaviour of the Dutch state regarding the judgment and the resolution?
<i>Socialization process</i>	Did the institutional change also led to the motion of the socialization process with the new norms, in other words, led it to the acceptance of the (new) norms?

Table 3.3 Methodological framework to measure the pressure from the Council of Europe on the Netherlands

² Because of time and space scarcity, this thesis will mainly focus on the first step in the policy cycle, namely the agenda-setting phase. Moreover, it will analyze the outcome of the decision, however the process how the decision is made will not be taken into consideration.

Explanation of the differences & similarities in exerting influence

Differences between the influence of transnational network NGOs can be explained by internal differences which is the concern of this section. Furthermore, these internal differences might be caused by contextual changes like an economic crisis. Finally, because the internal organization of transnational network NGOs relies partly on the internal organization of the domestic member NGOs, a distinction between the two organizations is made. The following table (table 3.4) shows the operationalization of the concepts.

Concepts	Domestic NGO	Transnational network NGO
Internal		
<i>Centrality of values</i> <i>Mission / vision of organization</i> <i>Core tasks</i>	To what extent does everybody within the domestic NGO has the same values? What is the mission / vision of the domestic NGO? What is the core task of the domestic NGO?	To what extent does everybody within the transnational network NGO has the same values? What is the mission / vision of the transnational network NGO What is the core task of the transnational network NGO
<i>Believe in their power to make a difference</i>	Did the domestic NGO believe they could change the Dutch policy with the use of the CCP?	Did the transnational network NGO believe they could change the Dutch policy through the CCP?
<i>Size of organisation + group you represent</i>	How many actors are member of the organization? How many paid employees are working at the domestic NGO? What is the size of the group the domestic NGO represents?	How many actors are member of the organization? How many paid employees are working at the transnational network NGO? What is the size of the group the transnational network NGO represents?
<i>Connections inside</i>	How is the relation among the members?	How is the relation among the members?
<i>Information flows</i>	How is the communication between the members?	How is the communication between the members? How is the communication between the members and the transnational network NGO itself?
Context		
<i>Economic climate</i>	What are the consequences of the economic crisis for the domestic NGO for the domestic NGO?	What are the consequences of the economic crisis for the transnational network NGO?
<i>Government structure</i>	What are the consequences of the domestic government structure during the period 1998-2015 for the domestic NGO?	What are the consequences of the European government structure during the period 1998-2015 on the transnational network NGO ?
<i>Public opinion</i>	What are the consequences of the public opinion in the Netherlands during the period 1998-2015 for the domestic NGO?	What are the consequences of the public opinion in Europe during the period 1998-2015 on the transnational network NGO?

Table 3.4 Methodological framework in explaining differences when looking at the internal organization and context.

3.4 Data collection

In this section the data collection of the research is explained. It will explain which data this study is built on and how it is collected.

Primary sources

The main data collection to answer the research question will be deprived from 10 interviews, which are primary sources. The type of interview will be a semi-structured interview, which means that there will be a list with topics, but the sequence and the formulation are shaped during the interview (Vennix, 2009, p. 253). This type is chosen since it will result in a fluent conversation where the possibility to gain more and deeper understanding about a specific topic will remain. Since this research tries to open a black box, it cannot be completely structured, since it is unknown what the process exactly is. Moreover, it is not completely open, since the aim is to compare domestic NGOs and transnational network NGOs. In order to make this comparison possible, the questions should be comparable. The interview guideline contains 7 topics. The first is about the organisation and its internal structure. The second topic is concerned with the activities. Consequently, access, resources, goal outcome and process will be discussed. The final topic is normative and is labelled as ‘overall and evaluation’. The interview guideline can be traced back in appendix 1, however keep in mind that this interview guideline has been adapted in order to fit the specific organizations.

Three transnational network NGOs (CEC, ECRE and PICUM) will be compared on the basis of these interviews. The first one is the CEC, which submitted the complaint and thus essential in understanding the influence procedure. The Dutch Participants of the CEC include the Protestantse Kerk Nederland (the PKN, who issued the complaint), the Oud-Katholieke Kerk Nederland (OKN) and the Remonstrantse Broederschap. These interviews are mainly to gain more insight in the organisational form of the CEC and to understand the process of the Collective Complaint Procedure. There was also an interview with an employee of the CEC, to understand the organization. Since this employee worked for the Church and Society Committee of the CEC, he was in close contact with the PKN during the Collective Complaint Procedure. This provides useful insights in the Collective Complaint Procedure.

The second transnational network NGO is ECRE, which is a well-known player in the field of refugees and exiles in Europe, especially because they have strong lines with the European Union (J. Kuipers, interview, June 10 2015). Although their focus is mainly on the asylum procedure and less focused on undocumented migrants their positions about the quality of protection in Europe is quite clearly stated: “no matter where a person applies for

asylum in the EU, they will be treated humanely in accordance with international and European refugee and human rights law” (European Council on Refugees and Exiles. n.d.). Moreover, ECRE is committed to the Dutch migrant policy since they state that “the (Dutch) government hopes that by making it as difficult as possible for people, they will eventually go away but you should never violate human rights as a means to force them to return” (European Council on Refugees and Exiles, 2014). Finally, this thesis included ECRE, since their Dutch member state (Vluchtelingenwerk Nederland) has quite strong connections with the Dutch state since they execute a public function by informing and supporting asylum seekers throughout the process (Vluchtelingenwerk Nederland, 2011). The strong link between the Dutch government and VWNL can also be seen in the fact that they were included during the public hearing organized by the national government after the statements of the Council of Europe (Van den Akker, 2015). Thus they are concerned with the topic, involved and consulted by the Dutch government. An interview with a board member and a former board member of ECRE is conducted in order to get more knowledge about the organization. Dutch participants of ECRE, Vluchtelingenwerk Nederland and UAF, are also interviewed in order to gain more knowledge about ECRE as network organisation. These interviews will also find out in which way they exert influence and why they did not use the Collective Complaint Procedure as a tool to influence the Dutch policy process.

The same holds for the final transnational network NGO PICUM. PICUM has as main goal to ensure social justice and human rights for undocumented migrants (Platform International Cooperation on Undocumented Migrants, 2015) and thus suggested as an important organization. Also their member organization (Stichting LOS) is being interviewed in order to get a comprehensive picture about PICUM and why they did not use the Collective Complaint Procedure as a tool to influence Dutch policies. With PICUM it was impossible to arrange an interview, a phone call or an e-mail correspondence, so the main questions were answered by their member organization Stichting LOS. Finally two additional interviews were done in order to gain more knowledge about the process. The first was with a professor international and European law, specialized in migration issues. Moreover, she worked for the green-left party on national level and she works now as senator. The second interview was conducted with someone from Platform Kinderen op de Vlucht who issued a complaint in Belgium, about a similar topic in a similar way (Collective Complaint Procedure). Since both participants were not included in one of the organizations and less involved with the process, they might offer different and perhaps more objective insights.

It is important to point out that this thesis chose to work mainly with domestic NGOs. This is done because the domestic players were more open to interviews than the transnational network NGOs, so they were easier to approach. Moreover, they provide good insights in the relation between the domestic player and the transnational player. Thus, because of time scarcity, this thesis chooses to kill two birds with one stone since member organizations can also provide useful insights in the transnational network NGO. Within appendix 2, an overview of the participants and their added value can be found. However, those interviews were not the only collected data this research uses.

Secondary sources

The results of the interviews are the most important results for this research. Although, in order to gain more insight in the internal organizations, secondary sources like websites, statements, year reports of all the organizations will be studied as well. Furthermore, in order to gain more insight in the influence process and the reactions, newspaper articles are also studied. Finally, official documents about the decisions made by the Council of Europe and also official legislation has been studied. However, most of these secondary sources are used as supporting material.

3.5 Data analysis

In order to scientifically proof the findings, this research will first transcribe the recorded interviews. Afterwards the answers of the participants will be encoded. This coding will be done on the basis of the methodological frameworks and concerns an open coding method. This means that all the collected data are carefully examined and divided in fragments. The most relevant fragments will be labelled while using existing and new codes and will be compared (Boeije, 2005, p. 85).

In order to systematically analyse the fragments, a code tree is developed in order to guide the labelling process and can be seen in figure 3.1. The code tree is also divided in the three phases. Within the first phase agenda setting is the main code, including the two main theories. In the second phase the influence process is set apart including the participation and goal attainment concepts. Within the third phase global interaction and agenda setting are divided into codes. In order to find explanations for differences and between NGOs a second part of the code tree is developed. Within this second part, the internal organization and context codes are included. All these codes can be traced back in figure 3.1.

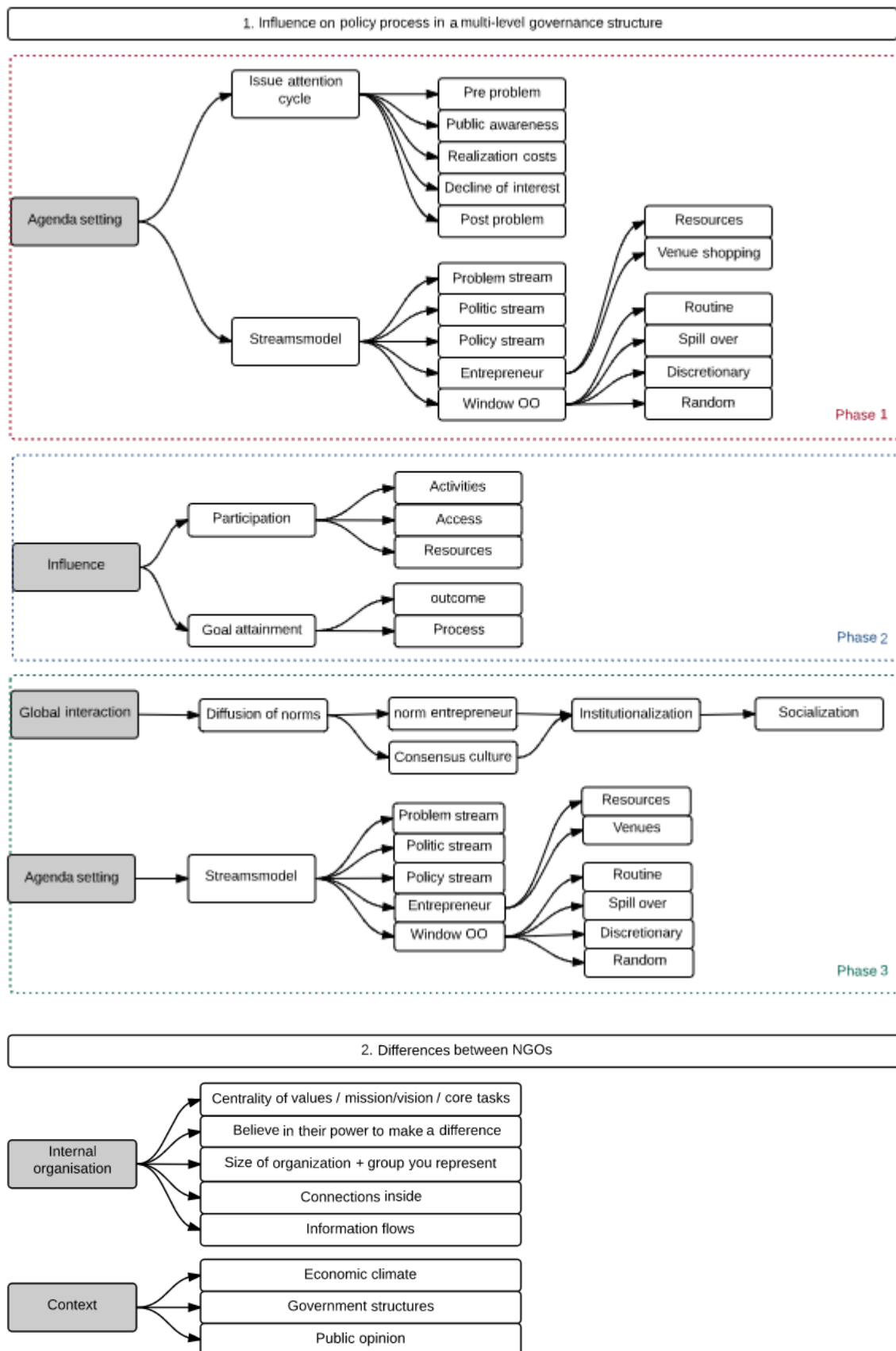


Fig 3.1 The code tree in three phases.

3.6 Validity and reliability

Validity

The validity of the research is concerned whether the measure instruments represents what it suppose to measure (Hair et al, 2010, p. 7). One can distinguish between content validity, construct validity, internal and external validity. Content validity is concerned with the question whether concepts are measured the way they should be measured (Vennix, 2009). The content validity is determined by the literature available about the concepts. In order to ensure content validity a thorough literature study has taken place. Furthermore, the central research question was constantly connected to the concepts when developing the methodological frameworks. Finally, this thesis deprives its main results from interviews, which means that the participant could guide the researcher with clarifying underlying or accompanying concepts.

Construct validity is concerned with systematic errors. This means for instance that the interview participants might give socially accepted and desired answers (Vennix, 2009). There is a chance that a participant gives the wrong answer, especially when it comes to certain sensitive questions. In order to combat socially accepted and desired answers, the researcher tried to stay critical and tried to penetrate arguments. This is possible because the interview guideline is semi-structured and provides space for further interpretations. The researcher also enabled the expertise of other people, who were not bound to a certain organization or role. K. Fournier (interview, July 3, 2015) for instance, helped to gain more insight in the process, while she was not connected to one of the three investigated transnational network NGOs. Finally, the option to stay anonymous was given and the researcher tried to ensure a trusted and secure environment to speak openly

Internal validity is the degree in which the conclusions of the research also accounts for the research group (Vennix, 2009). The research group consists of the domestic NGOs and the transnational network NGOs which operate in the migration policy field. In my opinion I think that the internal validity is quite high. This is mainly due because the participants include quite different persons, with different roles and operating in different kind of organizations (small vs. big). However, I only spoke with Dutch domestic NGOs. The relation between the domestic NGO and the transnational network NGO might be different in different countries, which might lead to different results. The same holds for the norm diffusion part. As stated in the theoretical framework, the power of norm-diffusion depends on the kind of country where the domestic NGO is vested.

The external validity is related to the question whether the conclusions accounts for other situations outside the research group (Boeije, 2005). According to several authors including Vennix (2009) and Hair et al. (2010), the external validity of a case study is often under pressure. This is mainly due to the fact that investigating only a few cases makes it hard to externalize the research. This also accounts for this research in which the external validity can be improved, since the group represents only NGOs involved with migrant policies and thus social issues. Due to time scarcity, the conclusions are based on three transnational network NGOs and their accompanying domestic NGOs. This makes the construction of generalizations for domestic and transnational network NGOs working in other policy areas and operating in different countries hard.

Reliability

Reliability refers to the consistency, predictability and accuracy of the research (Hair et al, 2010, p. 8). This means that the same results should occur if the research is repeated by other researchers (Vennix, 2009). In case studies, this is quite hard since there are a lot of aspects that might influence the process. The first obstacle for this research was that the approached people often had different roles. Like J. Kuipers of Vluchtelingenwerk Nederland (VWNL), who is deputy director of VWNL and board member of ECRE. Also T. Strik is a well-known lawyer in the field of migrants and worked for a political party during the amnesty agreement and is still senator. One should keep in mind that it was crucial to find out from which role they argued.

A second obstacle for the reliability of this thesis is the fact that the interview questions varied per organization and per person. This was because the interview guideline is semi-structured in order to get a smooth and natural conversation instead of an examination. This research chose for this set up, in order to create a safe and secure place to speak. Because of this, it will be harder to duplicate this research, since it depends on the participant how the questions were formulated. Furthermore, the focus varied per person and per organization because they all have their specific knowledge and opinion about the topics. However, in order to keep the questions comparable the topics remained the same.

Thirdly, the conditions of the interviews were not always perfect. Especially when the interviews were conducted by the use of Skype. Because of the internet connection, it was sometimes hard to interrupt when necessary. Furthermore, it was also harder to create an open, safe and secure space where the participants could speak openly. Finally, both researcher and participant might be more aware of its own voice, body language and can be

more distracted because of this. However, it was crucial to use Skype, because it opened up the opportunity to speak with very useful participants like B. Jonker from the UAF who was also in the board of the ECRE and now lives in London. The same holds for the office of CEC who transmitted all the information and issued the complaint, which is situated in Strasbourg.

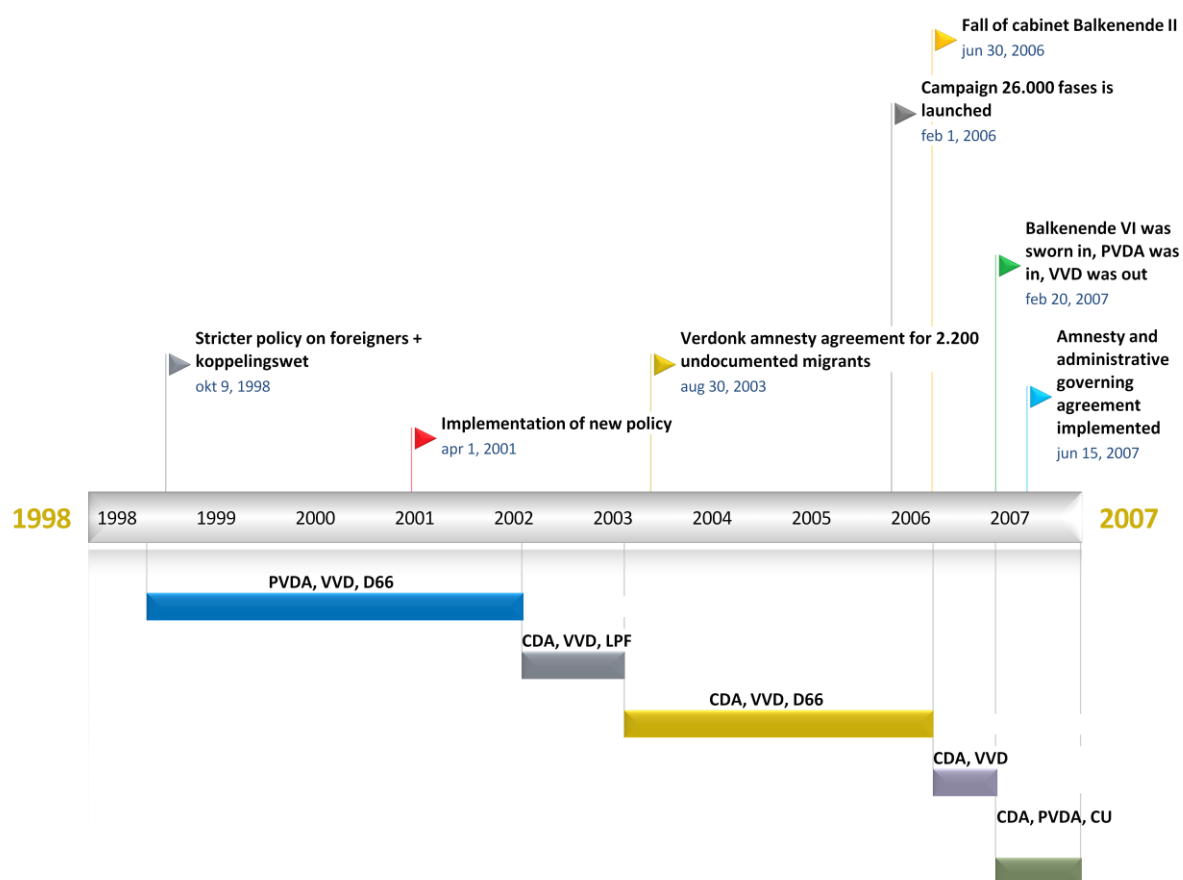
4. Analysis of the case: provision of shelter, food and basic care to undocumented migrants in the Netherlands

As mentioned in the introduction, the purpose of this thesis is to compare three transnational network NGOs in their influence on domestic policies. As became clear, the first phase is concerned with the domestic NGOs that were blocked by the national government and will be described as first. The second phase captures how the domestic NGO (CEC) bypassed the Dutch government and influenced the Council of Europe in cooperation with the transnational network NGO. It will analyse why and how they did it and what the differences are with the other domestic and transnational network NGOs. In the final part, the influence of the Council of Europe on Dutch policies is analyzed. Before turning to the analysis of the different phases of influence, the case will be illustrated. In order to reduce overlapping, the case description is a short introduction. This is decided because the case is included in the influence process which is enfolded and explained during the analysis.

4.1 Provision of shelter, food and care for undocumented migrants in the Netherlands

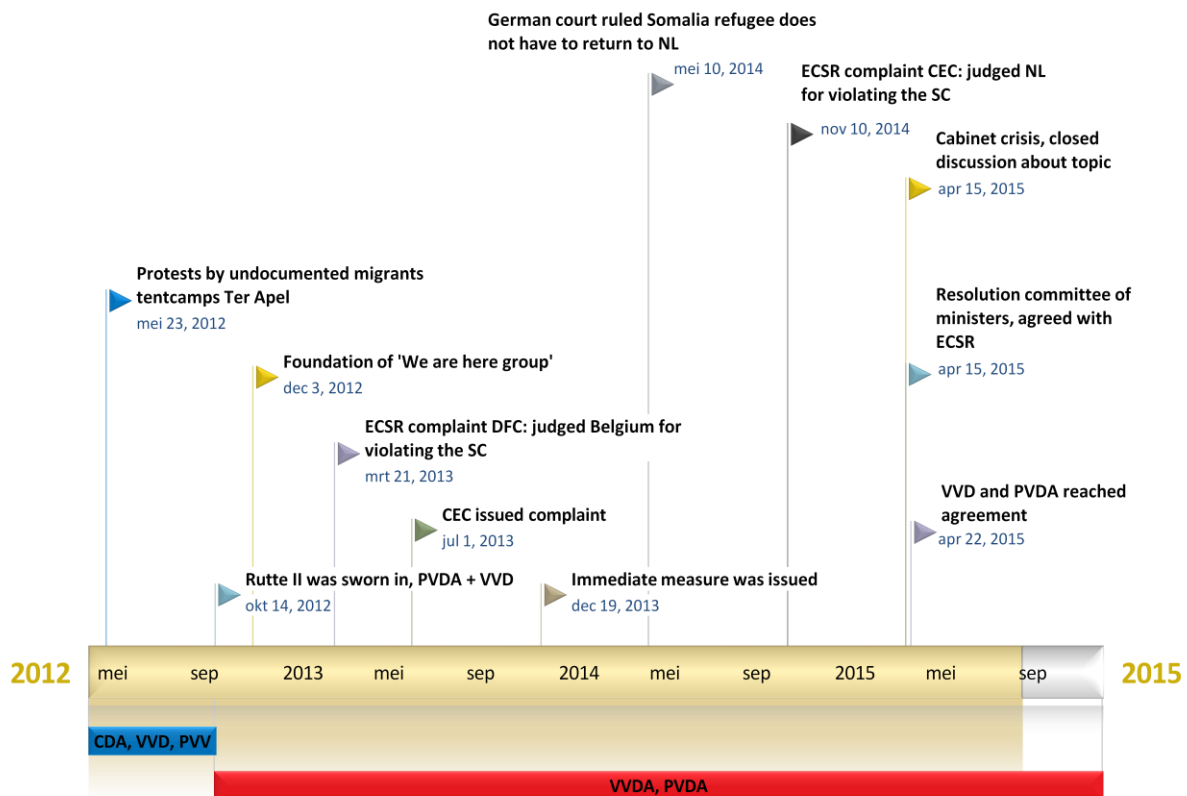
The case regarding the provision of shelter, food and basic care for undocumented migrants in the Netherlands is taken place in two time periods, which can be seen in time table 3.1 and time table 3.2. The first part, as you can see in time table 3.1 starts in 1998 when a stricter asylum policy was accepted together with a new law called the ‘Koppelingswet’. Impetus for this alteration of the policy, was a large increase in the number of asylum applications (Tweede Kamer der Staten Generaal, 1999). The ‘Koppelingswet’ contains that if your application has been accepted, you are equal and have the same rights as every Dutch citizen. Conversely, when you are rejected you are ‘undocumented’, you do not have any rights and you have to leave the country within 28 days. Thus after 28 days they were suppose to leave the asylum centre and had to take care of themselves (Centraal Orgaan Opvang Asielzoekers, n.d.; Paspalanova, 2006). On paper these undocumented migrants were back to their country of origin, while in real life they were roaming the streets (Deira, 2014). The second time period starts with the rise of public attention which eventually leads to the complaint issued by the CEC at the European Committee of Social Rights through a Collective Complaint Procedure. This led to a fierce political debate in the Netherlands and a modification of the current policy (Bakker & Hoedman, 2015). An overview of the events that are relevant for the

analysis can be traced back in the timetables. The next section will elaborate and provide clarity about the Collective Complaint Procedure.



Timetable 3.1 First time period 1998-2007

Between 2007-2012 there were less relevant events regarding the issue addressed. That is why there is a division between two time periods. The first one can be seen above and the second one can be traced back below.



Timetable 3.2 *Second time period 2012-2015*

4.2 The Council of Europe and its Collective Complaint Procedure (CCP)

As one can see in the case description, it can be argued that the Council of Europe and the complaint procedure caused political unrest within the Netherlands. This intergovernmental organization includes 47 member states, 28 of which are members of the European Union. The organization is an independent body and is not controlled by the European Union, which is a separate organization. Furthermore, the Council of Europe, compared to the European Union, cannot make binding laws. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights. The European Convention on Human rights is being monitored by the European Court of Human Rights as one can see in figure 4.2 (Council of Europe, n.d).

When NGOs want to denounce a policy of a member state of the European Union because it violates human rights, they can issue a complaint provided that they are authorized. This Collective Complaint Procedure is visualized in fig 4.2 and revolves around the Social Charter. This European Social Charter Treaty is adopted in 1961 and revised in 1996. Within this Charter the European norms and values regarding human rights and freedoms are set apart. The Collective Complaint Procedure provides a supervisory mechanism that guarantees

the respect of these fundamental rights and freedoms by the member states of the Council of Europe (Council of Europe, 1996).

The European Committee of Social Rights (ECSR) ensures and execute this Collective Complaint Procedure. They determine whether the member states comply with the Charter (Council of Europe, n.d.; Council of Europe, 1996). This procedure starts with examining a complaint issued by an authorized NGO. If the formal requirements have been met, the European Committee of Social Rights declares it admissible. Once the complaint has been declared admissible, a written procedure is set in motion including a lot of information streams between the parties concerned. Subsequently, the Committee judges if the complaint indeed shows violation of the Social Charter. Their statement is forwarded to the Committee of Ministers who bring into being a political resolution about the juridical decision made by the ECSR. Since the Committee of Ministers is a political body, it offers lobby possibilities for other countries and the country concerned. Within the end resolution, the Committee of Ministers may, if appropriate, recommend that the state concerned takes specific measures to bring the situation into line with the Charter (Churchill & Khaliq, 2004; Council of Europe, n.d.). The relation between the Collective Complaint Procedure and the three transnational network NGOs together with their domestic member NGOs is outlined in the next section.

4.3 Influence process divided into three phases

In order to structure the analysis, it is presented in the three phases. These phases are built upon the boomerang model of Keck and Sikkink (1998). The first phase is outlined in red, the second in blue and the third in green as can be seen in figure 4.3. The analysis starts with the description of influence in the first phase.

Phase 1: Dutch electoral interests in blocking NGOs

Within this phase, Dutch domestic NGOs tried to influence the Dutch state in order to solve their problem definition. In order to analyze this process, this section will more closely examine the policy process within the Netherlands during the two time periods.

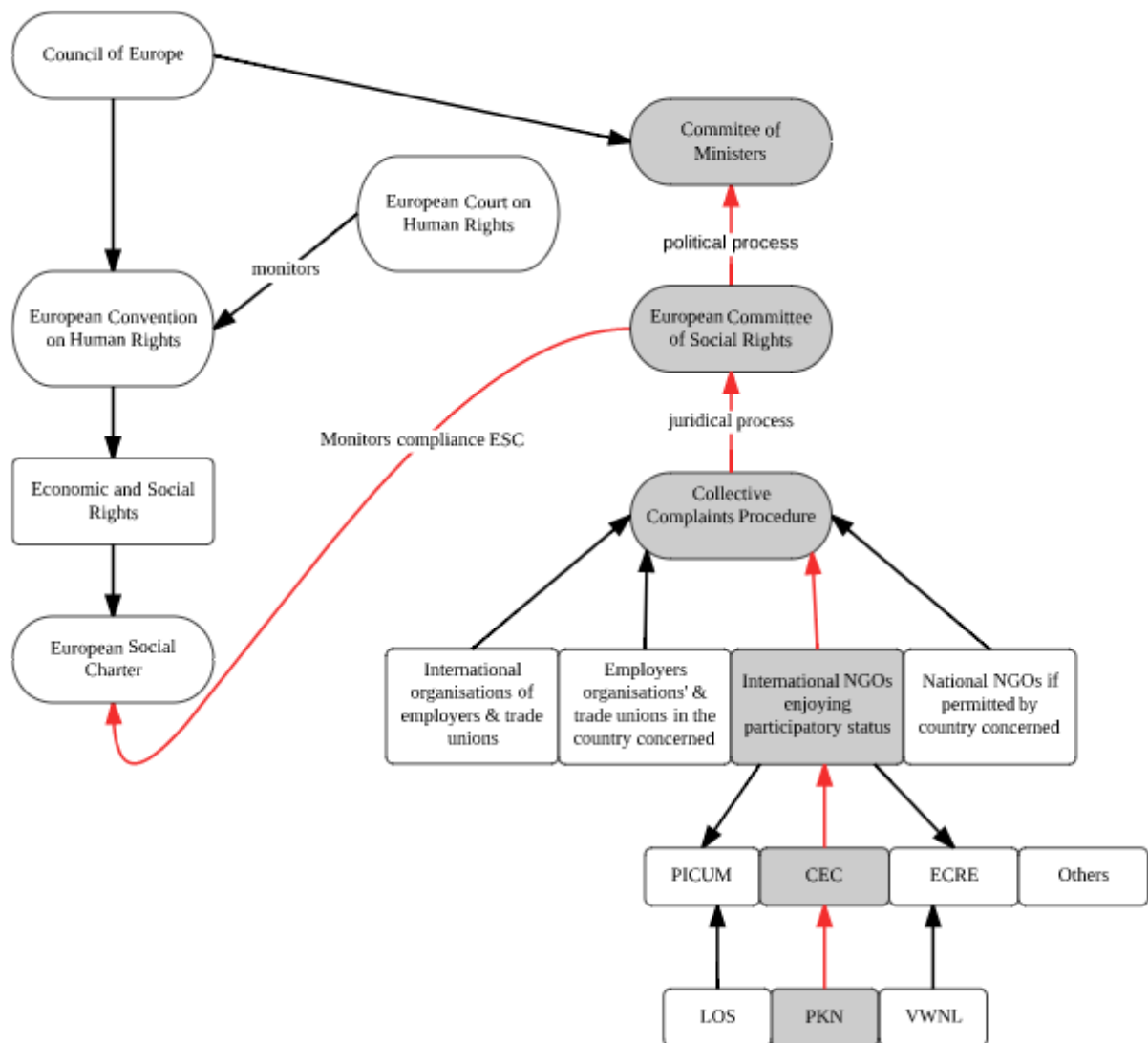


Fig 4.2 The Council of Europe and the Collective Complaint Procedure in grey + red arrow

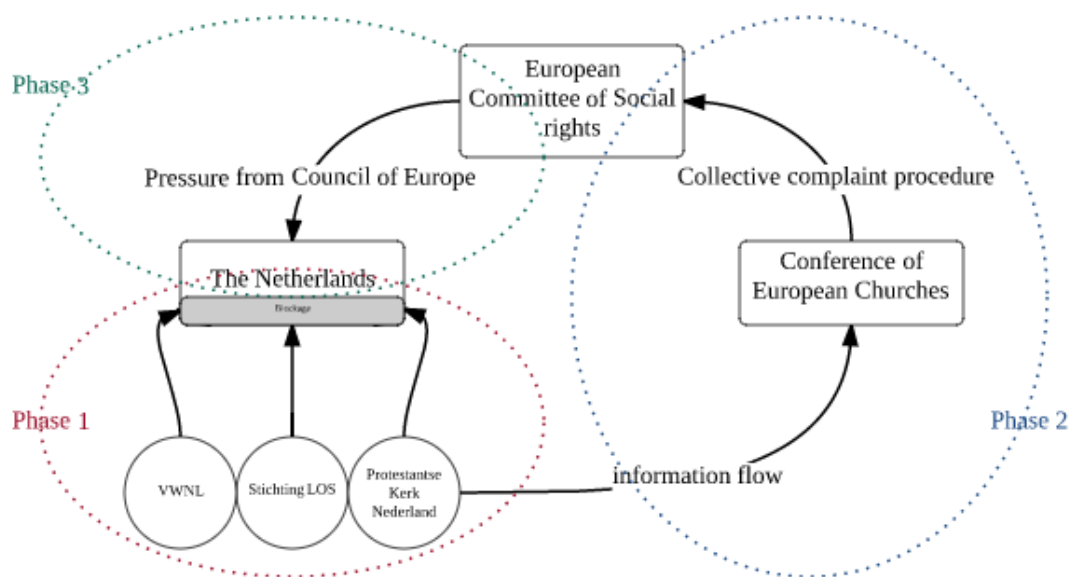


Fig 4.3 Exerting influence in three phases

This first phase is concerned with the question: what the domestic NGOs did to address their problem and bring it to the national agenda within the time period 1998-2000? The PKN and Stichting LOS were fierce in lobbying the Dutch state to solve the problem that undocumented migrants were forced to live on the streets. Their problem definition was that no one should live on the streets and everybody should have access to basic care and food (R. Ederveen, interview, June 17, 2015; G. Werkman, interview, May 19, 2015). They protested, talked and organized demonstrations: *“And actually since 2001, with the implementation of the new law on foreigners, we already protested because we saw it happening in front of us. People who were put on the street, and as a church you are there for people who fall between two stools. So that is where we protested against. And we protested endlessly, until we thought ok, what can we do now³?”* (G. Werkman, interview, June 17, 2015). The municipalities were on the side of the PKN and Stichting LOS since they were overwhelmed with the amount of people roaming the streets trying to survive (De Feijter, 2014; NOS, 2014; R. Ederveen, interview, June 17, 2015; Vluchtelingenwerk Nederland, 2014). So they perceived highly undesirable social conditions (Downs, 1972). Municipalities including parties from the whole range of the political spectrum did acknowledge their problem definition because of these undesirable social conditions (R. Ederveen, interview, June 17, 2015).

The urge was felt and something needed to be done. Non-governmental organizations, including Vluchtelingenwerk Nederland bundled their powers and started a campaign called 26.000 faces which was considered as very effective (J. Kuipers, interview, June 10, 2015; T. Strik, interview, June 29, 2015). This campaign suggested that a faster and fairer asylum procedure is the best solution (policy stream) but fits a different problem stream. Vluchtelingenwerk Nederland was concerned with the fact that the asylum procedure took too long and they wanted to enlarge the group that has the right on shelter basic care and food (J. Kuipers, interview, June 10, 2015; M. Wijnkoop, interview, June 15, 2015). When the cabinet including the liberal party (VVD) fell because of a scandal (politic stream), a discretionary window (Kingdon, 1995) opened up. The labour party (PVDA) took advantage of this window, because they made an amnesty agreement priority of their election campaign (M. Wijnkoop, interview, June 15, 2015). After the elections which they won on the 15th of June 2007 they directly implemented the amnesty (Politic stream) (M. Wijnkoop, interview, June 15, 2015). In that sense, the labour party can be perceived as a policy entrepreneur. In return

³ Translated by the author

the state insisted that the municipalities should stop violating the policy, which was agreed upon by means of a administrative governing agreement between the national government and the municipalities (Deetman & Albayrak, 2007; Vereniging van Nederlandse Gemeenten, 2009). In sum, three streams were coming together, since the problem (asylum procedure), the solution (faster and fairer procedure + an amnesty agreement) and the politics (a more left oriented cabinet) streams were used by a policy entrepreneur (the labour party). Because of this solution, there was a decline of interest and the topic went of the public agenda. However, the problem stream and the policy stream that Stichting LOS and PKN wanted to address, still existed.

In 2012, the problem definition of Stichting LOS and the PKN received new attention when tent camps and protests were organized (De Feijter, 2014). The undocumented migrants who were staying in Ter Apel were protesting against the fact that they had to live on the streets (Klis, 2012). The ‘we are here’ group supported them in their fight for their rights. Meanwhile, in Belgium a complaint was issued by Defence for Children. This complaint was issued in 2011, however in March 2013, the European Committee for Social Rights judged that Belgium was violating the European Social Charter. Defence for Children issued a complaint regarding the same issue as where the protesters were protesting against. However, Defence for Children focused solely on the children of undocumented migrants (European Committee of Social Rights, 2013). Another striking event happened on the 10th of May in 2014 when a German court ruled that a Somali refugee did not have to return to the Netherlands because of the inhumane conditions (Kas, 2014b). This decision is in conflict with the Dublin Treaty that declares that member states have the right to sent refugees back to the country where they applied for their first asylum (Verordening (EG), nr 343/2003)⁴. Public attention was rising even further and with an estimation of 35.530 undocumented migrants (Van der Heijden, Cruijff & van Gils, 2015) on the 17th of January 2013, it was the moment that a domestic NGO in the Netherland took action.

Nevertheless, the national government did not acknowledge the problem as such and did not gave the municipalities permission neither money to provide basic care, shelter and food (De Feijter, 2014; G. Werkman, interview, May 19, 2015). R. Ederveen (interview, June 17, 2015 states that a state secretary of the Christian government party (CDA) did not even know that this what happening, she thought it was implausible in the Netherlands (R. Ederveen, interview, June 17, 2015).

⁴ Regulation Dublin II convention

The question that comes up, is why Stichting LOS and PKN were blocked by the government with their problem definition? Electoral interest might have played a significant role in why the government was inadmissible for the signals the domestic NGOs emitted. It is a liberal idea that it is the people's own responsibility to return to their country of origin within the given time. In addition, it is also a more right wing oriented politic thought that a stricter policy might discourage migrants to come to the Netherlands and to cooperate earlier with their return (J. Kuipers, interview, June 10, 2015). If the government took effort to solve the migrant issue, the liberal party (VVD) might lose voters to the more right wing oriented PVV party. Furthermore, the two governing parties (liberal party and the labour party) are opposed to each other regarding this topic (J. Kuipers, interview, June 10, 2015; T. Strik, interview, June 29, 2015). It can be argued that both parties were afraid that when this issue reaches the national agenda it might lead to a crisis between the two government parties.

In sum, the Dutch domestic NGOs, were blocked by the Dutch national government because their problem definition did not fit their electoral interests. The solution to fix the problem could result in losing voters. That is why the government might have turned to a different problem definition (problem stream) with a different solution (policy stream), which reduced the problem (less people living on the street) and restores order. It can be that they also might not have foreseen the consequences of their existing policy, although T. Strik (interview, June 29, 2015) has a fair point when stating that with a little more rethinking of the issue, this could have been foreseen. It thus can be argued that the Dutch government just did not want to see it and on paper those people were not roaming the streets. The politicians shut their eyes, kept the issue of the public agenda, until they were bypassed in phase 2.

Phase 2: Success of CEC in influencing ECSR

In order to see how the CEC influenced the Dutch policy process by influencing the Council of Europe (phase 2, see fig. 4.3) it will apply the developed methodological framework to the case. The participation of NGOs in the process can explain how they intentionally transmitted information to the European Committee of Social Rights (ECSR) and how it led to a decision. This section tries to gain some insights in how the CEC participates through activities, access and the mobilization of resources. It continues with describing and explaining the behaviour and decision of the ECSR and the Committee of Ministers. Finally it explains how the CEC differed from the ECRE and PICUM in their influence.

Activities/strategies

It is important to clarify through which lens the CEC was trying to influence the policy process in the Netherlands. This problem definition is the same as the PKN which is that no one should be living on the streets. The PKN declared that the Dutch government has failed to fulfil its obligations regarding the European Social Charter. This means that the Netherlands is violating the right to social and medical assistance (article 13 / 4) and the right for housing (article 31/2) (European Committee of Social Rights, 2014). Thus, the PKN and the CEC considered it as inhumane that people lived on the streets without having shelter and access to basic care (De Feijter, 2014; G. Werkman, interview, May 19, 2015; Van den Dool, 2015; R. Fischer, interview, May 20, 2015). This problem definition is at the heart of the underlying norms and values of Christian faith. Within the Bible there is a lot consideration for the relation with foreigners, which is basically the key point of the issue addressed. Moreover, the CEC also states that what they worldwide do, is to stand up for human rights of disenfranchised. So with that in mind, this was their job to do and they took it seriously (R. Fischer, interview, May 20, 2015; Werkman, interview, May 19, 2015). One can conclude that the core of Christianity is this issue, which resulted in the fact that everyone within the CEC agreed that something needed to be done (G. Werkman, interview, May 19, 2015; J. Röselaers, interview, May 1, 2015; J. Vercammen, interview, May 26, 2015).

In order to address this issue, the PKN went to the CEC who submitted a complaint through the explained Collective Complaint Procedure. This was a new strategy since the PKN normally just did small-scale activities while now they moved to the transnational level. J. Röselaers (interview, May 1, 2015) states: *“And just to take this step at all, they (PKN) usually are doing small-scale demonstrations but this was really a whole other way to exert influence and I found that surprising (...). It used to be some old people, on the dam (Central square in Amsterdam) with a placard and that's it (...). And this is a whole different and new way to exert influence and it succeeded.”* (J. Röselaers, interview, May 1, 2015). G. Werkman from the PKN also adds that there was excitement within the CEC to give it a whirl (G. Werkman, interview, May 19, 2015). It is interesting to note that they never used this strategy before and now they did. This could be explained by the fact that there is a shift in the activities of NGOs. Before, the main focus of especially transnational network NGOs working in the field of migration, was to lobby the European institutions. However, with the introduction of the Common European Asylum System there is less to lobby and more to monitor. One could expect that more transnational network NGOs are going to use the Collective Complaint Procedure in order to monitor the compliance of new rules and new

norms within Europe (B. Jonker, interview, May 4, 2015; J. Kuipers, interview, June 10, 2015; T. Strik, interview, June 29, 2015).

With selecting the Collective Complaint Procedure, the CEC (and thus also the PKN) intentionally influences the underlying norms and values of the Dutch policy. This is because the ECSR is based upon the Social Charter, which reflects European norms and values (Council of Europe, n.d.) In order to influence these norms and thus using the Collective Complaint Procedure, it is crucial to make a good case since the first part of the process is a juridical procedure (R. Fischer, interview, May 20, 2015; G. Werkman, interview, May 19, 2015). With regard to this juridical procedure, the CEC needed to transmit comprehensive information to the ECSR. This resulted in an intensive information flow between the CEC and the PKN, which the PKN in turn collected from the churches in the Netherlands and other actors involved with knowledge about the issue (R. Ederveen, interview, June 17, 2015; R. Fischer, interview, May 20, 2015; G. Werkman, interview, May 19, 2015). Information exchange is thus important for the success of influence, especially for transnational network NGOs who depend on the information from their domestic member NGOs (Betsil & Corell, 2001; Marsh & Rhodes 1992; Sabatier, 1998).

The CEC also believed in their power to make a difference, otherwise they would not have undertaken this specific action (G. Werkman, interview, May 19, 2015). It might be due to the fact that within the statement of the Defence for Children complaint states that nobody should be living on the streets. As a result, they could partly assess the position of the ECSR about the concerned articles of the Social Charter (T. Strik, interview, June 29, 2015). Although, it is still quite delicate since the statement is that nobody should live on the streets, neither poor people, drug addicts, prostitutes etc. Which is an imposing statement and has quite an impact on several European member states. With this in mind some outsiders had their doubts about the success of the CEC (T. Strik, interview, June 29, 2015). In addition, the CEC felt they had nothing to lose since their reason of existence is that they have to stand up for human rights, which is what they did with issuing such a complaint (G. Werkman, interview, May 19, 2015; R. Ederveen, interview, June 17, 2015).

What happened with the information flow from Stichting LOS and Vluchtelingenwerk Nederland to their transnational network NGOs PICUM and ECRE? Vluchtelingenwerk Nederland did not undertake any action to address this issue at ECRE, because they did not consider this as a problem, which concerns their (ECRE's and VWNL's) main core tasks. (J. Kuipers, interview, June 10, 2015; M. Wijnkoop, interview, June 15, 2015). J. Kuipers (interview, June 10, 2015) acknowledges that Vluchtelingenwerk Nederland supports the

problem definition of Stichting LOS and PKN and also that the ECRE shares the same vision. However, J. Kuipers (interview, June 10, 2015) underlines that it is not VWNL's core business and they mainly use their transnational network NGO (ECRE) when it is about their core tasks. This is supported by B. Jonker (interview, May 4, 2015) and M. Wijnkoop (interview, June 15, 2015). Finally, J. Kuipers (interview, June 10, 2015) and M. Wijnkoop (interview, June 15, 2015) do also acknowledge that the division line between their target group and others is sometimes blurry, which causes discussions within Vluchtelingenwerk Nederland (VWNL) what their role exactly is in this debate (J. Kuipers, interview, June 10, 2015; M. Wijnkoop, interview, June 15, 2015). Thus, the reason why there was no information flow between the domestic NGO (Vluchtelingenwerk Nederland) and the transnational network NGO (ECRE) is due to the fact that the issue does not utterly fit the organizational goals of both organizations.

However, their supporting instead of leading role within this debate, might also be due to the relation VWNL has with the Dutch state. Wijnkoop (interview, June 15) and Kuipers (interview, June 10, 2015) state that VWNL seeks cooperation and a juridical procedure is their last resort. This might be due to the fact that they depend on subsidies from the government (J. Kuipers, interview, June 10, 2015; M. Wijnkoop, interview, June 15, 2015; Vluchtelingenwerk Nederland, 2015). The option that they might be restricted in their actions because of these subsidies is rejected by Wijnkoop (M. Wijnkoop, interview, June 15, 2015). J. Kuipers is a bit more nuanced and he agrees that the churches make better use of the option to think outside the box and to act along the beaten path more than VWNL. He attributes this to the fact that VWNL always cooperates in the same way, and they might be a bit more stuck within routines. However he also acknowledges that Vluchtelingenwerk Nederland does have a close connection with the Dutch government which might cause a bit more restriction in considering their actions (J. Kuipers, interview, June 10, 2015). The subsidies might indeed play an important role since it did caused unrest within Platform Kinderen op de Vlucht in Belgium. They depended on the subsidies provided by the government and after the complaint, their subsidies were minimized (K. Fournier, interview, July 3, 2015). Such strategic considerations may be the reason why VWNL might be less font on bringing a legal case (T. Strik, interview, June 29, 2015).

PICUM considered taking action via the Collective Complaint Procedure but decided not to issue the complaint because of a lack of resource mobilization which will be explained below (R. Ederveen, interview, June 17, 2015). Besides, PICUM might have been more reluctant to undertake action since they felt they had something to lose while the PKN did not.

It is PICUMs primary task to improve policies regarding undocumented migrants, while failing such a case might reduce the chance of improving these policies (R. Ederveen, interview, June 17, 2015). Their domestic member organization Stichting LOS however, did be of assistance with providing information because they perceived the same problem as PKN and it fits the organizational goals of Stichting LOS (R. Ederveen, interview, June 17, 2015). Stichting LOS transferred their knowledge to PKN what was channelled to CEC and eventually received by the ECSR (G. Werkman, interview, May 19, 2015). Thus, CEC is the only transnational network NGO that tried to influence an intergovernmental organization (ECSR) in order to influence Dutch policy by transmitting information and local knowledge and experiences to the decision makers (ECSR).

Access

With consulting and using PKN's transnational network NGO (CEC) in order to influence the Council of Europe, the PKN moved level-up to another venue. This strategy can be labelled as venue shopping since the PKN went to a different level of decision-making authority. The ECSR has its own decision rules, norms, and procedures, its own discourse and jurisdiction and its own preferences and constituencies (Pralle, 2006). The PKN went level-up, because the lobby possibilities within the Netherlands were exhausted. However, they probably also have more chance on this level, since international treaties strive for a society where each human is treated with human dignity. The Council of Europe portrays itself as an intergovernmental organization to protect human rights. In this regard, Europe can be considered as a norm diffuser and more accessible for human rights and thus migrant issues (Börzel & Risse, 2000; Council of Europe, n.d; R. Ederveen, interview, June 17, 2015; T. Strik, interview, June 29, 2015)

Another important fact is that in order to gain access to the Council of Europe, the PKN relied on the CEC since the PKN was not authorised to issue such a complaint. In that way, the domestic NGO relied on their membership with the transnational network NGO to gain access to the institution they wanted to influence and be successful (R. Ederveen, interview, June 17, 2015; Council of Europe, n.d.).

In order to have control on the procedure, it probably facilitated that the committee of the CEC (Church and Society), which was handling the complaint, was situated at Strasburg. The office of the ECSR is located nearby the office of Church and Society. In this way the CEC could continuously supervise the process. There was a lot of information going through several levels, from the PKN to the CEC to the ECSR and back. During the procedure when

the ECSR was evaluating the complaint, they kept in good contact (G. Werkman, interview, May 19, 2015; R. Fischer, interview, May 20, 2015). *“So I talked with my colleagues in Strasburg and they are in close contact with the ECSR also in Strasburg and they updated me that they spoke with Pim Fischer and what the next step should be”*⁵ (G. Werkman, interview, May 19, 2015).

The other two transnational network NGOs were also authorized to issue a complaint and thus have access to the procedure. However, if ECRE wants to bypass states and influence Europe they mainly use other institutions within the European Union instead of the Council of Europe. This is mainly due to their focus on the asylum procedure and with the advent of the Common European Asylum System, they are offered more grips to win cases than when focusing on the Social Charter (J. Kuipers, interview, June 10, 2015). In addition, they also have more connections and thus access to the European Commission and Parliament (J. Kuipers, interview, June 10, 2015). Furthermore, besides these connections ECRE also have more knowledge and expertise about lobbying the European Union (B. Jonker, interview, May 4, 2015). Regarding PICUM, they also did not issue the complaint. This might be due to the fact that they are also more familiar and specialized in influencing the Commission and Parliament instead of choosing this new apprehensive way (R. Ederveen, interview, June 17, 2015). In sum, they all had access to the CCP, but where the CEC saw it as a new possibility, PICUM saw it as something insecure. ECRE was not even involved with this, since VWNL nor UAF went to ECRE with this issue (B. Jonker, interview, May 4, 2015; J. Kuipers, interview, June 10, 2015). Thus, all three transnational network NGOs had access to the Collective Complaint Procedure and only CEC used it. This might be due to their information advantage regarding the procedure, because of the strategic location of their office in Strasburg. It might also played a role that there was excitement within the CEC to go for this new venue and were less afraid of choosing this insecure way as PICUM was. Another explanation might be found in the mobilization of resources, analysed in the next section.

Mobilization of resources

In order to transmit information to the ECSR, resources needed to be mobilized. An important resource that the PKN had was their knowledge about the practical side of the Dutch policy. A lot of churches in the Netherlands were dealing with the people who were out on the streets,

⁵ Translated by the author

so they experienced the consequences of the Dutch policy. Their strength was to empower the churches to write reports about this, in order to have concrete material for the case. G. Werkman took initiative and managed to collect all these reports (G. Werkman, interview, May 19, 2015). If the PKN did not have their members working this hard for the case, they would not be successful in their complaint (G. Werkman, interview, May 19, 2015). Not only churches provided input to write comprehensive and conclusive reports, G. Werkman (interview, May 19, 2015) has also a lot of connections within the field who were helping with writing the case (G. Werkman, interview, May 19, 2015; R. Ederveen, interview, June 17, 2015). Just as the PKN relied on the information of its members, the CEC also relied on the information of its member (the PKN) (G. Werkman, interview, May 19, 2015; R. Fischer, interview, May 20, 2015). This global interaction between the domestic NGO, the transnational network NGO and the intergovernmental organization was highly important. One can conclude that the connections inside the network are a crucial factor since the interaction within the network resulted in enough proof to build and eventually win the case (G. Werkman, interview, May 19, 2015)

Furthermore, the PKN also had the juridical knowledge about the procedure because P. Fischer was on their side. P. Fischer is a well known lawyer who is committed to the destiny of undocumented migrants (G. Werkman, interview, May 19, 2015; T. Strik, interview, June 29, 2015). T. Strik thinks that without the help of P. Fischer the PKN and thus the CEC would not have been successful in their complaint procedure: *'T: Yes, I think that without Pim Fischer they perhaps did not manage to succeed. E: So you can label Pim Fischer as one of their success factors? T: Yes! You need to have excellent juridical experts and come with the right things for success.'*⁶ (T. Strik, interview, June 29, 2015).

Next to the fact that the PKN had the knowledge about the procedure and the reality of Dutch practices, they also had someone who was willing to fight for the case. Almost all interviewed persons agreed that without G. Werkman and P. Fischer it would not have been a success. Defence for Children, which was a precedent for this complaint was also a success because of a committed policy entrepreneur. K. Fournier, working for the domestic NGO in Belgium said that the most important factor for the success of Defence For Children was that they had a motivated person that was willing to organize meetings and to collect all the information to make a good case (K. Fournier, interview, July 3, 2015). It might be said that without a policy entrepreneur, success will be less likely.

⁶ Translated by the author

R. Ederveen (interview, June 17, 2015) stated that Stichting LOS is too small to fulfil the role of G. Werkman. When examining the year reports there is a big difference in the amount of employees working for the organizations. Stichting LOS has three paid employees, while PKN provides 269 FTE's (Protestantse Kerk Nederland, 2015; Stichting Landelijk Ongedocumenteerden Steunpunt, 2015). Although it is not mentioned during the interviews or in the year reports that Stichting LOS has troubles with getting funding, it might be that they do have some troubles. Like M. Wijnkoop states, it is harder to attract funding for undocumented migrant than for refugees and exiles (M. Wijnkoop, interview, June 15, 2015). In addition, the economic crisis from 2008 had its impact on the funding of NGOs, which might have played a role as well. It led to a decrease in finances for Stichting LOS offered by the municipalities (M. Wijnkoop, interview, June 15, 2015; R. Ederveen, interview June 17, 2015). Vluchtelingenwerk Nederland also suffered from the change in economic climate since their amount of policy advisors reduced as well (M. Wijnkoop, interview, June 15, 2015). Not only does the economic climate affect the resources of the NGOs, also the social climate. After the amnesty agreement and the administrative governing agreement the amount of undocumented migrants living in the Netherlands was significantly decreased and thus also the amount of members of Stichting LOS was cut in half (R. Ederveen, interview, June 17, 2015).

Taking this together there is an high probability that Stichting LOS did not had enough resources, they could not provide a policy entrepreneur to take action and gather and transmit all the information necessary. This argument is illustrated by an argument M. Wijnkoop (interview, June 15, 2015) offers. She explains that Vluchtelingenwerk Nederland consists of several small organizations within the regions. The information flows between these small member organizations and central organization (Vluchtelingewerk Nederland) is not always optimal. This is mainly due to the fact that the member organizations are working very hard to keep their head above the water. M. Wijnkoop (interview, June 15, 2015) says: *"we continuously ask about everything, all kind of information, while they have to fill in the reports and collect all this information. This costs a lot of time, which they don't have and which is not their main priority"*⁷. This might be same with the relation between Stichting LOS and PICUM. Consequently, PICUM lacked information about Dutch practices and did not believe they could make a difference in influencing the ECSR and the Netherlands. They had troubles with picturing the Dutch reality, which resulted in a lack of risk assessment and

⁷ Translated by the author

in fear that it might fail. VWNL and ECRE both have a lot resources, like money and connections (especially within the EU), but did not use it to solve this problem because they have different priorities. That is probably the reason why there was also no policy entrepreneur regarding this specific issue.

In sum, a crucial factor in influencing the ECSR with the Collective Complaint Procedure and thus an intergovernmental organization, is a policy entrepreneur. A domestic NGO should have someone that is willing and able to collect all the information necessary and forward it to the transnational network NGO to make a good case. This information should obviously be based on knowledge and expertise about the issue, which is essential for a good case. The forwarding process of correct and comprehensive information will help to improve the information flow between members and also improve the connections inside, because of more regularly contact. Not only does the participation give insight in the influence the transnational network NGO had on the ECSR, also the outcome and how the decision is been made are important indicators.

Outcome

Regarding the outcome, within the CEC and the PKN there was no discussion about the goal they wanted to reach since it is the core of Christianity values to stand up for human rights (G. Werkman, interview, May 19, 2015; J. Röselaers, interview, May 1, 2015; J. Vercammen, interview, May 26, 2015). The judgement made by the ECSR on the 10th of November 2014, is that everybody that is vulnerable within the Netherlands must be provided with basic living amenities such as shelter, food, basic care and clothing (European Committee of Social Rights, 2014). Although the resolution of the Committee of Ministers is more lenient, the fact that the Netherlands violates the Social Charter is still acknowledged by the Committee of Ministers (Kerk in Actie, 2014; T. Strik, interview, June 29, 2015; G. Werkman, interview, May 19, 2015). They state that there is alleged violation of the articles 13/4 and 31/2, which includes the provision of shelter and access to basic care. According to them: *“The right to shelter is closely connected to the human dignity of every person regardless of their residence status”* (European Committee of Social Rights, 2015). Therefore the Committee of Ministers endorses the judgement of the European Committee of Social Rights. It is important to note that this statement is more nuanced since they repeatedly state that there is an ‘alleged violation’ instead of a ‘violation’. Furthermore, they do not strongly state that the Netherlands should directly change their policy. However, the Committee of Ministers wants to hear from

the Dutch government how they are going to change the current situation (European Committee of Social Rights, 2015).

Since ECRE was not involved in the process nor the outcome it is hard to say anything useful about the outcome in connecting with ECRE. The same holds for PICUM, although the statements of the ECSR and the Committee of Ministers reflect the values and principles of Stichting LOS as well. In sum, because the goal of the CEC was in line with the core values of Christianity, there was no debate about these goals in contrast with ECRE. The statements from the Council of Europe do reflect these norms and values and thus the goals of both the CEC (PKN) and PICUM.

Process

The first part of the Collective Complaint Procedure is a juridical procedure. With regards to the success of this juridical procedure, comprehensive and conclusive information is necessary. This part is crucial since the ECSR decides on behalf of this information if the Netherlands indeed violates the European Social Charter. Because it is a juridical procedure, the ECSR went through all the information the CEC gave to them, so in that sense the decision makers (the ECSR) did discuss every issue proposed by the CEC (and the PKN). Furthermore, according to almost all interview participants the complaint made by Defence for Children worked as a catalyser. Another event that might contribute to the success of the case is the example with the Somali refugee. The German court ruled that a Somali refugee could apply in Germany for asylum, after he tried it in the Netherlands, which is in conflict with the Dublin Treaty. An exception was made for this refugee since the court judged that the living standards for undocumented migrants in the Netherlands were inhumane (K. Fournier, interview, July 3, 2015; J. Kuipers, interview, June 10, 2015; T. Strik, interview, June 29, 2015; G. Werkman, interview, May 19, 2015).

The second part of the Collective Complaint Procedure is more ambiguous, since it is a political procedure. The ministers of the other member states needed to provide a resolution about the decision of the ECSR. G. Werkman (interview, May 19, 2015) and T. Strik (interview, June 29, 2015) suspect that a lot of lobby activities was going on during the meetings of the Committee of Ministers. This is mainly due to the fact that the resolution does not oblige the Dutch government to change their policy. They first want to receive information about how the Dutch government will change the situation, which is less strong and definitive than the judgement made by the ECSR. Despite these lobby activities, the Committee of Social Rights (ECSR) and the Committee of Ministers both agree on the core of

the agreement (T. Strik, interview, June 29, 2015): *“There was no discussion, simply adopting the resolution voting on the resolution, and the resolution simply takes over or repeats what the committee decided”* (R. Fischer, interview, May 20, 2015). In that sense, also during the lobby, the PKN and the CEC were still in their rights. Additionally, it is unclear if terms became part of the jargon of the two decisions. J. Röselaers (interview, May 1, 2015) said that the catchy phrase ‘Bed Bad en Brood’, comes from the bible, Matthew 25. G. Werkman (interview, May 19, 2015) on the other hand, says that some suggest that she started with it, just to make it short and practical.

Finally, it is important to notice that the CEC did not consult other members of the network organization during the process. Nor did they consult them before the procedure, during or after, which might have been a missed opportunity. One example could have been that if the other member organizations were informed, they might have been used to lobby their ministers. In that way they perhaps could have indirectly exerted influence on the Committee of Ministers what might have led to a stronger resolution.

Taking together, during the first part of the influencing process the CEC has strong influence. This is mainly due to the fact that it was a juridical procedure and they did everything and had all the possible resources (knowledge, connections e.g.) to make a good case. During the second part of the process, the CEC was less influential, because it was a political process. They could have improved this by consulting other members of CEC to lobby for them in order to make a stronger resolution. Which fits the argument of Podolny and Page (1998), Sabatier (1998) and Schmitter and Streeck (1999) that within network NGOs members can learn from each other since there is more knowledge to share and they can use each other’s resources in order to lobby. The stronger the resolution, the more pressure from the ECSR on domestic policies what happened in phase 3.

Phase 3: Norm diffusion

The final phase in the influence process is the pressure from the intergovernmental organization (Council of Europe) on the domestic state (the Netherlands). This pressure is exerted in the form of norm diffusion, since the ECSR made a judgement about the policy in the Netherlands (Risse & Sikkink, 1999). By judging that the Netherlands violates the European Social Charter a normative misfit between European norms and Dutch norms is addressed (Börzel & Risse, 2000). This judgement is non-binding, which means that the Dutch government does not have to comply with it (European Council, n.d.). However, the Committee of Ministers agrees with the ECSR on the violation of the Social Charter

(European Committee of Social Rights, 2015). This means that ministers throughout Europe condemn the situation, which gives the statement more leverage and thus more pressure.

The Dutch government probably felt this pressure and the problem came on the national political agenda. The Netherlands might have felt the need to act appropriate, according international norms because of their international image. This reasoning is in line with the English school (Larson & Shevchenko, 2010) and the 'logic of appropriateness' (March & Olsen, 1989). Now that the issue was on the Dutch national agenda, a window of opportunity opened up for domestic policy (norm) entrepreneurs. It was not completely random, because the state was informed about the complaint. It also cannot be considered a spill over window, since it is a new case and not happened before in the Netherlands. That is why it is categorized as a discretionary window (Kingdon, 1995). The statements are seen as an event which triggered the opening of the window (Keeler, 1993).

Although there was a window of opportunity, it is considered as a small window since the judgement and the resolution are not binding. Related to that, there was no actual space for policy entrepreneurs in the Netherlands since the statements caused a cabinet crisis and the door for other to intervene was shut (Bakker & Hoedman, 2015; J. Kuipers, interview, June 10, 2015; M. Wijnkoop, interview, June 15, 2015). In that sense, conflicts in political interests predominated which fits the world of domestic politics perfectly (Falkner & Treib, 2008). The statements from the Council of Europe not only opened a window of opportunity for Dutch policy entrepreneurs, these statements can be deployed by other member states as well. T. Strik (interview, June 29, 2015) argues that a statement of the Council of Europe can be used by domestic lawyers. This means domestic policy entrepreneurs in other member countries can use the statements to improve domestic policies regarding the provision of shelter, basic care and food to everybody who needs it. Moreover, it might also be linked to the European Union. T. Strik (interview, June 29, 2015) suggests that there are several reference points like the return directive. Within this directive, it is said that member states should provide a solution for the ones that do not return to their country of origin and thus continue to live illegal on their territory (T. Strik, interview, June 29, 2015). She states that one should not underestimate the possibilities and the power NGOs have in influencing domestic policies (T. Strik, interview, June 29, 2015).

After a fierce debate in the Netherlands, the Dutch government reached an agreement on the provision of shelter, basic care and food for undocumented migrants. They agreed that five accommodation centres for undocumented migrants will be realised. Nevertheless, the coalition adds a condition that undocumented migrants need to cooperate with their return

(Bakker & Hoedman, 2015). This final addition, does not reflect the goals and the principles of the PKN nor the CEC nor the complete statement made by the ECSR. They all state that the Dutch state should provide basic livelihood regardless someone's status. This means that it does only half embraces the judgement of the ECSR and the statement of the Committee of Ministers. On the other hand, the first step in institutionalizing the norms (sociological institutionalism) and thus the socialization process is put into operation. This process is said to learn to internalize new norms and rules in order stay 'in good standing' with the international society (Börzel & Risse, 2000). Although the Netherlands is situated in the early stages of complete implementation and socialization with these norms, the first step to 'thick learning' has been put.

Concluding one could say that there was norm diffusion because of a normative misfit and the Dutch government gave notice to this norm diffusion. The fact that this norm diffusion led to a fierce political debate and that it resulted in an agreement might be due to the power of the norm diffusion. This norm diffusion can be perceived as stronger since the Committee of Ministers also agreed that the Netherlands was in violation with the norms they all signed. This way of reasoning nuances the argument made by Churchill and Khaliq (2004), who state that it is undesirable to have a political body within a juridical procedure. This thesis agrees with them that if the Committee of Ministers does not acknowledge the judgement made by the ECSR, they might weaken the norm diffusion. However, when they do agree with the ECSR it might give more power to the norm diffusion, which might lead to more influence of non-binding decisions on domestic policies. It is important to note that the agreement is still discussed to find its definitive form, it needs more research to measure the true impact of norm diffusion and if socialization with the norms indeed takes place. In appendix 3 one could trace back the direct answers on the questions developed per phase in the methodological framework in chapter 3.

4.4 Bringing it all together

Before the PKN went to the CEC to issue the complaint, they exhausted all the lobby possibilities within the Netherlands. The question that comes up is why the topic did not come on the national political agenda. First of all, the Dutch government acknowledged the problem that there were too many people living unlawfully on the street (problem stream) after a successful campaign and thus increasing public awareness (politic stream). In order to address this, the asylum procedure needed to be fair and faster which should be implemented parallel with an amnesty agreement (policy stream). When the government structure changed (politic

stream) a window of opportunity opened and the labour party (policy entrepreneur) used the discretionary window to push for reform.

However, the problem that PKN and Stichting LOS wanted to address (people regardless their status, are living on the streets), was not discussed. Thus even after the implementation of the new asylum procedure, the problem still existed. This was due to the fact that the Dutch government did not acknowledge the problem as such and a different problem stream was chosen during that time. The domestic NGOs tried to bring the topic to the national agenda but still not received reply of the Dutch Government. This was firstly due to a decline of public interest, since a part of the problem was considered ‘solved’ after the amnesty agreement in 2007. When the problem received new public interest in the second time period, electoral interests threw spanner in its works. These electoral interests were especially important after the elections of 2010 when the government became more right wing oriented again (VVD, CDA and PVV). Before the CEC issued the complaint the government parties included the labour party (PVDA) and the liberal party (VVD). These two parties were diametrically opposed to each other on this topic. Discussing this problem might lead to a crisis because rapprochement seemed to be impossible if they did not want to lose voters.

The second phase in the process was that the PKN bypassed the Dutch government and went to their transnational network NGO the CEC. The CEC, just as ECRE and PICUM, is authorized to issue a complaint at the European Committee of Social Rights against a country who they suspect to violate the Social Charter. VWNL had accomplished what they wanted since they lobbied for a fairer and faster asylum procedure in the Netherlands. Although VWNL disagreed with the consequences of the policy that there were still undocumented migrants living on the street, they did not see it as ECREs core task to solve this problem. Stichting LOS however, did saw it as their main task to do something about this problem and discussed it with PICUM. Nonetheless, PICUM was reluctant and found it to risky to issue the complaint. They had the feeling they did not have a comprehensive picture about the consequences of the Dutch policy. The CEC did had this comprehensive picture because of intensive and crucial interactions they had with their domestic member NGO (PKN). G. Werkman (policy entrepreneur) collected information about the Dutch practice from the member churches of PKN. Together with the help of P. Fischer they turned it into good pieces of evidence for the complaint. The information flow is thus an important aspect for exerting influence to European decision makers. However, it needs to be transmitted by someone and it might be that Stichting LOS had not the resources to fulfil the role of G. Werkman. Related to that, it might be that the relation between PICUM and Stichting LOS is

less strong and reliable than the relation between CEC and PKN. Thus having a policy entrepreneur turned out as one of the crucial factors in the influencing process. When looking at Belgium where Defence for Children won a similar case, the domestic NGO (Platform Kinderen op de Vlucht) is also a small organization. Their strength however was that they had a motivated person, K. Fournier to fight for the case. Another important aspect was the fact that the CEC believe they had nothing to lose and PICUM felt they had. A negative judgement of the ECSR might close the door for undocumented migrants for better policies, which is the primary mission of PICUM. While with a negative judgement of the ECSR, the CEC can still declare that they at least stood up for human rights and tried, which is their core business. Thus, the internal differences, especially with regards to their mission/vision of the organization and the resources with special attention to a policy entrepreneur, makes a difference in influencing domestic policies.

The statement of the ECSR and the resolution of the Committee of Ministers, which reflect the goals and principles of the CEC and PICUM, resulted in pressure on the Netherlands. With this pressure of norm diffusion (politic stream) the problem was acknowledged by the Dutch government (problem stream), resulting in finding a solution (policy stream). However, the discretionary window of opportunity that opened up, was not great, since it is a non-binding decision. Moreover, the debate was closed for outsiders, so it could not be used by a Dutch (norm) policy entrepreneur. However, the statements did also open a window of opportunity for other countries to lobby. It is also a window of opportunity to influence the European Union and perhaps turn it into a binding decision/policy. The Dutch attitude to close the debate for outsiders fits the World of Domestic Politics perfectly, since political domestic interest prevail when there is a misfit between the statement and the existing policy. This misfit was present because the ECSR judged the Netherlands was in violation of the European norms described and signed in the Social Charter.

It is important to add that the norm diffusion is a fruitful way to influence domestic policies. This is due to the fact that after a fierce debate the Dutch government reached an agreement on the solution and the policy will be adjusted and institutional change will be realized. However, the new policy includes half of the things the PKN wanted to be achieved with the modified policy, but shelter for undocumented migrants will be realized. Falkner and Treib (2008) state that within the World of Compliance, domestic interests mainly predominate and non-compliance will take place if there is a misfit. So how come this did not happen so far? The Committee of Ministers all agreed that the Netherlands was in violation with the norms they signed. This statement leads to leverage on norm diffusion which may

have helped to overcome the domestic interests. This way of thinking is linked to the English school and the logic of appropriateness, since the Netherlands wants to stay a great power and act according to international norms. Although the modified policy is just a small step, this first institutionalization of European norms might help to internalize the European norms which fit the ones from PKN, into the Dutch policy and produce socialization within the Netherlands (thick learning). This thesis thus claims that the Committee of ministers attributes to the Collective Complaint Procedure, since it improved the power of norm diffusion. This is in contrast with the argument of Churchill and Khaliq (2004), since they state that it is undesirable to have a political body within a juridical procedure.

Concluding, a good relation between the domestic NGO and the transnational network NGO can lead to reliable and comprehensive information flows which contributes to the success of the Collective Complaint Procedure. These information flows and the quality of the relation is mostly the result of a policy entrepreneur i.e. someone who is motivated to fight for it and to work together to get something done. The Collective Complaint Procedure is useful for domestic change. This is mainly due to additional leverage the Committee of Ministers provides on the norm diffusion which might lead to compliance and socialization with international norms in the domestic state. These findings of the analysis can all be traced back in figure 4.4 below.

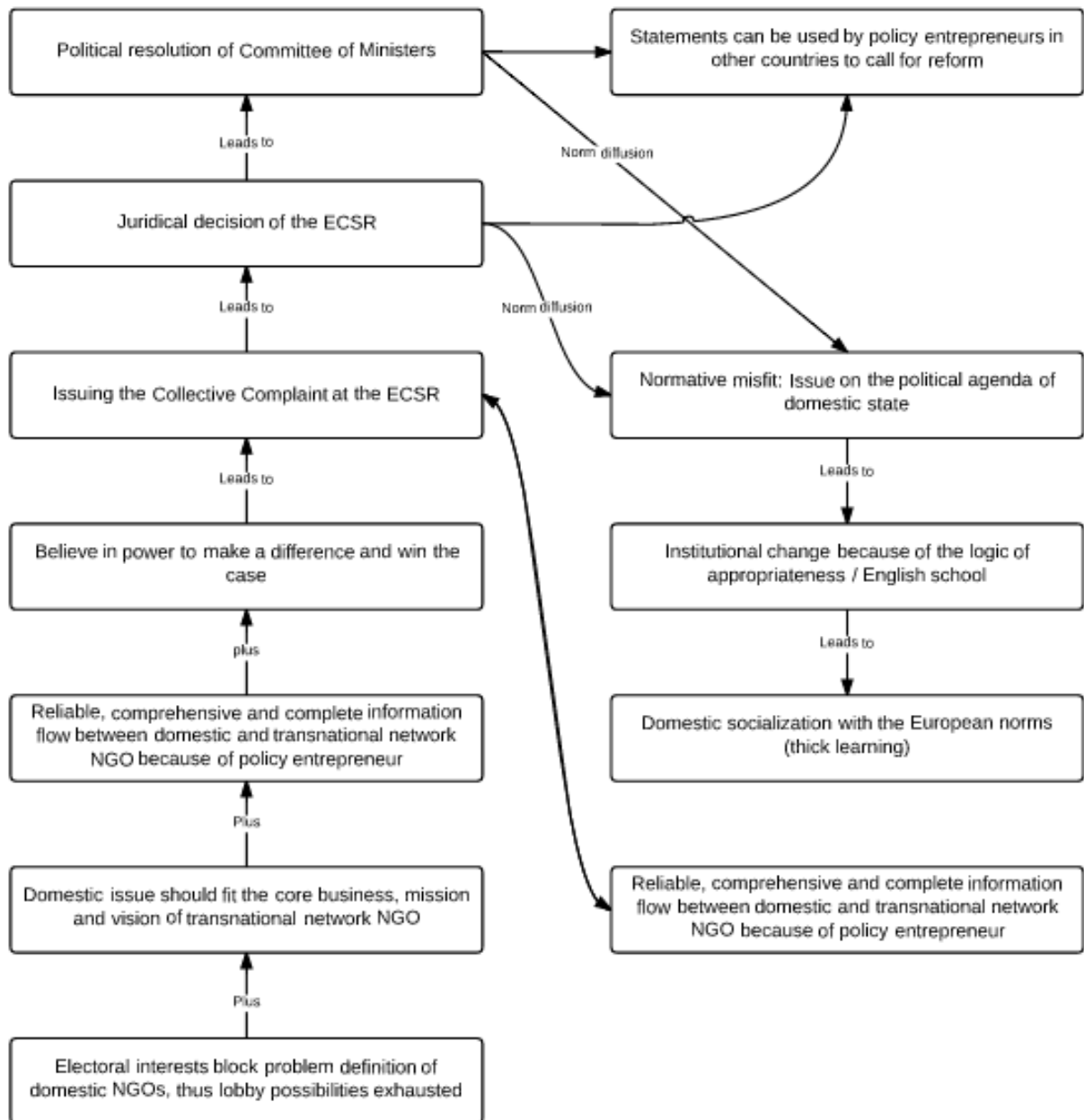


Fig 4.4 Schematic overview of the analysis

5. Conclusion

Within this final chapter, the most important findings of this thesis will be put in a broader perspective. Recall that the main question was which factors explain the success or lack of success of transnational network NGOs on the domestic policy process while using the Collective Complaint Procedure. In order to clarify these factors, this chapter will first start with summarizing shortly the main findings of the Dutch case. Secondly, it will zoom out and provide some prudent generalizations out of these results. These generalization will be attached to the theoretical gaps and the practical relevance of these generalizations is examined. Finally this chapter will conclude with a critical reflection upon the results.

5.1 Lessons from the case

It became clear that only one transnational network NGO (CEC) out of the three, tried to influence Dutch policy regarding the provision of shelter, food and basic care to undocumented migrants. This is a remarkable finding because all three transnational network NGOs (CEC, ECRE and PICUM) are committed to the fate of migrants. More importantly, they include Dutch domestic member organization(s) as well. Another crucial fact is that CEC ECRE and PICUM are all authorized to issue a complaint through the Collective Complaint Procedure. In order to understand why only the CEC tried to influence the Dutch policy by using this procedure and its success, it is important to focus on the relation between the Dutch member NGO (PKN) and the transnational network NGO (CEC). A good relation between the domestic NGO and the transnational network NGO can lead to reliable and comprehensive information flows which contributes to the success of the Collective Complaint Procedure. These information flows and the quality of the relation is mostly the result of a policy entrepreneur i.e. someone who is motivated to fight for it and to work together to get something done.

Furthermore, the domestic NGOs must have exhausted all the lobby possibilities within their country. In addition, the domestic issue must fit the goals of the transnational network NGOs. Finally, both NGOs must believe they could make a difference with winning the case. These factors leads to a successful Collective Complaint Procedure which can bring domestic change. The domestic (institutional) change is mainly due to additional leverage the Committee of Ministers provides on the norm diffusion which might lead to compliance and socialization with international norms in the domestic state.

5.2 Generalized lessons

Recall that in the introduction theoretical shortcomings were presented. In order to investigate the contribution of this thesis to the theory, some conservative generalisations are made with regards to these theoretical gaps.

The first theoretical gap is the lack of knowledge in the field of migration issues with reference to multi-level governance. This thesis argues that one should not underestimate the power and the advantages of the Council of Europe as an extra government level when pushing for domestic reform concerning migration issues. It can be argued that the Council of Europe was perceived by the domestic NGOs as more accessible for migration issues than the domestic state itself. Due to electoral interests the PKN was offered a different and quite promising venue by the Council of Europe. Because the Council of Europe is a norm diffuser and perceives itself as an human rights protector, it is more receptive to migration issues and tolerance than a domestic state who has to realize these norms. Furthermore, it might be the case that is easier for NGOs to issue a complaint through the Collective Complaint Procedure, than the European Union or lobbying the state. Influencing the European Union, is harder because of its complex and opaque nature (Kassim, 2013). This is in contrast with the juridical nature of the Collective Complaint Procedure, which offers a clear and transparent procedure. The fact that it is a juridical process, enlarges the venue shopping possibilities for small-scale organizations such as Platform Kinderen op de Vlucht and Stichting LOS. Although resource mobilization is necessary during lobby and juridical processes, with the presence of a policy entrepreneur inside the domestic NGO even a small-scale organization can bring a political sensitive topic to the national agenda.

The second theoretical gap is concerned with the little empirical evidence of a growing importance of transnational network NGOs, especially in other policy areas than environmental issues and in western countries. This research has proven that transnational network NGOs can be crucial in influencing domestic western policies with regards to migration issues. Transnational network NGOs can be perceived as a last resort when domestic lobby possibilities are exhausted because of electoral interests. This is especially important when it comes to migration issues, since there are major differences between political parties in their perception of migration issues. It can be argued that this is slightly different when it comes to environmental issues, when political parties are mostly closer together in their political positions. However, it is important to stress that transnational network organizations are mainly used instrumentally as a tool to influence domestic policy,

since they are authorized to initiate a complaint. Unfortunately, the transnational network NGOs were less activated to learn from each other and to use each other's resources. This could have been a missed opportunity during the lobby at the Committee of Ministers for instance.

The third gap is concerned with the partition among scholars about the influence of norm-diffusion caused by the Collective Complaint Procedure. This research nuances the argument of Churchill and Khaliq (2004), who argue that a political body within the ECSR weakens the judgement made by the European Committee of Social Rights. They state that the Committee of Ministers does almost never fully comply with the juridical decision of the ECSR. This is due to the fact that a political body offers lobby possibilities, which results in a more gentle and less strict non-binding resolution. They argue that it is not compelling when a political body is involved during a juridical process. However, this research agrees that if the Committee of Ministers does not share the judgment of the ECSR, it might undermine their reliability and their identity. However, if the Committee of Ministers does agree with the statement of the ECSR, the norm diffusion is stronger. This international norm diffusion might lead to institutional changes because of the English school and the logic of appropriateness. These two theories state that domestic actors will adapt to Europeanization pressures in order to stay 'in good standing' with the international society. Although the Netherlands is situated in the early stages of complete implementation and socialization with these norms, the first step to 'thick learning' is put. This power of norm diffusion underlines the prosperity of the Collective Complaint Procedure in contrast to what other authors like Cullen (2009) and Churchill and Khaliq (2004) claim. They are not convinced by the fact that a resolution of the Committee of Ministers might lead to domestic change. However, the statements made by the Council of Europe can trigger other processes within Europe as well. Especially the resolution presented by the Committee of Ministers give leverages to the issue and outlines its importance. Domestic policy entrepreneurs in different countries can use these statements to lobby in their own country. This reasoning fits the argument of Podolny and Page (1998), Sabatier (1998) and Schmitter and Streeck (1999) that within network NGOs, members can learn from each other since there is more knowledge to share and they can use each other's resources to lobby.

The final theoretical gap can be found in the lacking amount of data that clarifies the similarities and differences between NGO networks in their influence on domestic policies and their relation with their domestic member NGOs. The main difference in using the transnational network NGO as domestic member NGO, is concerned with of the resource

mobilization the domestic NGO has. This mobilization of resources mostly determine the relation between the domestic NGO and the transnational network NGO. More specifically, it is crucial that the domestic NGO provides a policy entrepreneur who is continuing the information flow and thus the maintenance of the connection. When this relation is strong enough, one can truly influence domestic policies, especially when using the Collective Complaint Procedure, which depends on the quality of domestic information. Besides contributing to the theoretical gaps, this thesis provides some other theoretical implications.

5.3 Further theoretical implications

Regarding the developed methodological frameworks, it can be argued that regardless of some limitations they proved to be useful in studying the influence process. The two classic agenda setting theories of Downs (1972) and Kingdon (1995) are despite their age, still very fertile in studying the agenda setting phase of the policy process. The framework developed by Betsill and Corell (2001) to measure the influence process of lobbying the European Union on environmental issues proved functional as well. With adding network features from several theories and a critical reflection on the alteration of behaviour it proved a promising methodological framework during the second phase of the influence process. The final phase is still not completely finished, since the definitive form of the adjusted policy still needs to be developed and implemented. However, the ‘World of Compliances’, the ‘Logic of Appropriateness’, the ‘English school’ and the related sociological institutionalism did provide answers about the reaction of the Dutch government on the norm diffusion. Finally, the insights given by studying the internal organizations and their context did explain for a great part the behaviour of the actors concerned.

5.4 Putting into practice

The result of a shift in NGO activities from lobby to monitoring, might lead to the expectation that in the future more collective complaints will be issued. This shift is the result of the outsourcing of lobby practices from domestic NGOs to transnational network NGOs. In addition, most key elements connected to refugee and asylum policy is already included in European law directives of the Common European Asylum System. With the expectation that the amount of complaints might rise, this thesis provides grips to make the Collective Complaint Procedure successful. The most important feature is that the relation between the domestic NGO and the transnational network NGO (who issues the complaint), as this research shows, needs to be reliable. It turned out that one of the key elements in the success

of a cooperation between the domestic NGO and transnational network NGO to influence Europe and thus a domestic policy, was the presence of a policy entrepreneur. This policy entrepreneur should collect all the necessary information possible. In order to make a good case, a comprehensive and conclusive picture about the practice of a certain policy is crucial. It would be interesting to investigate what brings the presence of a policy entrepreneur. It is suggested that it could be explained by the amount of resources available within the domestic NGO. However, Platform Kinderen op de Vlucht is a small organization and did provide a policy entrepreneur, in contrast to Vluchtelingenwerk Nederland or Stichting LOS. So what are the motivations of a policy entrepreneur to predominate and take initiative? Insights in the motivations of policy entrepreneurs could contribute to the practical relevance of this research. Finally, in order to strengthen the norm diffusion, the policy entrepreneur might put effort in mobilizing the other member NGOs from the transnational network NGO to lobby their ministers.

5.5 Discussion

In order to legitimize the prudent generalizations, a critical reflection upon the limitations and shortcomings of this research is necessary. Some of them are already discussed within the reliability and validity section in the methodological framework chapter. However, those sections were concerned with legitimizing the research design, which the researcher could not change when the research is replicated. Within this section, things that could be improved are pointed out.

First of all, the interviewer was inexperienced in conducting interviews. This means that it was sometimes hard to stay objective and not to leading. This is also due to the fact that the interview guideline is semi-structured. This results in less clarity about the formulation of the question that might result to more leading questions instead of completely open and unbiased questions. However, by being aware of this situation the researcher improved during the interviews. More importantly, sometimes it even helped that a more leading question triggered a more direct and less socially desired reaction, that provided useful insights.

Secondly, this research mainly focused on the agenda setting stage in influencing the policy process. This was due to the fact that the policy was not implemented yet. However, influence on the policy process can take place during every stage. This does not alter that it might be interesting to further investigate the implementation of the policy agreement, since the Netherlands is categorized as a World of Domestic Policies and thus not seen as a compliance oriented member state. Not only investigating the process how they overcame (if

they did) the electoral interests, but also to find out if the norm diffusion eventually leads to the adaption of new ideas and norms and thus socialization. It might be interesting to investigate if this will also happen in the Netherlands, because the results of the research by the authors of sociological institutionalism are based on non-western, third world countries.

Thirdly, PICUM was unavailable for any kind of correspondence. This might be due to the fact that they were 'unsuccessful' and the CEC was 'successful', thus PICUM might rather evade this topic. This means that the conclusions made about PICUM are based on the answers of their Dutch member organization Stichting LOS. However, this is only one source and not included within PICUM. Nevertheless, the interview participant R. Ederveen was closely involved with the topic in the Netherlands and during the Collective Complaint Procedure and could thus provide useful information.

Another limitation about this thesis is that the methodological frameworks are based upon theories about different concepts like the European Union instead of the Council of Europe. However, for this case it proved useful research tools. It would be interesting to see whether these tools could be used for other policy areas, countries or other influencing mechanisms as well.

The fifth limitation is concerned with the fact that it was sometimes hard for the participant and the researcher to stay objective since it is a political sensitive issue. For the participant it might have been also hard to truly speak openly, especially when they were bound to their organization. This did not help in facilitating a safe and open environment which can be improved.

Finally, because of time and resource scarcity, this research examined one Collective Complaint Procedure. It would be interesting to compare several Collective Complaint Procedures especially when they involve a different policy area. It would also be interesting to collect data from a bigger group of participants and perhaps combine qualitative with quantitative research to get a more comprehensive picture about the reality.

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Appendix 1 Interview guideline

Beste ...

Ontzettend bedankt dat u tijd wilde vrij maken voor dit gesprek. Ik zal in het kort even uitleggen waarvoor ik u graag zou willen spreken. Ik ben een master studente Comparative Politics, Administration and Society en voor mijn scriptie doe ik onderzoek naar de invloed van internationale netwerk NGOs en hun invloed op Europese beleid, maar ook de consequenties voor nationaal beleid. Dit wil ik onderzoeken door drie internationale netwerk NGOs, de CEC, PICUM en ECRE te in hun beïnvloedingsstrategie omtrent migranten beleid in Nederland.

Allereerst vroeg ik mij af of u er bezwaar tegen heeft als ik het gesprek opneem?

Daarnaast vroeg ik mij af of u er bezwaar tegen heeft als ik uw uitspraken gebruik in mijn data analyse, waarbij het mogelijk zou kunnen zijn dat ik uw uitspraken citeer?

Dan start ik nu het interview dat bestaat uit 7 topics. Laten we met het eerste beginnen:

Organisatiestructuur NGO + lidmaatschap

- Wat is uw relatie met de NGO en het bed bad en brood beleid?
- Wat is de positie (onderliggende normen/waarde, missie & visie) van de NGO met betrekking tot het bed/bad en brood beleid?
- Wat voor netwerk organisatie is de NGO? Waaruit blijkt dat? Hoe los is jullie organisatiestructuur? Hiërarchische verhouding? Centrale autoriteit? Is er sprake van betaald personeel of is het allemaal vrijwillig?
- Wat voor plichten heeft het lidmaatschap van de NGO? Hoe vaak zien jullie elkaar en wat wordt er dan zoal overlegd?
- Waarom zijn jullie lid van de NGO? Wat levert het op?
- Hoe gaat de communicatie tussen de leden en de centrale organisatie in Brussel en hoe beoordeelt u die communicatie?
- Zijn er verschillen tussen de CEC, ECRE en PICUM m.b.t. de organisatiestructuur?

Activiteiten/strategieën

- Op welke manier hebben jullie bewust en onbewust invloed uitgeoefend? Hoe is het proces precies verlopen? (NGO)
- Hebben jullie bewust invloed uitgeoefend door je uit te spreken over de onderliggende normen/waarden van het beleid? (Netwerk)
- Is het eerst geprobeerd bij de Nederlandse overheid? Of direct naar de NGO? Waarom? (Multi-level)
- Zijn er verschillen in lobby activiteiten tussen de CEC, ECRE en PICUM zo ver u weet? (Verschillen)

Toegang

- Welke institutionele mogelijkheid (venues) heeft de NGO gekozen om Europese besluitvormers te beïnvloeden op welk moment (policy cycle)? Waarom via de ECSR en met welke probleem definitie? (NGO)
- Hebben jullie gespeeld met verschillende probleemdefinities om toegang te krijgen tot andere venues? Dus is het probleem op verschillende manieren geframed om toegang te krijgen tot verschillende instellingen? (agenda setting/NGO)

- Hebben jullie gebruikt gemaakt van elkaars informatie (gedeeld/geclusterd) om toegang te krijgen tot de EU (ECSR)? (Netwerk). Bijvoorbeeld de katholieke kerk en hun lobby strategieën?
- Denkt u dat het NGO minder succesvol zou zijn geweest in het beïnvloeden van de EU als het niet over zoveel leden had beschikt? (Netwerk)
- Is er eerst een poging geweest om toegang te krijgen tot nationale instituties voordat men zich ging richten op de EU? (Multi-level)
- Zijn er verschillen in toegang tot de EU tussen CEC, ECRE en PICUM zo ver u weet? (vergelijken)

Middelen

- Welke middelen heeft de NGO ingezet om de informatie die zij wilden delen (de klacht van de PKN) bij de Europese beleidsmakers te brengen?
- Hebben jullie gebruikt gemaakt van elkaars middelen om de besluitvormers EU (ECSR) te beïnvloeden? Denk hierbij aan geld, kennis, ervaringen, connecties? (Netwerk)
- Denkt u dat het NGO minder succesvol zou zijn geweest in het beïnvloeden van de EU als het niet over zoveel middelen had beschikt? Hadden de leden van de NGO elkaar nodig om het Nederlandse beleid via het Europese beleid te beïnvloeden? M.a.w. was er sprake van resource dependencies? (Netwerk)
- Zijn er verschillen in middelen in tussen de CEC, ECRE en PICUM zo ver u weet?

Uitkomst

- Zijn de eisen van de NGO verwoord in de Europese uitspraak? (NGO)
- Zijn de eisen van de NGO verwoord in het Nederlandse beleid? (NGO)
- Weerspiegelt de Europese uitspraak de doelen en principes van de NGO? (NGO)
- Weerspiegelt het Nederlandse beleid de doelen en de principes van de NGO? (NGO)
- Is het doel wat door de NGO naar voren werd gebracht een compromis tussen leden of was er eenheid over het doel? (Netwerk)
- Wat zijn de belangrijkste verschillen, volgens het NGO, tussen de uitspraak van de Raad van Europa en het landelijk beleid? (Multi-level)

Het proces

- Hebben de besluitvormers alles wat de NGO wilden bespreken besproken, of zijn er onderwerpen gemeden en niet meegenomen in de uiteindelijke uitspraak en het uiteindelijke Nederlandse beleid? (NGO)
- Heeft de NGO bijgedragen aan het jargon wat gebruikt werd? Bijvoorbeeld de keuze voor het woord 'shelter' i.p.v. housing of accomodation. Door wie werd ook het bed bad en brood discussie voor het eerst geïntroduceerd? (NGO)
- Is het NGO aan een onderhandelingstafel (bij de ECSR of Committee of Ministers) terecht gekomen? Of is de uitspraak meer van buiten af beïnvloed? (NGO)
- Denkt u dat het NGO meer of minder succesvol zou zijn geweest in het beïnvloeden van het proces als het niet een netwerk organisatie was geweest? Waarom? (Netwerk)

Algemeen/afsluitend

- Is de NGO geslaagd in het beïnvloeden van de uitspraak en het Nederlandse beleid?
- Bent u tevreden met de uitspraak van de Committee of Ministers?
- Bent u tevreden met het nieuwe Nederlandse bed bad en brood beleid?
- Is dit het einde van de rol van het NGO in het bed bad en brood beleid?

Appendix 2 Participants of interviews

Participant	Transnational network NGO	Domestic NGO	Role/Function	Value added
Joost Röselaers	CEC	Remonstrants Broederschap	CEC deputy for Remonstrants Broederschap	Insight in Remonstrants Broederschap / member organization Insight in CEC Insight in relation with CEC
Berend Jonker	ECRE	UAF	International policy manager, former board member ECRE	Insight in UAF / member organization Insight ECRE Insight in relation with ECRE
Geesje Werkman	CEC	PKN	Issued the complaint. Policy entrepreneur Responsible for management around refugees in NL.	Knowledge about policy regarding refugees Insight Collective Complaint Procedure (CCP) Insight PKN / member organization Insight CEC Insight in relation with CEC
Joris Vercammen	CEC	OKKN	Archbishop of Utrecht In 2006 member of the central committee of CEC	Insight in OKKN / member organization Insight in CEC Insight in relation with CEC
Jasper Kuipers	ECRE	VWNL	Board member ECRE Deputy director VWNL Former: UNHCR	Knowledge about policy regarding refugees Insight in VWNL Insight in ECRE Insight in relation with ECRE
Richard Fischer	CEC	n.v.t.	Church and Society Commission of CEC	Insight in CCP Insight in CEC
Katja Fournier	Defence for Children	Platform Kinderen op de Vlucht	Policy entrepreneur Coördinator of projects Issued the complaint	Insight in CCP success factors Insight in relations between Domestic-Transnational NGOs
Tineke Strik	N.v.t.	N.v.t.	Worked for the political party Groenlinks 1998-2006 Senator since 2007 for Groenlinks Board member DFC International law Migration Law	Insight in policy process the Netherlands regarding asylum policy Insight international law/European institutions Insight in role of NGOs in policy making A less subjective perspective from an 'outsider' about the process
Rian Ederveen	PICUM	Stichting LOS	One of the two general employees of LOS Informal network with others in this field	Insight in Stichting LOS Insight in PICUM Insight in relation with PICUM Insight in Collective Complaint Procedure
Myrthe Wijnkoop	ECRE	VWNL	Strategic/policy adviser Policy Officer Asylum and Migration at PVDA 1998-2006 Legal officer for red cross, UNHCR, Amnesty International	Insight in policy process regarding asylum policy Insight international (migration) law Insight in ECRE + relation

Appendix 3 Methodological frameworks applied to the case

Part I – Influence

Phase 1: Agenda setting NGOs – Dutch state

Issue attention cycle – Downs (1972)	
<i>Problem definition</i>	PKN and Stichting LOS problem was that no one should live on the street and everybody should have access to shelter, basic care and food, documented or not. VWNL saw the problem in the asylum procedure and want to enlarge the group that still has the right on shelter, basic care and food.
<i>Pre-problem</i>	Member churches were full with undocumented migrants living on the streets Ex clients of VWNL were living on the streets A big part of Stichting LOS' main target group was living on the street
<i>Public awareness</i>	'we are here group' caused public support, together with tent camps. Campaign of 26.000 faces was a success, but focus on asylum procedure.
<i>Realization costs</i>	This could not be truly traced back
<i>Decline of interest</i>	After the government did something with their protests by making the asylum procedure more fair and faster together with an amnesty agreement.
<i>Post problem</i>	Although there were still people living on the streets, the problem was off the agenda since the group was way smaller now and were said to live 'legally' on the streets.
Streams model – Kingdon (1985)	
<i>Problem stream</i>	There were two problem streams. The first one is that nobody should live on the street and there were now people (undocumented migrants) living on the street. Secondly, the asylum procedure took too long and was not fair, so people were living unlawful on the streets. Because of electoral interest, the government were not open for the signals of these problems. This might be due to the fact that the governing parties (Christian democrats, Democratic Party and the liberal party (2003-2006)) were more on the right side of the political spectrum.
<i>Politics stream</i>	However, there was public awareness, campaigns going on, something needed to be done and then government structure changed to more left oriented (2007).
<i>Policy stream</i>	They could change the policy that also undocumented migrants are offered shelter, basic care and food the time they are here in the Netherlands (so not living on the streets anymore). Or they could reduce the group of people living on the street and make the asylum procedure more fair and faster.
<i>Window of opportunity</i>	When the government structure changed to more left oriented (including the labour party) a discretionary window of opportunity opened up.
<i>Entrepreneur</i>	Labour party used the problem about the asylum procedure as took this at their main electoral strategy.
Taking it all together	
	<p>Problem stream (people were living unlawfully on the street), politic stream (public awareness and change in government structures) and policy stream (make the asylum procedure more fair and faster) came together, a window of opportunity opened up and was used by the labour party to implement this policy.</p> <p>However, the problem that PKN and Stichting LOS wanted to address (people are still living on the streets, documented or not), was not discussed. This was due to the fact that they did not acknowledge the problem as such. A different problem stream was chosen during that time.</p> <p>After the implementation of the new asylum procedure, the problem still existed. The domestic NGOs however still not received reply of the Dutch Government. First this was due to a decline of public interest, since a big part of the problem was considered 'solved'. When the problem received new public interest, electoral interests threw spanner in its works, especially after 2010 when the government became right wing oriented again. Before the CEC issued the complaint the government parties consisted of the labour party and the liberal party which means that they were mile away from each other on this topic and did not want to touch it, since it might led to a crisis because they both did not want to lose voters.</p>

Phase 2: Collective Complaint Procedure: PKN – CEC – Council of Europe

Concept	CEC	ECRE	PICUM
<i>Activities</i> Problem What did NGO do Strategies Norms /values	Problem definition fit goals Dutch PKN member churches delivered detailed information about Dutch practices CCP new strategy (excitement) Influenced norms/values	The ECRE did not undertake activities, because the VWNL never went level up, because they did not consider this as their problem.	PICUM discussed with LOS, PKN and CEC who is going to issue the complaint. PICUM did not issue the complaint. Stichting LOS helped with writing the complaint
In sum: only the CEC undertook action to influence the ECSR			
<i>Access</i> Opportunity Which institute when Connections	PKN level-up to CEC who was authorized for CCP after lobby possibilities exhausted Committee of CEC and the office of ECSR are both in Strasbourg.	ECRE normally two courts Or focus on the EU because of the Common European Asylum policy offers more grips + more expertise in lobby and connections	PICUM has mainly contacts with the EU PICUM is authorized to issue such a complaint and not LOS
In sum: All had access, but ECRE was not involved, PICUM had a restraining attitude, CEC went for it, maybe because they had more information about the procedure because location of their office.			
<i>Resources</i> Sources of leverage (knowledge e.g.) Policy entrepreneur Global interaction (connection)	Practical knowledge about consequences policy, because of information members and informal network of Geesje Werkman. Geesje Werkman is policy entrepreneur Juridical knowledge Crucial interaction with information between PKN-CEC	The ECRE has practical knowledge The ECRE has contacts and knowledge about influencing the EU, less about Council of Europe The ECRE did not had a policy entrepreneur There was no interaction between VWNL-ECRE	Stichting LOS has practical knowledge about consequences policy, but is too small to fulfil the role Geesje Werkman (no policy entrepreneur). Stichting LOS represents small organization, which became even smaller or did not survive because of the economic crisis. Medium interaction CEC-LOS
In sum: PKN and Stichting LOS worked together to make a good case for CEC			
<i>Outcome</i> Contains text drafted Goals/principles Compromise Difference between statement	Within the CEC or the PKN they were unified about the goals Both statements do reflect the goals and the principles of the PKN and the CEC although statement ministers was milder No compromise	ECRE was not involved in the process nor the outcome	PICUM was not involved in the process nor the outcome. LOS was involved with writing the complaint. Both statements do reflect the goals and the principles of Stichting LOS although statement ministers was milder
In sum: the statements of the ECSR and the Committee reflects the goals and principles of CEC and PICUM			
Process Everything discussed Coin terms Included/excluded How did it went?	The ECSR did discuss every issue proposed by the CEC because it is juridical Not clear if terms became part of the jargon Included because CEC is authorized Thorough analysis of reports of the CEC, prepared by PKN Reports were conclusive Pim Fischer had juridical knowledge to help CEC Precedent as catalyser Example to proof case	ECRE was not involved in the process nor the outcome	PICUM was excluded because they did not want to be included After consideration PICUM eventually said no to issue the complaint because they thought it was to tricky and they did not want to lose. They had the feeling that they did not had enough insight into the Dutch reality/practice. Stichting LOS was involved with writing the complaint.
In sum: the process went well because the case was built upon good information			

Phase 3: Norm diffusion: Council of Europe – Netherlands

Concept	
<i>Diffusion of norms</i>	<p>The diffusion of norms caused by the Council of Europe led to a fierce political debate in the Netherlands and thus the topic reached the public agenda.</p> <p>The fierce debate is due to the fact that the coalition parties had electoral interests with this decision (the liberal party and the labour party). The liberal party (VVD) did not want to lose its voters to the more right party the PVV if they agreed with the statement. The labour party (Pvda) did also not want to lose its voters if they did not agree with the statement. This electoral interest which predominate fits the World of Domestic Politics.</p>
<i>Normative misfit</i>	<p>The statement of the ECSR and the resolution of the Committee of Ministers can be seen as a form of diffusion of norms since they condemn the situation in the Netherlands. In that sense it can be seen that there was a normative misfit.</p> <p>The diffusion of norms gains leverage because the Committee of ministers also agreed upon the judgement made by the ECSR.</p>
<i>Institutional change</i>	<p>The government is during this research still negotiating about how the five accommodating centres should be realized. The discussion is mainly about the question what the conditions are (what is cooperating with their return e.g.) to receive the provision of this shelter including basic care and food. However, they did adjust the existing policy.</p>
<i>Logic of appropriateness</i>	<p>There is a big chance that the logic of appropriateness resulted in institutional change. This needs however more research.</p>
<i>Socialization</i>	<p>Since the new policy is not yet completely institutionalized, the next step towards socialization is not taken place yet. However, it could be the first step in learning to internalize new norms and rules and taken these rights for granted (socialization). Further research however is necessary.</p>
Taking it all together	
	<p>Concluding: the problem was acknowledged by the Dutch government(problem stream), because of the diffusion of norms by an intergovernmental organization (politic stream), resulting in finding a solution (policy stream).</p> <p>However, the discretionary window of opportunity that opened up, was not great, since it is a non-binding decision. Moreover, the debate was closed for outsiders, so it could not be used by a (norm) policy entrepreneur.</p> <p>The norm diffusion is indeed a fruitful way to influence domestic policies. This is due to the fact that a new policy is being institutionalized. However, it is half of the things PKN wanted to be achieved with the new policy, but helter for undocumented migrants will be realized. Although this is just a small step, this first institutionalization of European norms might be help to internalize the European norms (which fit the ones from PKN) into the Dutch policy and produce socialization within the Netherlands.</p> <p>Finally, the norm diffusion offers a window of opportunity for other countries to lobby It is also a window of opportunity to influence the European Union and perhaps turn it into a binding decision/policy.</p>

Part II – Differences between the three NGOs

Concept	CEC	ECRE	PICUM
<i>Centrality of values → mission / vision → core</i>	Caring for foreigners/ strangers is the core of Christianity, thus for CEC and PKN as well. Worldwide churches have the role of fight the violation of human rights, so the problem was the core of their reason of existence. Organizational goals fit the problem. They had less to lose, since it is about their commitment	The concern from the PKN and CEC is not the priority of VWNL neither from ECRE. Of course they care, but their focus is on the asylum procedure. Their focus is not on the ones that are not in the procedure anymore. Sometimes this boundary is blurry, which causes discussions within VWNL and ECRE.	The core of PICUM and Stichting LOS is to stand up for the rights of undocumented migrants, so the problem fits the organizational goals. They had more to lose since they have to improve policy for their target group
In sum: the problem fits the organization goals of CEC and PICUM, not ECRE's, but there was more at stake for PICUM			
<i>Believe in their power to make a difference</i>	Geesje Werkman and Pim Fischer believed in their knowledge and that is the base of a good case, so they had the believe they could win the case. Geesje Werkman and Pim Fischer both got the opportunity to work on this case. Plus Defence for Children complaint was a precedent in which the ECSR showed/ presented its opinion about (at least a part of) this topic	VWNL did not believe they could make a difference in influencing the ECSR. + they lack the possibilities to think outside the box.	PICUM did not believe they could make a difference. They could not for see the consequences and they could not assess the risk it would fail. PICUM lacked information about Dutch practices, which might be due to the relation between Stichting LOS and/or the resources of Stichting LOS and/ or lacking of an policy entrepreneur + they had something to lose
In sum: because of their resources CEC believed in success, PICUM did not, could not assess the risk and not risk to lose			
<i>Size of organization + group you represent</i>	The board of the CEC is small, but the amount of members is big, which results in legitimacy when the CEC acts. PKN has 2,1 million members in 1800 church communities, which can be considered as a lot. (biggest)	Vluchtelingenwerk Nederland has over 600 paid employees. They also represent a bigger group than Stichting LOS . ECRE has quite a lot of members and representa quite a big group of people (the middle one)	Stichting LOS has only 3 paid employees and include a lot of small organizations and represents a smaller group (undocumented migrants). PICUM however is quite big. (smallest)
In sum: CEC has leeway, ECRE not the chance to deploy theirs, Stichting LOS is too small where PICUM could rely on			
<i>Connections inside</i>	The CEC relies heavily on the input of members, like the PKN. The PKN could provide this input because they had Geesje Werkman and also had member churches who were willing to cooperate and provide information.	The ECRE also relies on the input of members to develop policies. However, they are struggling with collecting the information, since the focal points were not a big success and the core groups were according to Myrthe not really efficient.	It is hard to say something about the relation between PICUM's members, since it is not really discussed.
In sum: All three NGOs rely on their domestic members, CEC won, cause it has strong connections inside with PKN			
<i>Information flows</i>	The information flow between Dutch member churches to the PKN and from the PKN to the CEC went extraordinary well.	The information flow between VWNL and ECRE was not happening regarding this subject. VWNL also did not consult ECRE members since it is not their hardcore mission.	PICUM lacked information about Dutch practices, which might be due to the relation between Stichting LOS and/or the resources of Stichting LOS and/ or lacking of an policy entrepreneur. Concluding that

			the information provision can be improved.
In sum: information flow between CEC and PKN was crucial, Stichting LOS – CEC should improve, hard to say about ECRE			