

# Interrelations between Civil Society Organisations assisting Refugees

## Research Paper

Think tank *The Rights of Refugees 2016 – 2017*

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## **Abstract**

Since 2015, the number of refugees coming to the European Union has increased immensely, due to for instance wars, political conflicts or other life threatening situations. Civil society organisations (CSOs) play a major role in providing help for refugees in all European countries, however, due to differences in countries, CSOs may have different objectives and strategies. Preliminary interviews in Hungary revealed problems in the collaboration between CSOs. Therefore, this paper focuses on the degree and efficacy of relations between CSOs that assist refugees, and on factors that influence these relations in two countries; Hungary and the Netherlands. Furthermore, the role of UNHCR and how it could improve the collaboration of CSOs was also investigated. Structured interviews revealed that in the Netherlands, CSOs were fairly content with their relations and their legal, financial and governmental environment, but do desire more contact between multiple CSOs. In Hungary, CSOs described problems in the legal, financial, and governmental environment. Furthermore, most CSOs also indicated room for improvement of the relations between CSOs. Suggested improvements by for both countries are more formal gatherings between multiple CSOs, possibly in the form of an online platform.

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## About us

This research paper is written by an international and interdisciplinary think tank consisting of ten students; five students from Pázmány Péter Catholic University in Budapest, Hungary and five students from Radboud University in Nijmegen, the Netherlands. In our research, we work together on the topic 'The Rights of Refugees'. Our think tank is interdisciplinary, because we have expertise in various fields, viz. psychology, sociology, medical studies, history, communication and media, law, and international and Asian studies.

## Introduction

Between 2013 and 2015, the number of applicants for international protection changed immensely, due to wars, political conflicts and other dangers. The average number of asylum seekers has tripled and changed from more than 400.000 to more than 1.3 million annually (Eurostat, 2017). That is why this situation has also been referred to as 'the refugee crisis'. The enormous refugee flow coming to Europe seeking help, security, temporary protection, a new home, and a better future, has made the member states of the European Union react in diverse ways, for instance due to mainly being a transfer (Hungary) or resettlement state (the Netherlands). In both Hungary and the Netherlands, civil society plays a major role in providing help when it comes to legal advice, travelling to other countries, health care, providing security (Hiscock, 2003) and many other things. Thus, civil society organisations (CSOs) are significant actors in 'the refugee crisis'.

The United Nations High Commissioner for Refugees (UNHCR) plays a considerable role in the refugee crisis both in the Netherlands and Hungary. The Mission Statement of UNHCR describes that UNHCR monitors borders, ensures legal protection, promotes integration, oversees receiving conditions, provides help concerning resettlement, protects the stateless, cares for vulnerable groups and has authority to comment on the decisions of governments (UNHCR, 2007). From our preliminary interviews with civil society organisations working with refugees in Hungary, the question arose whether their communication and collaboration is effective enough, and how UNHCR in Hungary and in the Netherlands could help them to collaborate more effectively. For this reason, we started our research with CSOs in the Netherlands and Hungary. More specifically, the purpose of this paper is to examine the network of CSOs including their communication and collaboration, the legal, financial and governmental environment in which they exist and operate on a national level in Hungary and the Netherlands, and, where relevant, on an international level. Furthermore, this paper has sought to identify what kind of differences exist in the relations between CSOs assisting refugees between Hungary and the Netherlands.

Put shortly, this paper focuses on the degree and efficacy of relations between CSOs assisting refugees and factors that influence these relations in the two countries. As a conceptual basis for the multiple aspects of the research, the following questions have been examined:

- What factors influence the efficacy of the interrelations between CSOs?
- What is the role of the legal environment in which CSOs exist and function, also with regards to the interrelations between CSOs?
- What is the role of the government for the interrelations between CSOs?
- What is the role of the international and national networks and organisations, with special attention

to UNHCR, with regards to the degree and efficacy of interrelations between CSOs?

To investigate these research questions, we have conducted qualitative research. As civil society is a concept that is hard to define, the history and development of civil society is investigated in order to create our own working definition of civil society and CSOs. Furthermore, to explore the legal environment of CSOs, the different levels (national and international) in which law can influence CSOs and their activities are investigated. To draw conclusions on collaboration between CSOs, we have looked at literature and theories that provided us with hypotheses about their collaboration. To approach all these different aspects of relationships between CSOs in Hungary and the Netherlands, structured interviews were conducted asking the CSOs about their collaboration, legal environment and (inter)national connections. These interviews were transcribed and coded, enabling us to assess, compare, and draw conclusions on the relations between CSOs in the Netherlands and in Hungary.

The structure of our paper is as follows: first, the definitions regarding civil society and the comparison between Hungary and the Netherlands are discussed. Second, CSOs legal environment is described. Third, theories on collaboration are explored. Fourth, the methodology used for this study is explained. Fifth, the results gathered in the interviews are presented. Sixth, in the discussion the results are reflected on, and finally, a conclusion is offered.



## Chapter 1: Definitions and Concepts of Civil Society

### Definition and Development of the Notion of Civil Society

'Civil society' is a frequently used concept in contemporary discourse. It is frequently used in societal, political, and academic debate, but lacks a clear definition. However, a definition of civil society usually contains at least the following notions: a plethora of values, ideas, and ways of life – embodied in institutions. Civil society is autonomous from, but also interdependent with the state (DeWiel, 1999). Civil society has an almost paradoxical nature (Baynes, 2002): it is situated between the public and the private sphere, explicitly private when compared to the state and distinctly public in relation to the private or family sphere. Furthermore, it is considered to be either a normative ideal or an empirical reality (or both), which complicates the debate. Therefore, defining civil society is not an easy task. Accordingly, as a more humble goal, this section aims to establish a workable definition to understand the complexity of civil society. This is done through an exploration of the origins of the concept, a description of its development – from the 17<sup>th</sup> century until its contemporary use – and an analysis of the different schools of thought in the debate. Hereafter, CSOs are discussed in order to formulate a working definition of both civil society and CSOs.

#### Origins

The origins of the concept of civil society date back to the 17<sup>th</sup> century. For early modern thinkers like Thomas Hobbes (1588-1679) and John Locke (1632-1704), civil society was interchangeable with political society. Locke argued that civil society was an important feature of social life and that individuals had a right to organise themselves. In his contract theory, men were born free and equal. As a result, people set up a contract. This way the government ruled with the consent of the people and honoured their natural rights. This would legitimise the government and enabled the establishment of a civil society - or political society for Locke (Cohen & Arato, 1994).

During the Enlightenment, the notion of civil society was expanded. Building on the ideas of earlier philosophers such as Hobbes and Locke, French thinkers started theorising about universal rights and a universal blueprint for society. One of those thinkers was Charles-Louis Montesquieu (1689-1755), a rationalist Enlightenment thinker (DeWiel, 1999). He stated that although every country or nation has its own beliefs and customs, these beliefs could be reduced to a set of basic, universally applicable principles. Both Locke and Montesquieu thus contributed to a new way of thinking about (civil) society (Cohen & Arato, 1994).

### Cultural Civil Society

The modern notion of civil society began in reaction against the rational French Enlightenment. Other philosophers, such as the German pastor Johann Gottfried Herder (1744-1803) and the Irish philosopher Edmund Burke (1729-1797), did not agree with French universalism. Herder believed that civil society should not be understood as a political sphere, but as a cultural phenomenon. He also believed that there was something uniquely German about the German people, thus arguing against French universalism. In short, Herder introduced the modern notion of civil society, because he talked about society as a *self-ordered* cultural whole (DeWiel, 1999). Burke was also a sharp critic of the French universalists. He argued that civil society should be understood as 'a set of evolved cultural practices and beliefs'. According to Burke, the state should be subservient to civil society, rather than the other way around (DeWiel, 1999). Both Burke and Herder thus laid the foundation for a more cultural understanding of the concept of civil society.

### Liberal Tradition

Simultaneously, Scottish Enlightenment thinkers started distinguishing political society and civil society. Within the concept of civil society, they emphasised the importance of having a commercial society. According to the Scottish moralists (e.g. Adam Ferguson (1723-1816) and Adam Smith (1723-1790)) the emerging capitalist market formed the distinguishing element, enabling individualism within civil society (Kaldor, 2010; DeWiel, 1999). This trend would later be characterised as the Liberal Tradition.

The German philosopher Georg Wilhelm Friedrich Hegel (1770-1831) was strongly influenced by the Scottish moralists. Hegel was the first who did not only view civil society as something distinct from the state, but also named it accordingly. His definition of civil society – he called it *bürgerliche Gesellschaft* – was the following: 'The realm of difference, intermediate between the family and the state' (Kaldor, 2010, p.7). The 'intermediate' here must be understood as the economy. This realm is also called the economic sphere of 'private affairs' (Pietrzyk, 2001). Hegel extracted the main features of the modern notion of civil society with its plurality of social institutions as an independent from, but linked to the state (DeWiel, 1999). This notion of civil society as the 'achievement of the modern world', will play an important role in the late 20<sup>th</sup> century in Central and Eastern Europe.

Another influential thinker who introduced the idea of civil society as distinct from the state, was Alexis de Tocqueville (1805-1859). He travelled to America and observed the existence of a 'sphere': a social force, that was different from the state but also different from the individual. He was amazed by the multitude of associations that was spontaneously formed by the colonial people of America in pursuing shared goals (Cohen & Arato, 1994). But he also recognised that, although this sphere was distinct from the state, both spheres influenced each other: 'Civil associations, therefore,

facilitate political association; but, on the other hand, political association singularly strengthens and improves associations for civic purposes' (De Tocqueville, 1840).

Like Hegel, Karl Marx (1818-1883) considered civil society as a product of historical developments. However, while Hegel believed civil society to be essentially positive, Marx included it in his dialectic of class struggle with a negative connotation. Marx presents history as a series of class struggles between the suppressed and the ruling classes. At some point, the working class will have enough of being dominated by the bourgeoisie and will revolt against it. After this revolution, classes will no longer exist and a communistic state will be born. The eradication of the difference between civil society and the state is the solution (Pietrzyk, 2001), because Marx saw the division between civil society and the state as a disguised form of bourgeois domination. Therefore, Marx stated that 'civil society is a fraud' (Plattner, 1995). The Marxist movement attacked the '*bürgerliche Gesellschaft*', because it was part of a capitalist society. Liberal values such as human rights, property and individualism were inherently linked to civil society. In the ideal communist society, 'the functions of the state would be absorbed into society, and the distinction between the two realms (civil society and the state) would disappear' (DeWiel, 1999). Therefore, civil society was a necessary evil – as an intermediary step – to reach Marx's ideal communist state.

The *Prison Notebooks*, written by Antonio Gramsci (1891-1937) between 1929 and 1936, played an important role in the revival of the term of civil society (in academic circles) in the 1960s (Boggs, 1976). The role of the state and civil society was one of the main topics that Gramsci discussed in his *Notebooks*. Although Gramsci claimed that he used the term 'civil society' in the same sense as Hegel (and Marx) did, is this not the case according to DeWiel (1999). Marx argued that economic relations in the base determine the superstructure. Civil society for Marx was a part of the economic relations in the base, whereas Gramsci located civil society as part of the superstructure (DeWiel, 1999), which made possible a struggle of ideas (arena of ideas) in this sphere (Boggs, 1976). When Gramsci used the concept civil society, he was referring to an 'Ethical'– or 'Cultural State'. Thus, Gramsci believed that the activities of civil society do not only occur in the economic sphere (Boggs, 1976). Therefore, where Marx saw civil society as an economic sphere distinct from the state, Gramsci saw civil society and the state as interrelated.

Ernest Gellner (1925-1995) initiated the contemporary notion of civil society. According to him, civil society is:

*'that set of diverse non-governmental institutions which is strong enough to counterbalance the state and, while not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent it from dominating and atomizing the rest of society'* (Baynes, 2002, p.124).

For Gellner, civil society was a phenomenon that would peacefully tame and direct the power of the

state. Civil society became appealing because it provided individuals with a possibility to freely associate with other people with shared beliefs (Malesevic, & Malesevic, 2009).

### Diverging Central-, Eastern-, and Western Europe

Changing conditions in parts of Central and Eastern Europe in the 1980s (the time of the *perestroika*) led to a re-evaluation and rediscovery of the term 'civil society'. As the countries in the Soviet Bloc started to open up, scholars started discussing possible ways to democratise those societies. Previously, the Prague Spring (1968) failure illustrated that it was difficult to orchestrate change either from 'above' or 'below'. Therefore, it was deemed important that the change came from 'within' the state (Kaldor, 2010). This meant that the relationship between the state and society would have to be improved, rather than trying to change the state as a whole. Many believed this would be accomplished by creating institutions which would challenge the reach of the state. According to Kaldor (2010), this process depended on transnational links, such as the Helsinki Agreement, the convention about Human Rights, and peace and humanitarian movements from Western nations.

The ideas of Gramsci and Gellner became very prominent in this process. The implementation of civil society became a program for post-Communist countries, especially Poland and Hungary. Although the ideal of civil society became an important (political) slogan and program, the necessary and sufficient conditions for such an environment were lacking (Van der Zweerde, 1999). This meant free association between a (sufficiently) large group of citizens who freely associate into a '*de facto* unpredictable and *de jure* uncontrollable multitude of associations, organisations and movements' (Van der Zweerde, 1999: p.25-26). The absence of a pluralistic civil society – taken for granted in 'the West' – made the transition to and consolidation of a (liberal) democracy extremely difficult (Schmitter, 1993). Liberal democracy presupposes the existence of civil society, which is why it was hard to suddenly implement it in Central and Eastern Europe (Schmitter, 1993).

### Civil Society Organisations

As mentioned, defining CSOs does not come without challenges. Within civil society, people voluntarily organise themselves, which can lead to CSOs (Harju, n.d.). Different kinds of CSOs advocate, for example, human rights, animal protection or environmental issues. CSOs are linked by their idealistic and normative characters. They are inspired by the urge to do something that is not necessarily beneficial for themselves, but that is beneficial for 'others', making them non-profit. CSOs often fill the gap where public services neglect to help those in need, whether they are not able or

just not willing to (Marijsse, 2016).

### Civil Society Organisations and Refugees

CSOs assisting refugees operate in the field of civil and human rights. They provide various kinds of support, from delivering food, blankets, clothes and accommodation, to long-term assistance with finding housing, legal aid and the integration process in the host-country. As previously mentioned, collective action arises when these groups feel that the state does not (sufficiently) support (vulnerable) groups or ideals. However, actions of CSOs assisting refugees should be complementary to the efforts of the state, not substituting them (Zugasti, 2016). CSOs assisting refugees can operate at local-, national and/or international level.

### Definition of Civil Society and CSOs

As the previous paragraphs show, various explanations of the concept of civil society exist. Nevertheless, for the purpose of this paper it is necessary to have a working definition of civil society and CSOs in order to be clear about what we mean when we use these concepts. Our working definition is inspired by the definition of civil society that Malena and Heinrich (2007) used when comparing different types of CSOs and making an international website for civil society. The definition by Malena and Heinrich contains almost all the elements of civil society mentioned by the previously discussed authors, but translated into a more modern notion of civil society. This definition is the starting point for our definition and some adjustments have been made to create a more suitable definition for this paper.

Thus, the definition of civil society, developed for the current paper, is:

*'Civil society is a sphere, distinct from the state, the private sphere and the market where individuals associate and organise themselves to advance their objectives. CSOs are based on non-profit principles and can both work alongside, apart from, or against the state.'*

Therefore, CSOs are:

*'Organisations who operate in the public sphere and are non-profit and non-governmental organisations. CSOs are based on voluntary association and organise themselves with people who are committed to work for (their) shared aims and convictions.'*

These organisations can have an institutional basis or non-institutional basis. CSOs consist of: non-profit organisations (NPOs), non-governmental organisations (NGOs), faith-based organisations (FBOs) and others.

## Comparison between Hungary and the Netherlands

As described in the previous paragraphs, the history and the development of civil society in the Netherlands show several differences as compared to Hungarian civil society. Whereas civil society grew almost 'naturally' in the Netherlands, it was a great challenge for Hungary to 'implement' civil society from scratch. In the Netherlands, civil society, and thus CSOs, are legally independent from the state. Nevertheless, they can work together, alongside or separate from the state, but their existence is not threatened by governmental arbitrariness, as can be the case in Hungary. In the 1990s, civil society was artificially implemented by the government in Hungary in order to create a liberal democracy. As their existence partially depends on the benevolence of the Hungarian government, Hungarian CSOs are less able to work or act independently from the government. Another difference between Hungary and the Netherlands is the function of CSOs. In the Netherlands CSOs complement the state, whereas in Hungary CSOs mainly substitute public services neglected by the Hungarian government.

Furthermore, a difference exists in the role of the Netherlands and Hungary as states in the arrival of the refugees. Refugees perceive Hungary as a transferring state, while the Netherlands is seen as a resettlement state, due to the position of European borders and refugees' expectations of life in these countries. Because of the Schengen agreement, the country of first arrival of a refugee (often Hungary) needs to register them. This fact puts a lot of pressure on the Hungarian government. Therefore, the Hungarian authorities transfer refugees to different European member states without registration. Although the recent refugee crisis is rather an unexpected mass-migration, the Netherlands, as a resettlement country, receives assigned refugees and is therefore more prepared to act when they arrive. Because of this difference between the countries, CSOs in the Netherlands and Hungary have different objectives that can be linked to the Netherlands being a resettlement state and Hungary being a transit state.

### Resettlement and Transit states

Resettlement involves the selection and transfer of refugees from a state, in which they have sought protection, to a third state, called resettlement states, which has agreed to admit them – as refugees – with permanent residence status (UNHCR, 2011). The resettlement state ensures protection against *refoulement*<sup>1</sup> and provides access to rights similar to those enjoyed by nationals. Resettlement also carries the opportunity to eventually become a naturalized citizen of the resettlement state (UNHCR, 2011).

Transit states are states that migrants pass through during their journey from their country of

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<sup>1</sup> Refoulement is the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to persecution.

origin to the eventual country of destination. We can distinguish two types of transit states: 'stage posts' and 'stepping stones' (Parliamentary Assembly, 2015), the first meaning just a 'break' in their journey, and the last term meaning a country in which certain benefits are gained for the situation of refugees (e.g. a refugee status). Transit states are rarely only 'countries of transit'; for many refugees, they are, or become countries of destination. Their status can depend on their geographic location, size, economic situation, and political orientation.

When a refugee has reached the border of a European Union member state, the authorities need to provide protection on individual basis even before deciding to allow or deny the refugee entrance into the country. Both resettlement and transit states are obliged to monitor high levels of human rights protection (Parliamentary Assembly, 2015). In addition, according to UNHCR Note on Refugee Integration in Central Europe, some activities are only executed by resettling states and these are linked to reception and integration activities (all the legal and cultural dimensions of integration, like naturalization, housing processes, helping the search for employment, taking care of education and healthcare, ensure public relief and social security, language acquisition, improvement of cultural orientation, enhancement of participation in the society, unify families). Resettlement states offer a durable solution for refugees. Resettlement allows states to share responsibility for refugees in that way that they can divide the number of refugees in a fair way (Parliamentary Assembly, 2015). Thus, a responsibility sharing mechanism is used to stimulate international solidarity. (UNHCR, 2013).

### Situation in the Netherlands and in Hungary

The resettlement program for refugees in the Netherlands has existed since 1983. In 2016, the maximum resettlement admission number was 500 refugees from the Middle East and North Africa, but in many cases like 'emergency resettlement' or 'woman-at-risk cases' there is no limitation. The responsibility for resettlement policy is with the Ministry of Security and Justice (UNHCR, 2016).

In 2013, Hungary pledged to resettle 20 refugees per year for three years. As this quota of 20 people per year was never fully achieved, refugees in need of safe passage have slowly been coming in as well (Bailey, 2016). After the European Council decided in 2015, that Hungary should take 1294 asylum seekers in total, the Hungarian government organised a referendum. Hungarian citizens were asked the following: 'Do you want the European Union to be able to mandate the obligatory resettlement of non-Hungarian citizens into Hungary even without the approval of the National Assembly?' (National Election Office, 2016). The results of the referendum ended up being invalid, because the percentage of votes did not reach the materiality threshold (44,08% instead of the minimum of 50%). This referendum shows that the Hungarian government has a negative attitude towards receiving refugees.

In the period from October 2016 to December 2016, 2555 people applied for a refugee status in Hungary. However, only 27 applications were approved as being a refugee and none of them was accommodated in Hungary. In the period between 2015 and 2016, in total 13 asylum-seekers were accommodated in Hungary (Hungarian Central Statistical Office, 2017).

#### Current Policy in the Netherlands

The generally accepted solution to manage the refugee situation in the Netherlands primarily is to voluntarily return them to their country of origin. In case the return is not possible, the second preferred possibility is integration in Schengen zone country where they arrived. Only if both of these durable solutions are not feasible within a reasonable timeframe, UNHCR can submit refugees for resettlement in the Netherlands (UNHCR, 2016). This resettlement has to appear as a 'last resort'. The government establishes the Dutch resettlement quota for a four-year period. The quatum applies to refugees individually submitted by UNHCR (UNHCR, 2016).

Since the Netherlands is a resettlement state, more activities related to resettlement can be found, e.g. accommodation and language courses which are provided by local authorities. Because education is mandatory for all children up to the age of 16, refugee children are enrolled in local schools and start school soon after arrival. Moreover, until refugees find employment, they are entitled to social security allowance and medical examination is obligatory also within two days after arrival in the Netherlands. A comprehensive programme of preventive health care, including health education and an immunisation programme, are provided. Additionally, those who have been granted asylum can apply for family reunification within three months upon arrival in the Netherlands (after three months it is still available, but not within the resettlement program) or upon the date the residence permit is granted (UNHCR, 2016).

#### Current Policy in Hungary

In 2016, an agreement between the Hungarian Office of Immigration and Nationality and the Kalumba Social Services Association was made to resettle Syrian refugees in Hungary; this work consisted of practical support, such as free Hungarian-language lessons, assistance in finding housing and much needed psychological-social support (Bailey, 2016).

Today, there is no clear information whether the Hungarian government does something to assist refugees and moreover, the situation of the asylum seekers getting worse since the new law, introducing mandatory detention for asylum-seekers, came into effect on 28 March 2017. By this new law, those who arrive, including children, are detained in shipping containers surrounded by high razor fences at the border for the entire length of their asylum procedure (Pouilly, 2017). The main assistance to refugees comes from the UNHCR, CSOs, churches and volunteer civilians.



However, according to the policy of the ministry of internal affairs, Hungary also offers asylum and protection to those people who had to leave their country because of armed hostilities, fear of grave bodily harm, or because they are not recognised by any other state as their citizen. Countries like Hungary should organise events and activities for refugees that have just arrived at the reception centres. Also, countries like Hungary should work on the reduction of conflicts between members of society including refugees, find a social purpose in the form of a job for refugees, and develop a method for the early identification of needs of refugees. Furthermore, Hungary should provide basic human needs in the form of decent shelter, food and health care within the asylum system, arrange the placement of asylum seekers within Hungary and arrange specialized treatment in healthcare or social welfare institutions.

## Chapter 2: Legal Framework of CSOs in Hungary and the Netherlands

Laws and regulations exist on multiple levels. Issues can, *inter alia*, be governed by international law, the law of the European Union and national laws. This means that interactions and (inter)relations exist between the UN, EU and domestic legal orders. CSOs are surrounded by these different levels of legal environments which might impede on (activities of) CSOs. In order to fully comprehend the content of the freedom of association in the international, EU and national legal system (in these three different spheres), it is important to understand how this interaction works.

Firstly, the EU and the member states of the EU (including Hungary and the Netherlands), must comply with the rules of the international legal order. The EU is not a member of the UN, but all its member states are. The UN General Assembly has consistently expressed that there exists an obligation to all its member states to abide by the Universal Declaration of Human Rights (hereafter: UDHR) (United Nations Human Rights Office of the High Commissioner, n.d.). In doing so, the EU itself is indirectly bound to comply with (customary) rules of the international legal order, such as the UDHR. Furthermore, the EU is directly bound to customary international law to the extent that human rights standards are guaranteed (United Nations Human Rights Office of the High Commissioner, n.d.). The EU is (even though it is not a member of the UN), therefore, also bound to comply with important principles of international law. Furthermore, according to Article 103 of the UN Charter, obligations that come from the UN prevail over other conflicting obligations from other treaties. This has not been denied by the Court of Justice of the European Union (CJEU) and it means that EU Law should correspond with the UN Charter by Member States in order to avoid a conflict of obligations (United Nations Human Rights Office of the High Commissioner, n.d.).

Secondly, the legal system of the EU member states must be in accordance with the legal system of the EU and herewith, the implementation of the European legal system constitutes a permanent limitation of the Member States' sovereign rights (Case 6/64, *Costa v. Enel* [1964]). Although member states accept the requirements of supremacy of EU law in practice, acceptance is not unconditional. Most of the national courts regard EU law as coming from their national constitutions, rather than coming from the authority of the EU Treaties or caselaw from the CJEU. In practice, they maintain their powers of ultimate constitutional review over rules coming from the EU (Craig & de Búrca, 2011). In addition to this, there is a change in the political attitude towards the EU. In both Hungary and the Netherlands, support for politicians that are anti-EU is increasing.

Thirdly, in areas in which the EU does not have exclusive competence, the member states can take decisions and actions. This is also known as the principle of subsidiarity (Article 5(3) Treaty on the European Union). It precludes intervention by the EU when a member state can effectively deal

with an issue itself, at central, regional or local level. It involves sharing powers between multiple levels of authority, which can be regarded as the institutional basis for federal states. In that regard, it can be problematic for CSOs that assist refugees if, for example, Hungary adopts a law which is not in accordance with the interests of the EU or UNHCR and CSOs.

It can be concluded that the interaction between all these legal systems is a difficult topic and can cause uneasy situations between states, the EU and an intergovernmental organisation such as the UN. For instance, the EU institutions want to be a federal state (see the preamble of the Lisbon Treaty), but several member states see this differently. They do not like to transfer (more of) their sovereignty to the EU. We hypothesize that in the Netherlands, the legal system is working quite well and that not many problems are caused by interactions between all these different legal levels. However, we think that in Hungary, the government does not always abide by international or European rules which might lead to difficulties for CSOs.

Now it is clear that different legal orders cannot exist separately from each other, the substance of rights that relate to the existence and functioning of CSOs will be explored. In the following paragraphs, therefore, in consecutive order, the freedom of association on international, European and national level (in both Hungary and the Netherlands) will be examined.

### Freedom of Association in the international Legal Order

Association and assembly rights are enshrined in several international human rights instruments. The international legal documents of the United Nations which consider the freedom of association as fundamental right can be considered as soft law, therefore they are not directly binding legally and, therefore, their content cannot be directly enforced. Still, it is essential to note, that 'vibrant assembly and association rights are a prerequisite not only for a legitimate democracy, but also for a just society' (United Nations Special Rapporteur, n.d.).

Furthermore, it is important to mention that there is no general definition for a CSO in international law due to the fact that the term covers an extremely varied range of bodies within countries. Moreover, different practices are followed concerning CSOs, that is why, in the following part, firstly, several international documents in which freedom of association appears, are described; (1) documents signed in connection with the United Nations, e.g. the Universal Declaration of Human Rights, and the international Covenant on Civil and Political Rights, and (2) the European Convention on Human Rights signed by the member states of the European Council.

### Definition of Freedom of Association

The United Nations' Universal Declaration of Human Rights of 1948 (Article 20) is, according to Glendon (1998), the 'single most important reference point for cross-cultural discussion of human freedom and dignity in the world today' (p. 1153), as it serves as a parent document for other (inter)national documents and treaties. However, it is important to note that the document's international compulsory quality is questionable (Halmai, 1990). It means that the Declaration is not legally binding in the sense that it appears rather as a recommendation formed by the United Nations General Assembly for the member states (Willmott-Harrop, 2001). The first paragraph of article 20 of the UDHR declares that peaceful association is everyone's right, and the second paragraph declares partly the negative freedom of association by prohibiting the sanctioning of somebody for not joining a given organisation. The negative side of this right is only declared partly, as there are organisations, where membership can be lawfully compulsory (e.g. when someone joins a legal or medical profession).

According to Article 22 of the international Covenant on Civil and Political Rights (hereinafter referred to as ICCPR) freedom of association allows people formally to join in groups to pursue common interests. Such organisations would be political parties, professional bodies, trade unions, and, most important for our research: non-governmental organisations.

Article 11 of the European Convention on Human Rights (hereinafter: ECHR) presents and protects, among others, freedom of association. Freedom of 'association consists of individuals coming together for the protection of their interests by forming a collective entity which represents them' (Greksza & Hermann, 2014, p. 301). Therefore, the existence of associations in which citizens can pursue common objectives collectively in the democratic process has been recognised by the Court as an important component of a well-established civil society ('Case of Sidiropoulos and Others v. Greece', 1999).

In the ECHR, the notion of association acquired an autonomous meaning, 'the question whether an institution is an association will not finally be decided by its classification in the national law' (Sigurdur Sigurjonsson v Iceland A 264, 1993). As quoted in the European System for the Protection of Human Rights: 'Any group of people pursuing specific common objectives with a minimum level of organisation and stability is an association in the sense of Article 11, even if this association is not officially recognized or registered according to national law' (MacDonald, Matscher, & Petzold, 1993, p. 495). Thus, such organisations are protected by Article 11.

### Limitations of the Freedom of Association

Article 22 (2) of the ICCPR provides a list of criteria for the limitations of freedom of association. Freedom of association is 'absolute', but it can be limited. Such limitations must fulfil specific

requirements, of which necessity is the first, proportionality the second and non-impairment of the essence the third. Firstly, limitation of the freedom of association should be 'necessary in a democratic society' (the requirement of necessity), which means that an interference by the state is necessary to preserve the democratic society and should be in compliance with the law. This limitation will only be accepted if this interference is found truly necessary by the Human Rights Committee. This requirement also implies the requirement of proportionality, as these separate categories must prevail at the same time. If an interference is necessary, it must be proportional at the same time. The requirement of proportionality implies that the sanctions must be in compliance with the general expectations of the law and must not be based on subjective valuation alone. Where a state makes any restrictions on the Covenant rights, it must demonstrate their necessity and only take such measures which are proportionate to pursue legitimate aims in order to ensure effective protection of Covenant rights. In no case may the restrictions be applied or invoked in a manner that would impair the essence of a Covenant right (UNHCR, 2004).

In the case of the European Convention on Human Rights, interferences on the freedom of association are justified if these meet the expectations of Article 11. This means that these circumstances need to be 'prescribed by law' and 'necessary in a democratic society' and need to defend one of the objectives of the second paragraph: 'Where discretion is given to the national authorities the law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise' (ECHR *Tebieti Muhafize Cemiyeti und Israfilov v AZE* No. 37083/03 §57). As the quote also proved, the national authorities must give sufficient reasons to interfere with freedom of association and must do it in a reasonable manner.

### **Freedom of Association in the European Legal Environment**

In the following paragraphs, freedom of association on the European level, as laid down in Article 12, paragraph 1 of the Charter of Fundamental Rights of the European Union (hereinafter: CFREU), and the establishment of organisations under European law is discussed.

#### Article 12 CFREU

In Article 12 CFREU, freedom of association is defined as follows: 'Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.' Before the adoption of the CFREU (in 2000), freedom of association was acknowledged by the European Court of Justice as a general principle of EU law in *Bosman*, one of its landmark cases. The Court determined in this case that freedom of association had to be recognized as a general principle of EU law, since it was laid down in the ECHR and resulted

from common constitutional traditions of the Member States (Case C-415/93 *Bosman*).

Something to note with regard to Article 12 CFREU, is that it is focusing mainly on the free association of workers (Dorsemont, 2014). Freedom to associate in civic matters is only of secondary importance. Additionally, Article 12 CFREU is directed primarily at the institutions of the EU as opposed to the domestic legislation of the Member States (Article 51 CFREU). This means that this right has an internal dimension and it relates to the (political) functioning of the institutions within the EU (Dorsemont, 2014). The CFREU is, therefore, not of paramount importance for this study and shall not be discussed further.

#### Establishment of Organisations under EU Law

When an organisation has been lawfully established under the national law of one of the Member States, the European legal order does not impose any extra or restricting requirements on the establishment of an organisation. Problems can, however, be encountered when an organisation wants to undergo a structural change, such as a cross border transfer of seat, merger or conversion, because in such a situation, an organisation can become subject to the laws of more than one Member State (Grundmann & Glasow, 2012). Harmonization of these structural changes is still in development, therefore this problem has not been solved, yet. As Grundmann and Glasow (2012) explain, there is a lack of clarity in European legislation in case an organisation wants to make a structural change. Since, in this research we focus on Dutch and Hungarian organisations, and not on organisations that (want to) have offices in multiple (European) countries, this will not be elaborated on further.

#### **Freedom of Association in Hungary**

On the 1st of January 2012, the new constitution of Hungary, the Fundamental Law, entered into force, replacing the former Constitution, the Act XX of 1949. The creation of the new Fundamental Law of Hungary made it inevitable to amend the existing legal order to be in compliance with the new constitutional environment; a good example that can be found amongst the new statutes is Act CLXXV of 2011 on the Right of Association, Non-profit Status, and the Operation and Funding of CSOs, hereafter referred to as Civil Act (in Hungarian: 2011. évi CLXXV törvény az egyesülési jogról, a közhasznú jogállásról, valamint a civil szervezetek működéséről és támogatásáról). The Civil Act repealed a number of former provisions, such as Act II of 1989 on the Right of Association, hereafter referred to as the previous Civil Act (in Hungarian: 1989. évi II. törvény az egyesülési jogról). Furthermore, the Act V of 2013 on the Civil Code (in Hungarian: a 2013. évi V. törvény a Polgári Törvénykönyvről), has also brought significant changes which are examined in this paper.

The second paragraph of the new Fundamental Law states freedom of association as follows:

‘Everyone shall have the right to establish and join organisations’. Article VIII, paragraphs 2–5, practically rearrange and unify the rules that have been set out in various provisions of the Constitution regarding freedom of association and organisation. The previous regulations that have been replaced are gathered into one unified paragraph and they cite the provisions from the previous Constitution accepted in 1989.

The Basic Law presents two sub-rights of freedom of association: to *establish* and to *join* organisations. Contrary to the former regulation, it does not mention the objectives of organisations. (Csink, Schanda & Varga, 2012). According to the Court, the right of association is a freedom for all as it should be accessible to everyone without special criteria. As the Court declares: ‘This right is primarily about the free selection of the objective, and furthermore the freedom of establishment of an organisation for a given purpose, voluntary accession thereto and the possibility of voluntary secession [...]’ (Decision 22/1994 CC).

The Court determined that the free selection of purpose of functioning and the voluntary accession to an organisation are essential elements of freedom of association. This way, the Court also considered the substantial connection between freedom of association and freedom of thought, ideas and expression. As the First Commentary states, ‘the voluntary nature of the freely established organisation- meaning the freedom to associate-, the lack of coercion also grants freedom of belief, speech, conscience and expression as well’ (Csink, Schanda & Varga, 2011, p.155).

### Restrictions

Legal entities that are formed on the basis of freedom of association are not defined by law in its entirety. Specifically, legal entities may be established only when their purposes are in accordance with the provisions of the Fundamental Law. Thus, the right of association is not an absolute fundamental right, since the purpose of an organisation must not violate the second indent of the paragraph C of the Fundamental Law: ‘*No one shall act with the aim of acquiring or exercising power by force, and/or of exclusively possessing it. Everyone shall have the right and obligation to resist such attempts in a lawful way.*’

In a 6/2001 (III.14) decision of the Hungarian Constitutional Court, an artistic community, that wanted to be acknowledged as a CSO, filed a constitutional complaint. According to the artistic community, the freedom of association of the CSO is already limited if it is forced to register itself to gain a legal personality, because this is not aligned with the essential content of freedom of association as guaranteed by the previous Constitution. Therefore, they claimed, the rule is unconstitutional. The artistic community wanted to achieve the immediate legal personality of the formed organisation. Among their arguments, they mentioned: ‘if a CSO is established on the basis of the right of association, it also immediately obtains the desired legal personality, as civil

organisations cannot be separated from the essence of their being, their legal personality. Otherwise it instantly means a restriction of the examined freedom, because CSOs have to wait for unpredictable period of time to gain their legal rights and obligations in society '(Kaprinay, 2014, para 4). By this statement, they meant that the obligatory registration process restricts the core of the freedom of association (Kaprinay, 2014.).

The Constitutional Court found that both the previous Constitution and the previous Civil Code allowed the creation of communities that do not have legal personality or are not in the official register. In such cases, bodies can function freely, but are not qualified to be called a civil organisation, because legally recognized organisations need to be registered by the Court. The organisations may communicate, form networks with each other, but these organisations will not gain a legal entity which would appear as a separate legal entity in civil law-relations. Moreover, they may not acquire legal rights and obligations in property issues, or turn to the Courts if their personal rights are violated, such as the supposed good reputation of an organisation. The primary purpose of this legal procedures is to prevent illicit use of the power to form an association. The court can only refuse the establishment of organisations if the statutes of an organisation are not in compliance with the law (Halmai, 2004).

#### Hungarian CSOs under Civil Law

In Hungary, Act CLXXV of 2011 on the Right of Association, Non-profit Status, and the Operation and Funding of Civil Society Organisations (Civil Act) contains provisions of CSOs. The Civil Act is supported by Act V of 2013 on the Civil Code of the Republic of Hungary, which regulates legal persons, including associations and foundations. In Hungary, CSOs are registered as legal persons by the court (13. § (1) CLXXV of 2011). Registration can only be denied because of reasons specified by law in order to prevent the state from deciding whether an organisation is important or efficient enough to be established (Bódi, et al., 2014, p.30).

CSOs manage their property independently in the interest of reaching the goals as determined in their corporate statutes. CSOs cannot be established primarily for commercial purposes (17. § (1) CLXXV of 2011). For example, a CSO dealing with refugees can organise auctions, but they cannot distribute its profit among its members. However, they can pay the salary of workers for the organisation or spend it on other projects that the organisation is involved in.

#### Association

The term association is defined in the Civil Code of 2013, which declares that associations are legal persons with registered members. These legal persons are created for purposes defined in their corporate statutes in order to achieve common goals on a continuous basis (3:63. § (1) V of 2013).



These goals shall be examined during the registration process, and if the court decides that the aims cannot be achieved on a continuous basis, the association cannot be registered (Gárdos and Vékás, 2014, p.367).

Additionally, an important criterion is that associations are authorized to perform economic activities only if they are directly related to achieving the association's goals (3:63. § (3) V of 2013). Moreover, for establishing an association at least ten people are needed (3:64. § V of 2013). An association can be terminated by force of law for various reasons, for example when an association completes its goal and no new goals are set, when it proves to be impossible to reach a goal or if the number of members decreases below ten for at least half a year (3:84. § V of 2013).

### Foundation

Foundations are legal persons set up to pursue long-term objectives as defined in their Deed of Foundation [Alapító okirat]. In this document, the founder shall decide about the structure and wealth of the foundation (3:378. § V of 2013). The most considerable difference between an association and a foundation is that an association is considered as a group of people, and a foundation as a collection of wealth. In other words, a foundation is an administrative body whose founder is entitled to determine what happens to the wealth collected for this foundation (Bódi, et al., 2014, p.49). As opposed to associations, foundations can be established and operated by only one person. However, the founder shall cover all expenses until the application for registration (3:380. § V of 2013). Since the establishment of a foundation costs money, a foundation may accept new members upon the contribution of funds, if in accordance to the conditions set out in the Deed of Foundation (3:383. § (1) V of 2013). There are two types of foundations, open or closed foundations. In open foundations, someone is allowed to join as a member, contrary to closed foundations (Bódi, et al., 2014, p.60).

The goal of a foundation, similar to the goal of an association, has to be long-term and should be continuously feasible. Additionally, it is important to note that, unless the provisions of the Civil Code state otherwise, a foundation may not be established for the personal benefit of its founder, any current or future member, any officer of the foundation, any member of a foundation organ, or the family members of these persons (3:379. § (4) V of 2013). Finally, with regards to economic activity, foundations are authorized to perform economic activities only if these are related to achieving its goals. A foundation stops existing if it has completed its goal, or it has become impossible to achieve the goal and no new goals have been set, or if the foundation has not performed any activity related to its goal for at least three years (3:403. § (1) V of 2013).

### Public benefit status

CSOs can be associations (e.g. the Hungarian Helsinki Committee (HHC) and the Menedék Hungarian Association for Migrants) and foundations (e.g. Subjective Values Foundation and SOS Children Village) and like some non-CSOs, they can get public benefit status. Public benefit status means that an organisation can make a public facility contract with a public body, administrative body or budget body (35 § (1) CLXXV of 2011). Another advantage are tax benefits. For example, organisations that have a public benefit status do not have to pay general services tax in certain cases (85 § CXXVII of 2007), while having corporate tax benefits as well (9 § LXXXI of 1996). Not every CSO aspires to a public benefit status as aside from the legal advantages, it also brings along additional obligations. Requirements for an organisation to obtain public benefit status are as follows: organisations have to be registered in Hungary, they have to perform public benefit activities, must possess adequate resources and they must support society sufficiently (32. § (1) CLXXV of 2011).

To conclude, CSOs providing help to refugees have to determine a continuously feasible goal, otherwise they cannot be registered, or their existence will be terminated. In addition, Hungarian CSOs have to be registered by court, which needs time and in some cases, legal expertise. However, the court cannot decide whether a CSO's goal is important or efficient enough for the society, so the goal of dealing with refugees cannot be banned, as long as it completes the criteria specified by law.

## **Freedom of Association in the Netherlands**

### Freedom of association in Dutch Public Law

In the following paragraphs, the right and freedom of association in Dutch public law is described. First, Article 8 of the Dutch Constitution (Nederlandse Grondwet, hereafter: GW), concerning freedom of association, is a provision of key importance for the functioning of Dutch civil society. It is included in the chapter on fundamental rights of the Dutch Constitution. This right is defined as follows: 'The right of association shall be recognized. This right may be restricted by an Act of Parliament in the interest of public order.' It provides a constitutional guarantee for the existence and applicability of (political) movements, and at the same time it permits all associations of the public that want to support civil society (Leenknecht, 2017). It enables citizens to unite with other citizens in an organisation as they see fit to bring attention to their (socially relevant) positions (Schutgens, 2014).

The right of association must be understood in a broad sense. This means that people have the freedom to establish associations and also (not) to be a member of them. However, during the debate of the governmental proposals for this right in 1848, a precise definition of what can be

understood exactly under 'association' was not created, because the parliament never reached a conclusion about this definition (Akkermans, 1992). It is, therefore not possible to come up with a legal definition of an association.

### Restrictions on the Right of Association

The right of association is not unlimited and can be restricted subject to 'Acts of Parliament'. The wording of Article 8 GW rules out delegation of these restrictions to subordinate legislators (such as the municipal council) or to the Crown<sup>2</sup> (Leenknecht, 2017; Löwensteyn, 1982).<sup>3</sup> Thus, the right of association can merely be restricted by an Act of Parliament. The restriction that is most important is the ban and dissolution of legal entities which have goals and activities that are contrary to public order (Article 2:20 of the Civil Code (Burgerlijk Wetboek, hereafter: BW).<sup>4</sup> This provision applies to both associations and foundations, both of which are discussed further below. When the goals of a legal entity are contrary to public order, it can get the opportunity to modify its goals so that it gets in accordance with public order. Otherwise, it will be dissolved by the court on request of the Public Prosecution Service. When the activities of a legal entity are contrary to public order, it can be banned and dissolved (Article 2:20 paragraph 1 and 2 BW). A consequence of the ban is that the continuation of a forbidden legal entity is illegal in accordance with Article 140 paragraph 2 of the Dutch Penal Code (Nieuwenhuis, 2015).

A ban of an association is a very significant measure, because of its connection with other fundamental rights (Leenknecht, 2017).<sup>5</sup> In case an organisation is prohibited, this signifies that an important means is being taken away to be able to participate in legal matters as a (group of) citizen(s). Therefore, a judge<sup>6</sup> needs to exercise great restraint in protecting public order when applying the restrictions that are rooted in Acts of Parliament. (Leenknecht, 2017).

The term 'contrary to public order' has a limited importance in the context of Art. 2:20 BW. (*Kamerstukken II 1984/85, 17476, 5*). Article 2:20 BW must be regarded as a measure necessary to

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<sup>2</sup> In the Netherlands, the Crown comprises the king in the exercise of his state duties under ministerial responsibility and the responsible minister.

<sup>3</sup> In the Constitution, delegation is not possible when an issue must be 'provided by law' or when an 'Act provides'. In such a case the issue may only be handled by an Act of Parliament.

<sup>4</sup> Other possible restrictions are participation in the activities of a legal entity forbidden by law (Article 140 Penal Code) and deregistration from the electoral register of a legal entity prohibited by law (Article G1 Elections Act).

<sup>5</sup> The right of association can be connected to other fundamental rights, such as the freedom of religion, the freedom of speech, the freedom of education, et cetera.

<sup>6</sup> Acts of Parliament are able to restrict the right of association in the Dutch Constitution. However, it is the judge that has the final saying in the matter, because when people do not agree with the restriction that is imposed upon them, they go to court. In such a case, it is the judge who finally decides whether the restriction applies or not to the situation. And therefore, a judge is required to be careful in allowing the contested restriction.

prevent behaviour that is an actual violation of principles of the legal system and that can disrupt society (Asser/Rensen 2-III\* 2012/2.0). One could think of infringement of the freedom of others and infringement of human dignity, such as threat of violence, discrimination or systematic fraud (Nieuwenhuis 2015, p.115). In practice, it is not very likely that a judge will restrict the right of association with an appeal against conflict with the public order, because judges are not quickly inclined to give a broad interpretation of violations of fundamental rights (*Kamerstukken I* 1986-1987, 17 476, 57a; Akkermans, 1992).

Yet, a few cases do exist in which the Supreme Court decided to ban and terminate an association pursuant Article 2:20 BW. An example of this situation is the ban of association 'Martijn' (HR:2014:948 (*Verbod Vereniging Martijn*)). Martijn had an aim to achieve legal and societal acceptance of sexual relations between children and adults. The Supreme Court decided that Martijn had to be banned and terminated. One of the reasons for this decision was formed by the international obligations that say the Netherlands has to protect children against sexual acts. The Supreme Court argued that, even though a big restraint is required with respect to the ban and dissolution of an association in general, the exceptionally severe nature of their conduct, the nature of the activities of the association and the corresponding intention of its members, required the ban and dissolution to protect the health and the rights and freedom of children (HR:2014:948 (*Verbod Vereniging Martijn*)).

This ruling is a very important clarification on the limits within which associations can exist. A ban is the most serious infringement on the freedom of association. Schutgens (2014) argues that it seems that the Supreme Court has introduced an alternative criterion for the specification of Art. 2:20 BW, namely that associations can be banned, and right of association can be limited when there is conflict with other fundamental rights. In such a case, other fundamental rights are the decisive factor despite the great importance of the right of association.

So far, no examples exist of cases before the Supreme Court in which CSOs (assisting refugees) cross the line and need to be banned or prohibited. Additionally, it is not likely that it will happen that CSOs assisting (illegal) refugees will face these legal consequences, because there must be a very grave violation of public order to be banned or prohibited.

### The right of Association in Dutch Civil Law

Next, the right of association as it is expressed in Dutch civil law is explained. Under Dutch civil law, there are many types of organisations that fall within the scope of the Dutch Civil Code. However, the focus here will be only on associations and foundations, because all Dutch CSOs that have been interviewed for this research, are either an association or a foundation. The subject of the section is the legal environment in which an association and a foundation exists and functions and the limits to

which an organisation is subject.

### Associations

Associations are covered in the general provisions on the law of legal entities in Articles 2:1 through 2:25 BW and in the provisions regarding associations specifically in Articles 2:26 through 2:52 BW. Examples of Dutch CSOs that are associations handling refugees are the Dutch Refugee Council for Refugees (VluchtelingenWerk) and the Dutch Red Cross.

A multilateral legal act<sup>7</sup> is required for the formation of an association (Article 2:26 paragraph 2 BW). This means that it is compulsory that at least two individuals establish an association. Furthermore, an association needs to have a goal. The goal sets a direction for the activities the association wants to pursue (Kollen, 1995). They often achieve an ideal, namely, they represent the interests of their members. Associations are free to choose whichever goal they aspire; however, they must abide by two legal restrictions: they cannot distribute profits among their members (art. 2:26 paragraph 3 BW) and the goal cannot be contrary to public order (art. 2:20 paragraph 2 BW).

### Foundations

A foundation is another form of organisation that is provided for in Book 2 of the Dutch Civil Code and that is protected under the right of association. It is covered by Articles 2:285 through 2:303 BW. Examples of Dutch foundations are Foundation Refugee and Foundation for Refugee Students (Stichting voor Vluchteling Studenten , UAF).

In contrast with associations, foundations are prohibited to have members (Article 2:285 BW). However, law does not impose any limits to the size of the board of the foundation, which can therefore be very extensive. Organs can be formed from the board that are very similar to members' meetings (Löwensteyn 1994). Therefore, in practice the distinction is not so significant.<sup>8</sup> Other differences between associations and foundations are (also) somewhat subtle.<sup>9</sup> The foundation is mainly an instrument to achieve the (idealistic) goals that the founder(s) had envisaged (Löwensteyn, 1994). Additionally, similarly to the association, the foundation cannot distribute profits to its founder(s), pursuant Article 2:285 paragraph 3 BW.

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<sup>7</sup> A legal act requires an intention to produce a legal effect manifested by a declaration (art. 3:33 BW). A multilateral legal act solely requires more than one person to declare their intention. The most common example is an agreement.

<sup>8</sup> There is, however, a legal consequence on the prohibition of members. To read about this, see among others, Löwensteyn, F. J. W., Pitlo, A., & Raaijmakers, M. J. G. C. (1994). *Rechtspersonenrecht* (3e dr. /). (Het Nederlands burgerlijk recht / Pitlo, dl. 2). In *Het nederlands burgerlijk recht*. Arnhem: Gouda Quint.

<sup>9</sup> For examples, consult the author of this text.

### Public Benefit Organisations

In the Netherlands, organisations can also be qualified as a 'public benefit' organisation (also known as 'ANBI' organisation). In that case, at least 90 percent of the organisation's efforts must be focussed on the public good. An organisation with public benefit status does not pay inheritance tax or gift tax on inheritances of gifts that the organisation allocates for the general good. In addition, natural and legal persons that make donations to an 'ANBI' organisation can make deductions from their income taxes.

### Comparison of the Hungarian and Dutch Legal Environments

Even though the Dutch and Hungarian legal systems differ on many points, there are also some similarities with regard to the freedom of association. Specifically, in both legal orders, people are free to establish associations and also (not) to be a member of them. Furthermore, the right of association is not an absolute right and it can be restricted, in both Hungary and the Netherlands by an Act of Parliament. More specifically, with regard to legal rules concerning the functioning and existence of CSOs, both Dutch and Hungarian associations can be terminated under a decision of the board and a court declaration, if there are no more members and if something occurs that, in accordance with the statutes, leads to dissolution of the association.

Differences can be seen in many aspects of the law, for instance, in the registration process. In Hungary, CSOs are registered by the court, making the registration process more complex, whereas in the Netherlands registration occurs by notarial deed. Furthermore, in Hungary, at least ten persons are required to establish an association whereas in the Netherlands two persons suffice. In addition to this, a Dutch CSO is free to determine its goals as long as the goal is not the distribution of profit among its members and the goal is not contrary to public order. This is contrary to the Hungarian situation, where an association must have its goal thoroughly examined and approved by court during the registration process. Taking this into consideration, Dutch associations seem to enjoy more freedom than Hungarian associations. Finally, Hungarian foundations are allowed to accept new members if they contribute funds, whereas Dutch foundations have a prohibition to have members.

From the foregoing, it can be expected that in Hungary the registration process may cause problems for CSOs that want to provide help to refugees, because it seems to be difficult to register as an organisation (contrary to the situation in the Netherlands, where it is easy to register). For Dutch CSOs, no real problems are expected with regard to the establishment and functioning of CSOs, because the legal rules seem straightforward and supportive. The supportiveness and clear rules can be regarded as a beneficial element of the Dutch legal order. Furthermore, in both Hungary and the Netherlands, CSOs with a public benefit status obtain tax benefits.

To conclude, we expect that CSOs can exist and cooperate with one another without experiencing many problems from the legal orders of both Hungary and the Netherlands. If a CSO has a public benefit status, the legal environment even seems to be supportive towards CSOs. However, in case problems arise that concern the legal environment, this is more likely to happen in Hungary with regard to, for example, the registration process.

## Chapter 3: Theories on Collaboration and Conflicts

Collaboration between CSOs is a central topic of this study. In literature, this is labelled 'non-profit collaboration'. Non-profit collaboration can be defined as 'what occurs when different non-profit organisations work together to address problems through joint effort, resources, and decision-making and shared ownership of the final product or service' (Guo & Acar, 2005, p.342-343). In the following paragraphs, first, motives for collaboration will be discussed, second, theories on collaboration will be explored and lastly, theories on conflicts will be presented.

### Motives for Collaboration

Kohm and La Piana (2003) identified four motives for non-profit interorganisational collaboration. The first motive for collaboration is to maintain funders' support. Funders want to dispense their money in the most efficient way possible. This leads to a limited number of contracts with CSOs. According to Kohm and La Piana (2003) non-profit collaboration will emerge when smaller organisations believe that funders favour larger organisations. Whereas the first motive is focused on CSOs' outside environment, the second motive is focused on the CSOs' internal environment. The second motive for collaboration is saving money and becoming more efficient. Kohm and La Piana (2003) demonstrate that the most common reason for collaboration is 'an internal decision to increase the efficiency/efficacy of their organisation' (p.26). The third reason for collaboration is to capitalize on partner organisations' leadership. In conformity with Kohm and La Piana (2003), skilled and experienced non-profit executives are scarce. Through non-profit collaboration, organisations benefit from another organisation's leadership. The fourth motive for collaboration is to preserve or enhance organisational reputation. With collaboration, organisations show their interest in enhancing their efficiency and promoting their position in the community.

### Theories on Collaboration

#### Social exchange theory

In psychology and sociology, multiple theories on communication and collaboration can be identified. Most of them focus on the reasons for and methods of social interactions. For instance, 'social exchange theory' (Homans, 1958) is based on the idea that benefits and costs are present in all relationships. People's perceptions of their relationships depend on their assessments of the (perceived) benefits and costs in comparison to other relationships (Gilovich, Keltner, & Nisbett, 2011). Thus, according to this theory, people's interactions are determined by the benefits and costs that we expect to receive from the relationship with others (Crossman, 2016). Typically, interactions



or relationships in which the benefits exceed the costs are most desirable (Gilovich, et al., 2011).

Social exchange theory can also be applied to relationships between organisations. Inter-organisational collaboration has many benefits and costs. Benefits include increased access to resources, economic efficiencies, effective response to shared problems, improvements in quality of services delivered to clients, and spreading of risks. Costs of collaboration are loss of autonomy, financial instability, difficulty in assessing organisational results, loss of time and resources needed for collaborative activities (Gazley, 2008).

#### Collective Action Problem

According to social exchange theory, relationships will develop when benefits exceed costs. This development can be influenced by the different nature of the benefits and costs. Benefits of collaboration are collective: all participating organisations benefit from collaboration. Costs of collaboration tend to be the opposite as they vary across participating organisations, hence they are selective. Organisations that collaborate with other organisations thus face a collective action problem; while the benefits are available for all participating organisations and therefore difficult to measure, the costs are attributed to one organisation (Jang & Feiock, 2007). This collective action problem can impede collaboration because organisations do not want to be solely responsible for the costs of collaboration, while all organisations benefit from the collaboration.

#### Resource Dependency Perspective

When social exchange theory is applied to interorganisational collaboration, a so-called 'resource dependency perspective' emerges (Guo & Acar, 2005; Jang & Feiock, 2007). A resource dependency perspective considers interorganisational relationships as 'the exchange of critical resources and power imbalances' (Jang & Feiock, 2007, p.179). According to this perspective, individual organisations do not have all the necessary resources, therefore, they interact with other organisations that do have these resources. With these interactions or collaborations, organisations achieve critical resources they need and thus diminish uncertainty (Guo & Acar, 2005; Jang & Feiock, 2007), which is considered a benefit from collaboration. However, collaboration also has its costs. One important cost of developing collaborations is loss of autonomy (Provan, 1984). The choice for collaboration then depends on the balance between necessary critical resources and loss of autonomy. Especially formal collaboration is often accompanied by a greater loss of autonomy, though simultaneously with a stronger control on achieving critical resources (Zuckerman & D'Aunno, 1990). Since smaller organisations have more significant resource scarcity, they are more inclined to develop collaborative activities in order to gain all necessary resources.

### Equity Theory

Related to social exchange theory, the 'equity theory' (Adams, 1963) claims that people are motivated to strive for fairness or equity in their relationships, with costs and benefits equally divided among individuals in their relationships (Gilovich, et al., 2011). Adams (1963) describes that inequity exists when one's own input-output ratio is perceived as unequal in comparison to the perceived input-output ratio of the other person in the relationship. Perceptions of equality are important determinants of motivation to maintain the relationship; the more equity is perceived, the more motivated individuals will be to maintain the relationship, and with the same logic, the more inequity is perceived, the less motivated they will be (Adams, 1963).

These theories can be applied to construct hypotheses of what could be factors influencing collaboration between CSOs. For instance, in line with social exchange theory, it could be expected that organisations will decide to collaborate with other organisations by determining the benefits and costs of the (potential) relationship just as individuals do. Furthermore, they will most likely favour relationships that will give their organisation more benefits than costs. Consistent with the equity theory, an organisation will strive for equity in its relationships. Thus, the relationship will be perceived as a successful one when costs and benefits are perceived to be equal between the two parties, and the relationship is perceived as unsuccessful when the costs and benefits are perceived as unequal.

### Game Theory

A theory from a different perspective (originating from economics) is 'game theory' (Von Neumann & Morgenstein, 1944). It can be defined as a framework of mathematical models of collaboration and conflict between rational, intelligent decision makers (Myerson, 1991). The term 'game' refers to any interactive, social situation involving two or more individuals and is based on two basic assumptions: (1) decision-makers are rational (they consistently pursue their own objectives), and (2) they reason strategically (by which they acknowledge expectations or knowledge of other decision-makers' behaviour) (Osborne & Rubinstein, 2011). In psychology, game theory is mostly used as experimental paradigm by which decision making can be examined. For example, in the 'trust game' one player can choose to give a certain amount of money to player two. The money given to player two is doubled and player two can also choose to give a certain amount back to player one (McCabe, Rigdon, & Smith, 2003). In such games, the concepts 'trust' and 'reciprocity' are important strategies. In this study, it could also be investigated how rational and strategic CSOs are in their collaboration. What goals do they pursue and what strategies do they use to achieve their aims? Do they work together or compete with other CSOs for those goals? Also, are there certain rules to the 'game' collaboration?

### Nudging

The next concept that we focus on is ‘nudging’ (Thaler&Sunstein). Nudging involves three main claims: (1) making choices is greatly influenced by the architecture of choice (i.e. the way in which a choice is presented to you), (2) this architecture of choice is unavoidable (but it can be designed in manners that improve well-being), and (3) people can be nudged into a certain direction while their freedom of choice remains (Leonard, 2008). Thus, nudging is changing the choice environment to invite particular decisions. Nudging often lies in the details, e.g. framing or shapes. With this, minor but existent effects are achievable: different shapes of glass determine how much you think it can contain, just as smaller plates may make you eat less.

This concept originally is an influencing technique, but it can also be applied to collaboration between CSOs. This theory places more emphasis on the ‘outside’ environment (often the government), in which nudging might already take place or could take place, influencing decision making. Especially regarding a sensitive topic such as helping refugees, the outside environment (the government, the legal environment, public opinion etc.) can have great impact on collaboration between CSOs. Thus, comparing the Netherlands and Hungary – two very different countries regarding refugees – might show that CSOs, both in general and for the decision to collaborate, are ‘nudged’ in different ways by their environment.

### Encoding and Decoding Model

Finally, in 1973, Hall described another model for communication, *viz.* the encoding and decoding model. This model consists of four steps. The first step is production. This is where the encoding or construction of a message begins. Step two is circulation. Circulation refers to how individuals perceive things visually (e.g., a short video), written (e.g., an e-mail) and/or orally (e.g., a conference). Step three is the use (distribution or consumption) of a message. Step four is the reproduction. This stage occurs directly after decoders have interpreted a message in their own understanding based on their experiences and beliefs. Since all four steps depend on numerous factors, such as knowledge-in-use, technical skills *et cetera*, miscommunication between CSOs can evolve.

In our research, this means that if (representatives of) organisations have an entirely different theoretical or empirical background or knowledge, this can be an obstacle for collaboration. Both the encoding and the decoding can only be completely ‘successful’ in case the encoder and decoder parties exactly understand the message of the partner. It should be borne in mind that the meaning is not determined by the sender, the message is never transparent, and the decoder is not a passive recipient. It becomes problematic when the encoder frames a meaning in a certain way, but the decoder decodes it differently according to his/her personal background or social situation (Hall, 2001). For example, CSOs can face problems in their collaboration when they give different meanings

to words they all use in their communication, such as client.

### Theories on (In)visible Conflicts

Collaboration between organisations can be complicated if they face problems and conflicts. It is, however, not certain that these conflicts are visible or that members of CSOs know about them, because conflicts can either be visible or invisible. Both conflicts could be (invisible) obstacles for collaboration between CSOs. A conflict can be understood as a disagreement between people or organisations with opposing opinions or principles. Cases exist in which participants of conflicts are not aware of any problems, these are invisible conflicts.

Morton Deutsch's book *Constructive Conflict Resolution, Training and Research* (1994) deals with this topic. According to Deutsch (1994), conflicts have constructive or destructive outcomes. In destructive conflicts, participants feel defeated, because they could not achieve their goals. This contrasts with a constructive conflict, where members are satisfied with the outcome of the conflict (Deutsch, 1973). In our research, an example of a destructive or constructive situation is when two CSOs run for the same tender. Constructive conflict happens, for example, when fair competition between equal parties exists. It enriches the individual's self-knowledge and enhances the cohesion of the group, because all members have the same aim and opportunity to realize their aim. On the other hand, destructive conflict is at stake in case of an unfair competition between unequal parties where the outcome is predetermined. Stakeholders will be negatively affected, because their confidence is shaken and group cohesion is reduced (Deutsch, 1973). As an example, if two CSOs run for the same tender, but one of them has more personal contacts or other tools which help them to win unfairly. In addition, many other forms of conflicts exist. We attempted to collect all relevant conflict theories and interpret them concerning the collaboration between CSOs.

### Place of Conflicts

Concerning the place of conflict, Dahrendorf (1959) classifies interpersonal, intrapersonal, intergroup, and intra-group conflicts. Only intergroup conflicts will be explained, since they are the most relevant ones in the examination of relations between CSOs. Intergroup conflicts take place when a misunderstanding arises between different organisations.

Some notable reasons for intergroup conflicts are the structure, interest and working habits of a group. Additionally, individual members of a group often play a role in the initiation of a group conflict. When groups seem to have parallel directions and seem to share similar interests, each group may view each other in a positive manner. However, if activities and goals of groups differ, they may view each other in a negative manner. Limited resources and reward structures can foster

intergroup conflicts by making differences in group goals. Differences in perceptions among groups regarding time and status can also create conflict (Belak, 1998). For example, in case two CSOs are, at the same time, doing the same activity without knowing about it, this could become an intergroup conflict, because of the double effort and time that has been put into the activities.

#### Conflicts Concerning the Relationship Between Groups

Regarding the relationship between groups, four categories can be distinguished: instrumental, socio-emotional, negotiation, and dependency conflict (Mastenbroek, Tibor & Imre, 1991). Most relevant in this study are the instrumental and negotiation categories. Instrumental conflicts arise in case of communication problems, such as task-sharing, misunderstanding and lack of understanding. For instance, they can occur when CSOs disagree on task-sharing, because of an overlap in their profiles. Negotiation conflicts can stem from unequal distribution of power. For example, in case multiple CSOs are working together, financial power can give one CSO more power to negotiate than the other ones, which may lead to conflicts.

#### Causes of conflicts

Moore (1992), Szekszárdi (1995) and Székely (1995) distinguished different classes which can be causes of disputes between CSOs. Most relevant are the informational and relationship class. In the informational conflict, too much information or wrong information is shared, or relevant information is held back. For example, if information does not flow adequately between CSOs, that could be the reason for non-effective collaboration and communication. In the relationship class, conflicts between CSOs can arise as a result of disliking between some members. For example, when directors of two CSOs misunderstand each other, or when they have a disturbed personal relationship, they may look for other potential partners to collaborate with.

## Chapter 4: Methods

### Selection of CSOs

In order to describe the interrelations between CSOs which assist refugees in Hungary and the Netherlands, structured interviews were conducted with selected CSOs (see Appendix A). This selection of CSOs is based on the definition of CSOs as described previously. In addition to this, other selection criteria were used. First, both CSOs that offer direct and indirect assistance to refugees were included in this study. For instance, Foundation for Migration Law, a knowledge institute that provides information on migration law to professionals that offer services to refugees, was included as well. Second, CSOs that refer to refugees as (undocumented) migrants were selected, if these migrants are considered refugees according to the definition of refugees provided by UNHCR (in accordance with Article 1 of the Convention and Protocol relating to the Status of Refugees). Third, only CSOs operating in Hungary or the Netherlands were included, regardless of a possible international function. Eventually, 28 organisations were contacted and 19 interviews were conducted 19 in person, via telephone ( $n = 2$ ) or e-mail ( $n = 2$ ) (68% response quota).

### Constructing the questionnaire

The questionnaire used during the interviews consists of questions that mainly focus on the interrelations between CSOs, but also on their positions within national and international networks, the legal environment surrounding CSOs, their relationships with the government or the EU and the capacity of CSOs (see Appendix B). A selection of indicators from CIVICUS's Civil Society Index (CSI) (Heinrich, 2004), which is a tool for measuring civil society, was used for constructing a part of the questionnaire as can be seen in Appendix C. The questionnaire served as the basis for each interview. However, when the respondent preferred to fill in the questionnaire via e-mail, minor alterations were made to the questionnaire to ensure the comprehensibility. The approach and style for constructing the questionnaire and the interviewing during this research was based on Evers & Boer 'Qualitative Interview: art and skill' (2012).

### Data Analysis

All interviews were recorded, and the main content was transcribed *verbatim* in the language that was spoken during the interviews. Afterwards, the transcriptions were coded by using a theme list (see Appendix B). The theme list covered all themes that formed the basis of each question in the questionnaire and all themes were based on answers given by respondents. In the transcripts, only text that was relevant to these preselected (sub)themes was coded with a number-letter combination linked to a specific (sub)theme. First, the CSOs' views on each (sub)theme were

compared on a national level, in which CSOs were compared individually within their country. Then, all views of CSOs were grouped together per country and then compared.

# Chapter 5: Results

## Results in the Netherlands

### Contact Between CSOs

In the Netherlands, all the interviewed CSOs work together with other CSOs (figure 1). Dutch Council for Refugees has a central position in this network: most CSOs are in contact with this organisation and this organisation has the most employees together with Foundation Nidos. Furthermore, it was found that religious organisations work together more often with other religious organisations, but also have relations with religiously neutral CSOs.

Besides Dutch Council for Refugees, Amnesty International also has a central position in this network: several organisations are in contact with Amnesty International. Furthermore, the network of CSOs is diffuse in the Netherlands: CSOs interviewed are not only in contact with CSOs that were interviewed, but also with multiple other organisations. The total network of CSOs in the Netherlands is shown in Appendix E.

Figure 1 shows all CSOs interviewed and CSOs that were mentioned in at least two interviews, so organisations which are mentioned by only one CSO are not shown in this figure. Bigger squares indicate a larger capacity of the CSO (measured in number of employees working there)

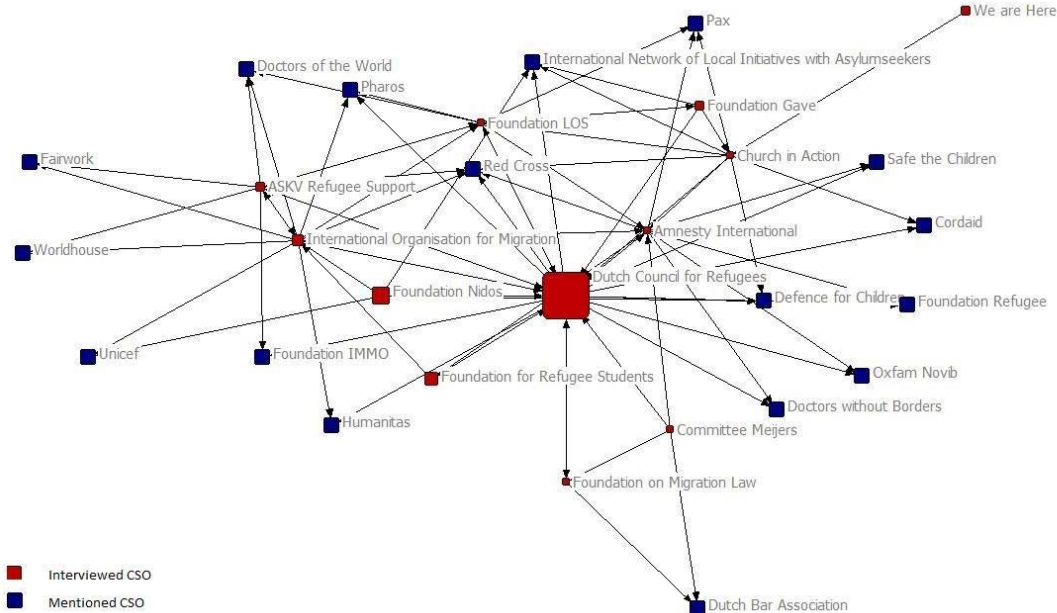


Figure 1. Network CSOs in the Netherlands



### Form, frequency and responsibility for contact

Most respondents indicated that they have regular contact with other CSOs. The frequency of contact varies greatly, from having a meeting every 2 months to daily correspondence, but most respondents stated having daily or weekly contact. Furthermore, many respondents indicated that they are using multiple forms of contact (e.g. personal meetings, emails, phone calls and joint projects). The most frequently used forms of contact were meetings, then emails and then phone calls. Interestingly, some collaborating working groups also exist, such as the 'Working Group International Refugee Policy (Werkgroep Internationaal Vluchtelingenbeleid) and 'Humanity House', in which CSOs discuss current developments in society (e.g. elections in the Netherlands), what their goals are and how they can collaborate.

### Participation in (Inter)National Networks

Next to the previously described working groups, most of the respondents stated that they do not collaborate in an overarching national framework. This does not imply that these networks do not exist, but if there is collaboration with two or more CSOs, this concerns mostly problems that have arisen spontaneously. For that purpose, *ad hoc* national alliances can be formed, for example, when CSOs combining their strengths in a campaign or writing a combined letter to the ministry of foreign or internal affairs. Another example is the alliance between Foundation Nidos and the International Organisation of Migration (IOM). These organisations have a covenant which makes collaboration easier, because both participants are aware of the rules and their obligations towards each other. This is the most formal national partnership observed amongst our respondents.

It appeared that most of the respondents did not feel the need for a (formal) national partnership. They explained that if they need CSOs, they know where to find them. Although there are almost no formal national alliances, except for the one mentioned, one could speak of a well-working national structured landscape, since CSOs know where to find each other whenever and wherever required. However, a few respondents stated that they think it is a shame that such a national network does not (formally) exist. This sound was mostly heard from smaller CSOs.

Although many of the respondents do not participate in a formal national network, they do take part in international networks. In this sense, the concept of 'network' is very broad. ECRE (European Council for Refugees and Exiles) seems to be one of the most important international networks. The reason for participation in the ECRE network for many CSOs, is that the network aims to influence the decision-making process in Brussels when it comes to the refugee crisis.

Many CSOs are also participating in other international networks that are related to the nature and objectives of specific groups of CSOs. An example is the ENGI (European Network of Guardianship Institutions), in which Foundation Nidos participates. International organisations are

important for multiple CSOs that were interviewed, because they supply information about the international developments in the refugee crisis. Bigger organisations such as Human Rights Watch and Amnesty International, work together with international networks like ECRE. Smaller organisations often receive information from the previously mentioned bigger organisations. The IOM was also frequently mentioned as an important provider of information.

#### Motives for Contact and Success of Contact

The most frequently mentioned motivation for collaboration was reinforcement. CSOs indicated that when collaborating with other CSOs, they bring in their own expertise when it comes to assisting refugees and thereby complement each other's capabilities. The second most mentioned motivation for contact was information sharing, since all CSOs have gained different information and experience that is useful for other CSOs. The third most mentioned motivation for contact was having shared goals. CSOs expressed that having shared goals is an indispensable condition to collaborate. Common goals are easily found, since helping refugees already defines all CSOs in this field. Most of the CSOs are satisfied with their contact with other CSOs. Only one example was given in which collaboration was less successful: when too many CSOs work together on one project.

#### Positive Factors and Negative Factors for Contact

The most frequently mentioned factor that has a positive influence on contact was having common goals. Having a clear division of tasks and clear agreements on how to collaborate were other frequently mentioned factors that have a positive influence on contact. In the case when each organisation has its own expertise, CSOs mentioned it is important to have a strict division of tasks and to complete each other's work.

Foundation Gave and IOM both stressed that contact between CSOs can be too dependent on one person. If this person is no longer involved in the organisation, the contact can cease to exist. Another regularly addressed negative factor was that CSOs often place themselves first and consider contact with other CSOs as secondary, which can sometimes result in CSOs abandoning the collaboration or taking all the credit alone.

#### Values

Respondents were asked to rate the significance of four values (in order of appearance in the interviews: trust, costs and benefits, rules, fairness/equity) for collaborations. Most respondents agreed that trust is the most important value in their collaboration with an average score of 8.35 (min. = 7, max. = 10,  $n = 10$ ,  $SD = 0.85$ ). Rules were seen as least important for collaboration with an average score of 6.23 (min. = 1, max. = 8,  $n = 11$ ,  $SD = 2.02$ ). Most respondents indicated that their

collaboration is an informal process in which rules are not of primary importance. Some respondents argued that rules are important and can contribute to the collaboration, noting that this factor is also depending on the type of project they are working on.

Costs and benefits reached approximately the same score as fairness did, namely, 7.70 (min. = 6, max. = 10,  $n = 10$ ,  $SD = 1.40$ ) and 7.67 (min. = 4, max. = 10,  $n = 9$ ,  $SD = 1.66$ ) respectively. Most respondents agreed that benefits from collaboration, which can appear in many forms, should exceed the costs of collaboration. With regards to fairness and equity, most respondents agree that fairness can be more or less important depending on the capacity of CSOs and the topic of the project. Other values that CSOs mentioned as important outside of our preselected values were 'transparency' and 'common goals'.

### Financial Status of CSOs

At least a third of the interviewed CSOs gets financial help from the government in order to fulfil tasks that are in the interest of the government. Aside from this source, three CSOs get money from the government or EU by applying for funding on a regular basis. At least two CSOs mentioned that financial support also appears in the form of donations. When it comes to financial support, CSOs indicate that they receive more money from the Dutch government than from the EU, but they can turn to both parties for funding. Only one CSO experienced difficulties in the past with applying for funding from the government or EU, which until now has kept the organisation from trying again. Furthermore, most CSOs stated that there is always a limit to their capacity, in the form of money or employees, but overall, CSOs in the Netherlands are content with their financial situation.

### Influence of the Government and EU

Concerning the relationship with the government, at least one third of the interviewed CSOs stated that the government allows them to give advice, even though CSOs may have a critical attitude. For example, one of the organisations has made 'Central Institute for Receiving Refugees' (Centraal Orgaan Opvang Asielzoekers, COA) and 'Immigration and Naturalisation Service (Immigratie en Naturalisatiedienst, IND), two governmental organisations, aware of the fact that Christian refugees were being discriminated in asylum centres. The room for discussion between this CSO and the IND and COA made dealing with this issue possible. However, according to most CSOs, their opinion or advice is taken into account by the government, but often not translated into (a change in) policy.

Over half of the interviewed CSOs believe that the government should involve CSOs more extensively in the process of policy-making. Church in Action and Committee Meijers can engage in dialogue with specific ministries, but in addition to the already mentioned statement, that advice from CSOs is not always turned into practice, it is sometimes also unclear how advice from CSOs is

processed. Amnesty International mentioned an example where multiple organisations were asked for their opinion by the government, but did not receive any information on how their opinion was being considered or used. Another factor mentioned is that sometimes this discussion is missing between the government and CSOs. The IOM experiences in practice that policies made by the government sometimes lack expertise; a problem which could be solved if the government had consulted expert CSOs.

Almost all CSOs disagree about various policies of the Dutch government. It was also mentioned that the government allows little input for improvement by CSOs, and one reason behind this is that the government has different views on how to deal with refugees, undocumented migrants or asylum seekers. A critical attitude of CSOs can lead to different reactions from the side of the government. One example which Amnesty International mentioned is that the government can 'beat around the bush', when it comes to questions about its responsibility in guaranteeing human rights.

One organisation, Foundation LOS, experienced that European legislation is effective when it comes to realisation of amendments on a national level by being superior over member states' national law. This was experienced when Foundation LOS used the European Victim Guideline to convince the Dutch government to provide help for victims without residence permits as a legal obligation. Another CSO, Church in Action, experienced that it has a more considerable influence on the government bodies of the EU than on the Dutch government when it came to altering the EU's or government's policy. Church in Action implied that the EU considers church organisations of bigger importance than the Dutch government does, because the EU acknowledges the power and influence of the network of churches more. From the viewpoint of these religious CSOs, a religious background may have a negative impact on the attitude of the Dutch government towards them. The two religious organisations interviewed both experienced issues with the government when it came to their religious backgrounds and activities. The situation has now improved, but the government used to ban Christians from asylum centres to retain its religiously neutral position. Furthermore, both religious organisations claim that the government does not recognize the extent, power and use of the church network for society. Thus, sometimes it is easier for these CSOs to work with each other or within the church rather than with the government.

#### International legal environment of CSOs

When it comes to the legal framework that surrounds CSOs, the IOM found certain rules in the Netherlands complicated and sometimes illogical. The IOM also mentioned that the Dutch government does not always comply with international law, while it states that international law should have primacy over national law. According to the IOM, of which the Netherlands is a member

state, the Dutch government sometimes disregards rules set by the IOM.

#### Supportiveness of the Dutch legal environment

Overall, CSOs find the legal environment sufficiently supportive. CSOs are content with the registration process and they could not mention precedents of legislation that endangered the interrelations between CSOs. When asked about discrepancies between the provision and the execution of law, CSOs mentioned examples when helping refugees in practice was made more difficult, but no examples relating to the legal environment of CSOs were mentioned. Two out of the twelve Dutch interviewed CSOs indicated that they receive tax benefits as their organisation has a diplomatic status. Three other CSOs mentioned that they are 'ANBI' (public benefit) organisations, which also brings certain financial benefits with it. The freedom to protest, the freedom of speech and consultation rights of non-governmental organisations with regard to new legislative proposals are other supportive elements.

#### Problems in the legal environment

Most CSOs faced complications on the municipal level, where several CSOs mention small issues when it comes to legislation on this level. For example, Foundation Nidos stated that different municipalities treat refugees in a different way, which sometimes requires CSOs to adapt. None of the CSOs mentioned problems on the international level, but the 'Amsterdam Solidarity Committee for Refugees / Refugee Support (ASKV Refugee Support, Amsterdams Solidariteits Komitee Vluchtelingen / Steunpunt Vluchtelingen, ASKV) encountered difficulties on the national level. CSOs are facing difficulties during their work with refugees without documents. For instance, it was stated that the municipality of Amsterdam provides more facilities for undocumented refugees than the national law ordains it. Foundation Nidos had problems with the manner how the Netherlands handles the European legislation.

#### Room for improvement

A few CSOs mentioned that capacity in the form of money, time or the number of employees is a limiting factor concerning the collaboration with other CSOs. In contrast, another organisation argued that more collaboration is necessary, because working together with more CSOs on one project could lead to more funding. It was also mentioned that more communication and collaboration should take place, especially when working areas between CSOs overlap. In case of overlapping activities, more communication between recently established CSOs and already existing and therefore more experienced CSOs would result in greater efficiency. Moreover, most CSOs stated that more gatherings between multiple CSOs would be desirable. Other practical examples

that were mentioned are congresses or meetings with a topic of shared interest. Two CSOs could not propose obvious room for improvement regarding the contact between CSOs, but did state, however, that collaboration is a vital importance since it is not possible to function in this field on your own.

Several CSOs mentioned that positive effects of collaboration between multiple CSOs bring forward new ideas for future activities, but also allows CSOs to have a stronger position when making statements towards, for instance, the government. Two of the CSOs interviewed promote more regular collaboration when it comes to making statements, since this would enhance the strength of these statements. One organisation suggested that refugees themselves should have a bigger voice in how CSOs help them. In order to create the chance for this to happen, this information sharing must be done on a higher national or international level in which more CSOs and refugees come together and share ideas.

Various answers were given concerning the question whether Dutch CSOs see any room for improvement in the legislation surrounding CSOs and where they see a role for the UNCHR to be played. A concrete recommendation was mentioned by Foundation Gave who said that it would be beneficial if an 'ANBI' organisation would be subjected to the 6% VAT rule instead of the regular 21%. Other than that, the examined CSOs did not have any input for improvement of the legal environment.

#### Role of UNHCR according to CSOs

Concerning the role of UNHCR on the international stage, most of the respondents were relatively reserved in their statements. Indirectly, respondents stressed the unique position of UNHCR, mentioning that UNHCR is an important organisation to enable contact with Brussels. Another role UNHCR plays for the respondents is that of a lobby agent. It has a better overview of the development of policy- and decision-making process than most CSOs do, and plays an active role in providing information where needed on those topics. CSOs believe that UNHCR provides them with useful information and recommendations. Also, the previous Dutch UNHCR director focused on national rulings and commented on these rulings on different media forums to create more awareness in connection with misconceptions and gaps in the legal system concerning refugees.

Respondents also stated that when it comes to specific help for refugees in the Netherland UNHCR is not playing an active role. This gap is mostly filled by the Dutch Council for Refugees, but also many other CSOs. The last role UNHCR plays is collaboration with CSOs when writing letters to certain actors in the field of refugees. Writing a letter with UNHCR can make the intended message stronger.

### Improvement of the Possible Role of UNHCR

Although most of the respondents were content with the role played by UNHCR, they also acknowledged that they do not know exactly what UNHCR does in the Netherlands, or how to improve its role. Still, one of the possible improvements mentioned was that UNHCR could organise workshops, conventions, gatherings or ‘training days’ which offer basic knowledge for CSOs assisting refugees and bring CSOs together. A general overview of basic knowledge, the provision of expertise and connections with different CSOs for information and expertise exchange are needed and UNHCR would be the perfect actor to organise this.

Respondents also emphasised the importance of the voice of UNHCR in the media. It could help to create a more positive image of refugees in the public, since there appears to be a negative representation of refugees in the media. It was mentioned that UNHCR could play a role in providing a platform to bring different CSOs closer to each other. Although, some CSOs do not see the need for this, probably due to the fact that the informal environment makes it easy for CSOs in the Netherlands to find each other.

## Results in Hungary

### Contact Between CSOs and Their Capacity

In general, not a single organisation has mentioned that they do not have contact with other CSOs. Even organisations with small capacity are able to connect with fellow organisations, creating a dense network between CSOs (see figure 2). Two organisations in Hungary have a prominent position in the network of CSOs: Hungarian Helsinki Committee (HHC) and Menedék Hungarian Association for Migrants. These two CSOs have personal or professional connections with all of the other CSOs interviewed. There are two reasons for this: they have an extensive scope of activities, and they, especially Menedék, have the largest capacity, both in financial resources and the number of employees. These are the only two CSOs that have twenty or more staff members while working solely in the field of assisting refugees and migrants as compared to the other CSOs. Also, it is not a negligible factor that all CSOs interviewed are based in Budapest, which makes it easier to establish personal relationships via meetings or conferences.

Another aspect that came forward during the interviews, is the complementary nature CSOs have in their relationships: their networks are typically built on knowing other organisations’ strengths and utilising the specific professional knowledge of other CSOs. For instance, if a CSO focusses on helping legally recognized refugees, they can – and usually do – seek help from CSOs assisting refugees in an economic or social way.

Figure 2 visualizes all relations between CSOs that were interviewed. The CSOs interviewed

are displayed according to the number of employees.

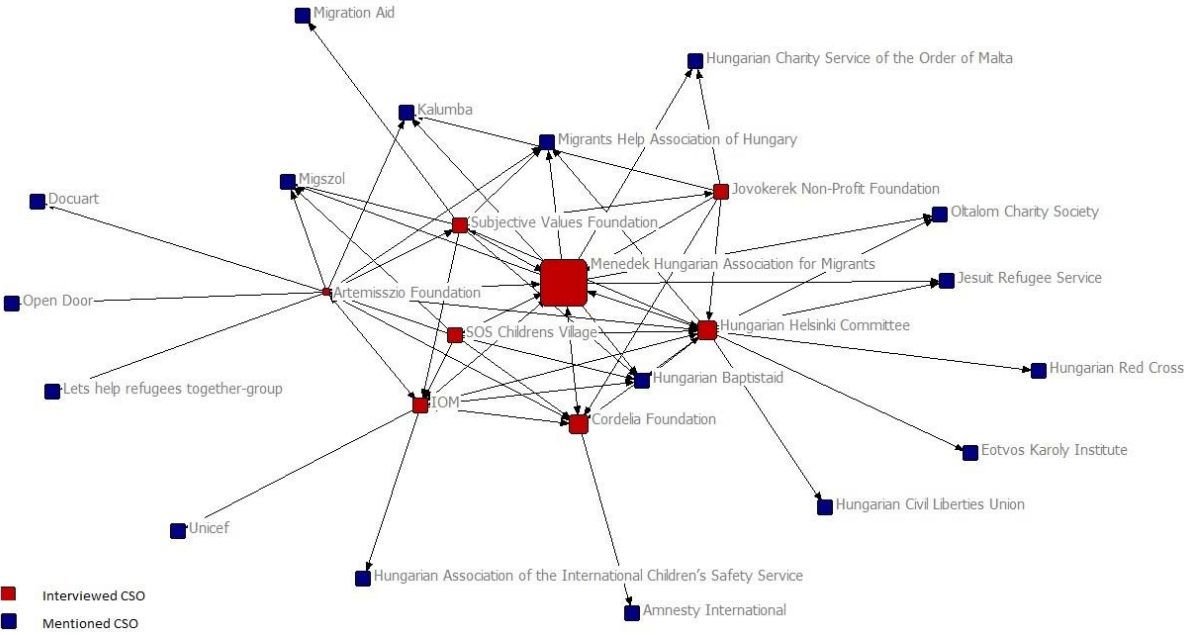


Figure 2. Network CSOs in Hungary

Form of Contact

The interviewed CSOs are in contact with each other through various forms of communication. The most commonly used forms of contact are emails and phone calls, but they also organise formal and informal meetings. Most employees of CSOs know each other personally, because they usually work on projects together (e.g. in refugee camps or at the borders). Other examples of personal meetings are conferences, trainings, workshops, seminars, and roundtable meetings. If one CSO organises a seminar, representatives of different CSOs may participate as well. Most of them attend the formal meetings organised by UNHCR every 2-3 months in Budapest. This is a way to share ideas and formulate opinions about concrete topics.

Frequency of Contact

The frequency of contact depends on projects or tasks that Hungarian CSOs are jointly working on. The relationship between CSOs can be considered informal, as they cooperate without any institutional agreement for collaboration. If there are no common projects or agreements between CSOs *ad hoc*, meetings are still being organised regularly. For instance, most CSOs are in daily contact with the Hungarian Helsinki Committee, as it can provide required legal assistance.



### Participation in National and international Networks

Several CSOs mentioned that they used to participate in a meeting called Migration Roundtable. This project was set up to unite CSOs and improve their collaboration with other CSOs. One CSO participates in a platform called PICUN, that deals with refugees that have no legal status (e.g. passports).

Hungarian CSOs mentioned that they participate in several international networks, such as MADE (Migration and Development Civil Society Network), ECRI (European Commission against Racism and Intolerance), ELENA (European Legal Network on Asylum), European Migration Network, European Network Against Racism United for Intercultural Action, Migreurope, Migration Forum and IRCT (International Rehabilitation Council for Torture Victims). Participation in international networks is an important aspect of most CSOs' work. However, smaller organisations seemed to face problems concerning the participation in international networks because of their limited (financial) resources.

### Motives for and Success of Contact

Many CSOs stated that having common goals is the most relevant factor when it comes to collaboration, because they all want to assist refugees. For this reason, they share their expertise with each other, so they are able to have a more considerable impact together. Moreover, CSOs organise trainings and conferences that focus on expertise sharing. An important reason for the maintenance of contact is that, via this way, CSOs can reinforce each other and increase chances for funding. Another possible aim of collaboration is that shared statements to the government are stronger.

Most CSOs are satisfied with the quality of their collaboration, and their long-term relationships positively stimulate their working processes. Other reasons for collaboration is that by launching joint projects, it is more likely for CSOs to be selected for subsidy. Respondents agreed that almost all CSOs are helpful and the small size of this sector facilitates collaboration. Respondents stated that common goals and a set division of tasks are the most important positive factors for collaboration. All CSOs consider the national and international level as a potential field to ask for support. Another positive factor is, that employees of the interviewed CSOs are dedicated to their jobs, and their similar value system serves as a basis for common work.

### Values

During the interviews, we asked CSOs to rate the following values concerning collaboration: trust, costs and benefits, fairness, rules. CSOs agreed that trust is the most important value when it comes to collaboration: the average grade was 9.25 (min. = 7, max. = 10,  $n = 8$ ,  $SD = 1.39$ ). They all need to be sure that CSOs they collaborate with will fulfil their demands if they agree to collaborate. The

importance of the rules got the second highest rating with an average grade of 8.75 (min. = 6, max. = 10,  $n = 8$ ,  $SD = 1.39$ ). It was frequently mentioned that projects are led according to strict rules. Fairness was graded with 7.13 on average (min. = 3, max. = 10,  $n = 5$ ,  $SD = 2.80$ ). Costs and benefits received a lower average grade: 5.63 (min. = 0, max. = 10,  $n = 8$ ,  $SD = 3.70$ ).

#### Financial Situation of CSOs in Hungary

Two different financial situations appeared during the interviews. In the first situation, CSOs have enough funding. This concerns mostly the larger CSOs that indicated to have stable funding. They have scarce resources for development, but they do not have to struggle with financing their basic costs. They are usually partially financed by the European Union and the state. One of the CSOs estimated that they received approximately 50% of their funding from the Asylum, Migration and Integration Fund (AMIF) granted by the EU and the other 50% from individual donations, the state or UNHCR. Another CSO mentioned that the Migration Fund provides 75% of their income and that the state automatically complements with the remaining 25%.

The second financial situation usually applies to smaller organisations. These CSOs have a limited array of funding possibilities: legally, they are in the position to apply for the most significant funds, but most of the time those funds are not allocated to these smaller CSOs. Finally, some CSOs mentioned that funds are only transferred to organisations after fulfilling the activity for which they ask funding. This means that organisations have to pay for their activities in advance, which might be resolvable for bigger CSOs, but is a challenge for smaller CSOs. Furthermore, deadlines of application for funding are often shifted and payments are slow as well. For this reason, many respondents would like to see a more transparent and calculable system for fundings. Also, CSOs find that there are unclear rules about who should receive a tender. Tenders can be won by CSOs with fewer professionals in the field, while well-established organisations may lose.

Overall, most CSOs indicate that there is always a limit to the capacity of CSOs, either in the form of money or employees.

#### Influence of the Government and EU

Regarding the influence of the government, a majority of CSOs state that the government is not very supportive and even negatively influencing CSOs on different levels. The government does give financial aid, but an insufficient amount. Moreover, it was emphasised several times that collaboration with the state is weak or non-existent. When CSOs and the state do collaborate, the trust between both parties always seems scarce. Another commonly found problem is that projects in which CSOs and the state work together fail, because of changing legislation or the lack of motivation from one side, usually the government. Summarizing, the most frequently mentioned

word concerning the negative influence from the state was ‘uncertainty’: confusing legislation and its implementation leads to insecurity which makes collaboration with the state more difficult. Furthermore, the broadest problem is that the government makes the legal, political, and even social environment more complicated for CSOs. CSOs believe there is a political agenda that aims to picture them as enemy of society that want to affect politics via improper means. Most CSOs mentioned that they will continue to make statements for their beliefs, even if this ‘does not reach the ears of Hungarian politicians’.

According to several CSOs, the EU could improve the situation by being more strict and active. The EU does clearly see current problems, but they cannot act properly since bureaucracy and shared decision-making slows them down. Furthermore, the EU’s power of interfering with member states’ internal affairs is limited. The most considerable positive influence that EU could have is to show effective practices: the EU is more accessible for CSOs to give advice, while the Hungarian legal and political system does not easily allow CSOs to have influence. The Hungarian system is too bureaucratic, which slows down all actions CSOs want to take, resulting in late or no action.

#### Supportiveness of the legal environment

Most CSOs emphasised that even though they cannot agree with legislation concerning refugees, there is no legislation solely aimed at restricting their work. Some CSOs say that the execution of law is relatively strict compared to the laws themselves. Several CSOs also state that legislation itself, and not necessarily its execution, provides problems. Hungarian CSOs mentioned existing tax benefits and the public benefit status as supportive elements of their work. The IOM noted another positive factor: the introduction of an online application system for obtaining or handing in documents related to tenders, which saved a lot of paperwork for several organisations and made the processes easier.

#### Problems in the legal environment

Hungarian CSOs all agreed that the problems manifest themselves mostly on the national level. Almost all the organisations stated that the legal environment of associations and foundations is too bureaucratic. Moreover, according to the HHC, the registration process of associations is too difficult, unpredictable, and time consuming as it can take more than a year. This negatively influences small CSOs especially, because they have no capacity to deal with the large amount of paper work that comes with this process.

Some organisations mentioned the government’s negative influence on the legislation regarding the operation of CSOs and the situation of refugees, and the fact that legislation is not in compliance with European law and international treaties. Another main obstacle is the government’s

attitude with respect to civil society. As stated by several CSOs, the government treats them with a certain level of hostility. These feelings are reinforced by the government's plan to pass new laws, like the declaration of property of CSOs leaders. Furthermore, the state's scarce financial help is often mentioned as a problem. Although the organisations usually apply for several tenders, CSOs mentioned that bureaucracy is problematic here as well.

Finally, some CSOs also stated that communication (dialogue and discussion) between government and CSOs is disappearing, or has already disappeared. The only suggestion for improvement mentioned by some CSOs, referred to the local municipalities' previous good practices, concerning the integration of the refugees and the annihilation of the so-called 'integration contract'.

#### Room for Improvement in Contact Between CSOs in Hungary

One of the persisting points of improvement that was mentioned in the interviews was the desire of CSOs to have more international connections. Several CSOs mentioned that having an international network with other countries could benefit the efficiency of their work, since assisting refugees is typically a cross-border task for all parties involved.

It was also mentioned that the phenomenon of 'no man's land' can be found in the overall collaboration between CSOs: there are certain fields where actors do not know about each other's activities since there are no meetings, consultations or joint projects in that area, leading to unmet needs when dealing with refugees. Furthermore, several CSOs mentioned that there are overlapping activities between them, especially in fields where CSOs work parallel. This leads leads to misunderstandings or simply ineffectiveness.

One CSO mentioned that formalising the relationships between CSOs could be helpful in the long run: most connections are based on personal contact. Such personal contacts can be a useful factor, but can also lead to conflict. Another positive aspect of formalising interrelations is that, contrary to the now used *ad hoc* meetings, plenary sessions every half a year could help the active relationships to persist. Furthermore, many CSOs mentioned that a website where they can communicate about their current work and needs could be a useful tool. This website should also provide details about their expertise in the work field to the people in need (refugees). This way, the refugees are able to determine whether an organisation can help them or not. However, to be as effective as possible, it is necessary that every major CSO assisting refugees would use this website.

One CSO noted that the academic sector is also a field that they would like to work more closely with. The reason for this is that they think these fields could be complementary to each other. The Migration-Medical Departmental Group at the University of Pécs is the only academic group that has a limited connection with this CSO. However, it was also mentioned that establishing new connections for gaining expertise in other fields is a difficult task. Either financial resources are not

available or there is no professional need for collaboration on a regular basis.

#### Role of UNHCR according to CSOs

In Hungary, UNHCR regularly organises meetings between CSOs. During these meetings, CSOs gather and discuss general problems related to refugees in Hungary. These meetings are important occasions for CSOs to meet other CSOs and to share the necessary information. Other roles of UNHCR Hungary are that they finance CSOs' projects and that they function as a bridge between the government and CSOs. Since especially smaller CSOs are not in contact with the government, they benefit from the UNHCR transmitting information they received from the government to CSOs. In general, it can be stated that the relation between UNHCR and CSOs differs between CSOs: some have a tight relation and other have a more distant relation with UNHCR.

#### Improvements for role of UNHCR

The majority of CSOs mentioned that they desire a stronger, faster and more effective UNHCR that is able to pressure and influence the government's decisions. At this moment UNHCR does not receive law proposals prepared by governments. If they would receive them, they could share advices and recommendations. Furthermore, CSOs indicated that UNHCR should have a more active role in the media. UNHCR could play a more dominant role when making statements against illicit acts. CSOs also indicated that UNHCR could help them to find funding/subsidies.

Several CSOs suggested that a shared platform in which all CSOs are connected would be desirable. Such a platform can provide an overview of the activities of all CSOs, showing possible gaps or overlapping working areas. By providing this platform, UNHCR stimulates information sharing between CSOs.

### **Comparison between Hungary and the Netherlands**

#### Contact between CSOs

Both in Hungary and the Netherlands, all CSOs are in contact with other CSOs and the extent of this contact is based on the capacity (number of employees) of organisations. In Hungary, the HHC and Menedék Hungarian Association for Migrants are two central organisations, since all CSOs stated to collaborate with these CSOs in some way. In the Netherlands, the same applies to Dutch Council for Refugees and Amnesty International. Moreover, in Hungary the network is dense, as all CSOs interviewed are in contact with almost all other interviewed CSOs while in the Netherlands CSOs are often in contact with other not-interviewed CSOs as well.

### Form, Frequency of and Responsibility for Contact

When we compare Hungary and the Netherlands on the basis of form and frequency of contacts, we can find several similarities and differences. In the Netherlands, personal meetings are more frequent, while in Hungary these meetings are mainly used when they work on the same project. While in the Netherlands, several working groups with multiple CSOs exist, Hungarian CSOs have round-table meetings. The recurrence of contact, in both countries varies from daily to monthly. In the Netherlands, it was stated that frequency depends on the CSOs they are working with, while in Hungary the type of project is more important.

### National and international networks

In both countries, informal national partnerships are more frequently used forms of collaboration. Instead of participating in a national network, mutual partnerships between two CSOs appear more often. In the Netherlands, the CSOs do not feel the need to have formal partnerships, because they know where to find each other. It is clear what CSOs do and how they work, but at the same time not all CSOs know each other. According to CSOs in Hungary, a very useful national network, Migration Roundtable existed, but unfortunately it is not active anymore. One big obstacle for participation in national networks in Hungary is the limited budget of CSOs. This aspect was not mentioned on the Dutch side.

Furthermore, it can be concluded that Dutch and Hungarian CSOs take part in numerous international networks. Only in Hungary, smaller organisations cannot participate because of limited financial resources. Both in Hungary and in the Netherlands, CSOs operate on a European level additionally to the national one. Furthermore, CSOs both in the Netherlands and in Hungary seem to participate in international networks more than in national networks.

### Motives for and Success of Contact

Dutch and Hungarian CSOs mentioned very similar motives for contact, namely common goals, expertise sharing and reinforcement. Contact between CSOs is considered to be successful both in Hungary and in the Netherlands. CSOs are largely content with the relationships they have with other CSOs. One remarkable difference is, that in the Netherlands, collaboration sometimes is not successful due to the high number of involved organisations and collaboration becomes too complicated. Due to the same factor, in Hungary, it was indicated that contact is often successful due to the small size of the CSO sector.

### Positive Factors

In both countries, the two most frequently mentioned positive factors for contact between CSOs are common goals and the division of tasks. While in the Netherlands, it was indicated that each CSO had its unique expertise, Hungarian CSOs would need a better understanding of each other's roles to complement one another.

Negative factors differ substantially between the two countries. In the Netherlands, these factors are related to conditions on which the relations between CSOs is built. For example, when a relationship is depending too much on one person. In Hungary, negative factors are related to an external element, namely to the political environment. Limited financial aid was also mentioned as a negative factor for contact in Hungary, while this was not stated in the Netherlands.

### Values

Some differences were found between Dutch and Hungarian CSOs regarding values. CSOs in both countries agree that trust is the most important value in their collaborations. However, rules are the second most important in Hungary, but least important in the Netherlands. Hungarian CSOs tend to work on shared projects with more strict rules, while Dutch CSOs mostly work in an informal way. Furthermore, importance of costs and benefits scored surprisingly low in Hungary (5.6) compared to the Netherlands (7.7).

### Financial Situation of CSOs

In Hungary, relatively big CSOs have a stable funding, while smaller CSOs have a more limited budget due to a restricted array of funding possibilities. A few Hungarian CSOs experience problems when applying for tenders. Rules for selecting which CSO gets funding are unclear, which means that even well-established organisations may not receive funding. In the Netherlands, only one CSO experienced issues with regards to this matter. In general, most Dutch CSOs do not bring forward their financial situation as a problem.

### Influence of the Government or the European Union

In Hungary, the majority of CSOs mentioned that the government is not unilaterally against them: it supports them financially and it does not make it impossible for them to act. However, CSOs think that the core of the problem is that the government is making them look like the enemies of the state in the eyes of the public, while also making it significantly harder for them to receive financial or other kinds of support – either from the government itself, the EU or society. This also jeopardizes the ability of the organisations to articulate their ideas or criticism and undermines any pre-existent trust of CSOs in the other government.

On the contrary, many Dutch CSOs have influence on the government, and the debate is usually open and perceived as collaborating rather than antagonizing. However, the government does not always consult with CSOs when this is needed and, furthermore, they often do not act according to the given advice. Also, in the Netherlands, two church CSOs felt as being treated as a threat towards refugees and the governments religiously neutral position. Religion was a factor that many Hungarian CSOs emphasised to be an advantage when applying for a funding opportunity. Furthermore, the majority of the interviewed Hungarian CSOs mentioned the 'Charity Council', which is a council aided by the national government and is composed of five big charity organisations, of which three have a religious background. This council received extensive financial support from the government, possibly indicating that CSOs with a religious background may be more likely to get funding. In addition, other organisations have wondered what the funding for this Charity Council is spent on, since they do not see any projects being realized.

The same CSOs mentioned that the EU was more welcoming to them, and acknowledges the importance of religion more than the Netherlands does. Moreover, the significance of the EU was not neglected by any of the interviewed CSOs in both countries: from the viewpoint of Hungarian CSOs, showing effective and useful practices is one of the most important positive factors the EU can give, while Dutch organisations emphasised that the EU has a core role in influencing the Dutch government.

#### Room for Improvement of Contact between CSOs

In both Hungary and the Netherlands, the overall contact between CSOs was considered sufficient, although most CSOs argue that there is room for improvement. In Hungary, CSOs find information sharing one of the most important aspects of collaboration with other CSOs. However, finding new contacts in different fields remains difficult, because of insufficient (financial) resources and unwillingness to cooperate routinely.

One Hungarian organisation thinks that formalising the contact with certain other CSOs may prevent conflicts between people who know each other more personally. In the Netherlands, although CSOs do not see it as a problem, contact also is very informal and possibly susceptible to conflict. Most Hungarian CSOs suggested that an online platform for CSOs could be useful for expertise sharing and communication.

In Hungary, CSOs sometimes have overlapping activities. Also, one Dutch organisation stated that during a certain period there was overlap between their work and the work of new, smaller CSOs. In both countries, it was suggested that better communication between CSOs would allow CSOs to reshape their working area and to gain each other's expertise as well.



### Comparison between the Netherlands and Hungary: UNHCR

According to CSOs in the Netherlands and Hungary, the most important national function of UNHCR is to provide information. Many CSOs rely on papers, recommendations and letters that are published by UNHCR concerning, for instance, decision-making in Brussels. Also, in both countries, UNHCR can be seen as a broker between CSOs and the government. An important difference is that in Hungary, UNHCR has explicitly taken on the role of connecting different CSOs. This does not happen in the Netherlands, where the main national function of UNHCR is to provide information. Overall, CSOs were quite positive or neutral in their statements about UNHCR. Only one respondent in the Netherlands had a critical note which stated that UNHCR does not focus enough on the present status of the refugee crisis in the Netherlands.

Regarding recommendations for improvement of the role of UNHCR, both in Hungary and in the Netherlands, it was indicated that UNHCR should be more active in the media by positively influencing the public opinion about refugees. Furthermore, especially in Hungary, CSOs want UNHCR to be a counterweight against the government in issues relating to refugees. In Hungary, UNHCR already is an active participant in connecting CSOs. In the Netherlands, respondents were quite reserved about the role of UNHCR, while acknowledging that the national role of UNHCR is rather unknown. They also claim that they do not need UNHCR for their collaborations because they can already find each other. Also Hungarian CSOs stated that they know little about the national function of UNHCR.

Hungarian CSOs mentioned that they feel the need for a platform, which maps out the function of CSOs. It would provide information about their location, their objectives and their availability. Dutch CSOs mentioned the need for general information about the sector in the form of congresses or workshops organised by UNHCR where all CSOs can participate and share ideas.

### Legal environment

In Hungary, relatively many problems are recognized. Bureaucracy, and the government's negative influence are the most problems mentioned on a national level. CSOs feel uncertain about legislation and its implementation, as these factors make it difficult for them to collaborate with the state. Some CSOs claim that the practice or execution of legislation is a bigger problem than the legislation itself, while other CSOs state the opposite.

In contrast, in the Netherlands, CSOs are relatively content with their legal environment and they do not encounter many problems. Regarding international rules, the IOM claims that the Netherlands should comply with international rules that are superior to Dutch national law. Smaller problems that Dutch CSOs have encountered are mostly on a municipal level. CSOs in both countries

had few suggestions for improvement on this point. In the Netherlands, only a financial improvement was suggested, while in Hungary previous practices were mentioned. The Netherlands and Hungary both mentioned public benefit status and tax benefits (e.g. 'ANBI' organisation in the Netherlands) as positive elements of the legal environment.

## Discussion

### Reflection on Collaboration Literature

#### Motives for Collaboration

Kohm and La Piana (2003) identified four motives for collaboration: maintaining funder's support, saving money and becoming more efficient, capitalizing partner organisations' leadership, and preserving or enhancing organisational reputation. Two of these motivations resemble motives for contact mentioned in the conducted interviews for this study. CSOs mentioned that contact helps to reinforce each other. Furthermore, CSOs indicated that complementarity was important and each CSO had its own expertise. By collaborating, CSOs could reach a higher goal, while using their own strengths. These motivations are similar to saving money and becoming more efficient and preserving or enhancing organisational reputation.

#### Social Exchange Theory

According to social exchange theory, relationships in which benefits exceed costs are most desirable (Gilovich, et al., 2011). In line with this theory, it was expected that organisations will decide to collaborate with other organisations by determining the benefits and costs of a potential relationship. Dutch respondents in the current study agree that benefits of collaboration should exceed the costs of collaboration and that it is important for CSOs to consider this balance, thus, these hypotheses regarding social exchange theory are confirmed in the Dutch subgroup. However, Hungarian CSOs thought that costs and benefits were least important for their collaboration, and referred to this mainly considering finances. This could be due to a translation error, as in Hungary costs and benefits were only interpreted in a financial way when it was originally meant, and in the Netherlands understood, in a broader sense. Therefore, the assumption that they show the same pattern as their Dutch counterparts is likely, but cannot be confirmed in this study.

According to Gazley (2008), benefits that CSOs can experience are increased access to resources, economic efficiencies, effective responses to shared problems, improvements in quality of services delivered to clients, and risk spreading. The findings of our research, i.e. the fact that CSOs most frequently mentioned 'reinforcing each other' as a reason for contact, confirm that benefits include "increased access to resources and effective response to shared problems". Gazley (2008) also lists the costs of collaboration, i.e. the loss of autonomy, financial instability, difficulty in assessing organisational results, and loss of time and resources needed for collaborative activities. In general, both Dutch and Hungarian respondents in the current study are satisfied with their collaborations.

The only costs that Hungarian CSOs mentioned are connected to financial instability and the

resulting competition, which can be a cause of conflicts. Collective action problems could be the result of costs and benefits of collaboration and their nature (Jang & Feiock, 2007). Costs of collaboration tend to be selective while benefits are collective. The majority of CSOs in both countries did not mention anything that resembled a collective action problem. Only IOM in the Netherlands mentioned how costs and benefits are not always measurable as they are not always money-related. This could indicate a collective action problem as organisations may not want to collaborate if costs and benefits cannot be measured.

#### Resource Dependency Perspective

A resource dependency perspective explains interorganisational collaboration as the exchange of critical resources and power imbalances between organisations. The perspective of reinforcement is confirmed in this study as an often-mentioned motive for collaboration in both countries: CSOs often have their own expertise and by collaborating, they exchange resources that reinforce each other. Furthermore, we expected that smaller organisations were more inclined to develop collaborative activities to gain all needed resources as they have greater resource scarcity. This expectation was refuted in both Hungary and the Netherlands, as the biggest CSOs had more extensive network of contact than their smaller counterparts. Apparently, other costs or obstacles for interorganisational collaboration were present, that outweigh the need for critical resources and, thus, hinder interorganisational collaboration for smaller organisations.

#### Equity Theory

According to equity theory, organisations strive for equality in their relationships. It was expected that CSOs would perceive their collaborations as successful, when costs and benefits are perceived to be equal between the two parties, and as unsuccessful, when costs and benefits are perceived as unequal. In the current study, Dutch respondents agreed that equity is important but this depends on the capacity and the topic of the project. In practice, it is not always possible to divide costs and benefits equally between the two parties because of differences in capacity and other characteristics of CSOs. Hungarian CSOs seem to find equality a bit more important than their Dutch counterparts. They agree that CSOs need to have a common ground on tasks and deadlines. They also mention the division of tasks as one of the most important positive factors for their contact.

#### Game Theory

Two basic assumptions underlie game theory: rationality (pursuing one's own objectives) and strategy (acknowledging and acting on someone else's moves). Questions asked regarding this theory were: what goals do CSOs pursue and what strategies do they use to get to their goals? Do they work

together or compete with other CSOs for those goals? Also, are there certain rules to the 'game' of collaboration?

The goals that CSOs mostly pursue in their contact with other organisations are reinforcement and sharing of information or expertise. Positive factors (or strategies) for contact that respondents mentioned were having common goals, having clear agreements on task division and complementing each other. Furthermore, all CSOs regarded trust as a very important value for collaboration. A relatively often-mentioned negative factor in both countries was that CSOs often place their own organisation first, taking all honour alone and considering collaboration with other CSOs as secondary. Thus, some competition seems to be evident, which is even stronger in Hungary because of financial instability. However, in general, almost all CSOs are content with their collaboration.

Interestingly, Dutch and Hungarian CSOs do not agree on the importance of rules. In Hungary, this factor was evaluated as second most important for their collaborations, while in the Netherlands, rules were regarded as the least important value for collaboration. In the Netherlands, CSOs already play by many (implicit) rules, that might seem too logical and obvious for CSOs to mention in the interviews. Moreover, Dutch respondents argued that their collaboration is an open process and very informal. However, some respondents affirmed the importance of rules in clarifying and structuring collaboration. They also indicated that the importance of rules depends on the type of the project.

### Nudging

The outside environment of Hungarian CSOs is, as expected, very different from that of Dutch CSOs. When asked about negative factors for collaboration, Hungarian CSOs mention two main issues: financial limitation and the political environment they work in. Regarding the finances, a big difference can be found between the Netherlands and Hungary. In Hungary, CSOs operate in a more competitive environment than CSOs in the Netherlands, which has a negative effect on their work, e.g. activities are not available continually due to financial instability. However, competition does not only exist in Hungary, as this the case in the Netherlands as well, where sometimes CSOs take the honour for shared projects alone. Apparently, in both countries, a competitive environment exists regarding publicity and funding. Such a rival environment can make CSOs more hesitant to collaborate with other CSOs.

Furthermore, in Hungary, a negative factor for collaboration is also the negative attitude of the government and the public towards refugees. Some CSOs even claim that the government treats them as enemies of the state. One could say that this negative attitude shown by the government, 'nudges' people against these CSOs, making it harder for CSOs to work and operate. The referendum

organised by the Hungarian government ('Do you want the European Union to be able to *mandate* the obligatory resettlement of non-Hungarian citizens into Hungary *even without the approval of the National Assembly?*', National Election Office, 2016) is a clear example of framing that nudges the public's choice-making towards the government's opinion.

However, this situation also brings CSOs closer to each other: to form an opinion about the government together. Thus, the negative environment also has a positive effect on collaboration. Another positive factor mentioned in Hungary, is that the sector is relatively small, which makes the collaboration easier. In the Netherlands, some CSOs indicated that having informal contacts makes collaboration easier, while others mentioned the large size of the field that influences collaboration negatively. Informal and formal environments are also examples of how an environment can nudge CSOs, into or away from collaboration. For example, Foundation Gave indicated that they would like to work together with neutral CSOs, but this is quite hard to accomplish. Possibly, more formal contact could nudge contact in such a way, that CSOs become more open to collaborations with others they do not have much contact with at the moment.

#### Encoding and Decoding Model

During the Hungarian interviews, one CSO mentioned that the word 'client' or 'help' can have different meanings for different CSOs. For example, one CSO considers psychosocial assistance to be 'help', while for another CSO this can mean providing food to refugees, and for a third CSO, this can be financial support. Another mentioned ambiguous term is 'client.' One organisation helps refugees, another one also supports, in addition to refugees, asylum seekers. In general, this is not a source for problems, but without clarifying the different definitions of the words, it can cause overlap in common work.

#### Place and Causes of Conflicts

Dahrendorf (1959) stated that conflicts depend on place. In our study, intergroup conflicts were thought to be most significant, but in the interviews, we found examples of external conflicts. Both in Hungary and in the Netherlands, one CSO stated that in rare cases personal antipathy and unsatisfactory work ethics, makes CSOs reluctant to work together again and makes them look for other potential partners. It could also happen that a CSO is not open enough towards others. They fear that their own interests might be overshadowed by others, or that their intentions will be completely disregarded.

Examples for intergroup conflicts exist as well. In Hungary, more CSOs stated that competition for financial aid leads to stressful situations. Another reason for intergroup conflicts is the overlap in their profiles. This overlap becomes problematic when they work with the same clients or at the same

place. In the background, CSOs also found some communicational problems which they want to solve. In the Netherlands, intergroup conflicts exist because other CSOs often give priority to their own CSO and consider contacts as secondary, potentially leading a CSO to abandon the collaboration or its quality.

Furthermore, Moore (1992), Szekszárdy (1995) and Székely (1995) bring forward different causes that may lay in the background of conflicts. Most relevant are the informational and relationship class, as we have found examples for them. Some CSOs in Hungary mentioned that information sharing between CSOs is not efficient, which sometimes results in overlapping work. This can be regarded as information conflict, because of the lack of information.

Finally, Mastenbroek et al. (1991) categorized different types of conflicts concerning relationships between groups. We found examples of instrumental conflicts, such as misunderstanding or lack of understanding regarding task-sharing. In Hungary, one CSO stated that they were putting unnecessary effort in one project as other CSOs were doing the exact same task. In this case, problems of the task-sharing communication were present. In both countries, a high score was given to trust, which is the basic element of the socio-emotional conflict. Most of the interviewees agreed that the unequal distribution of money raises tension between CSOs.

### Reflection on Legal Environment

It was explained that roughly three different levels of legal rules can be distinguished, namely national, European and international, and there can be interactions between these spheres. CSOs are surrounded by these different legal environments, which might lead to problems or difficulties in their functioning. It was expected that these problems would mainly occur in Hungary. This has been confirmed by our interviewees, because in the Netherlands, almost none of the CSOs experienced problems on the international or national level. Only the IOM claimed that the Netherlands disregards their international rules.

In Hungary, some organisations mentioned that domestic legislation is not always in accordance with European law and International treaties. It follows that CSOs sometimes experience problems because of interactions between the different legal orders. One possible explanation is that Member States sometimes fail to implement or comply with European or International laws, because they find it infringing upon their domestic sovereignty. It can be useful for CSOs to be aware of these different legal orders, and in case they experience problems on domestic level, they can seek redress on a European or (to a lesser extent) international level.

In Hungary, it can be hard for CSOs to carry out their work, because they are being restricted by the government. For example, the Hungarian government has a negative influence on policies and legislation by providing less funding to CSOs that are critical about the government, and Hungarian

CSOs are afraid that new laws will further restrict their freedom. We can conclude that European and international law provide less restrictions, and even more possibilities in the area of human rights, for CSOs to work with refugees, than the national legal order, especially in Hungary.

Furthermore, it was mentioned by CSOs in the Netherlands that they do not experience any real problems with national legislation, because, for example, the registration process of CSOs is an easy and transparent process, and does not constitute an obstacle to the functioning of CSOs. In Hungary, however, the registration process appeared to be a difficult and bureaucratic process, which negatively influences the functioning of small CSOs especially, due to too many rules, lack of transparency and the consumed time.

Finally, CSOs found the existing tax benefits (including the public benefit status) to be supportive elements of the legal environment, both in Hungary and the Netherlands. In general, CSOs found the legal environment, they operate in, to be supportive enough. In the Netherlands, improvement was only desired in the form of more tax benefits. In conclusion, problems with the interrelations between CSOs are generally not caused by the legal environment. Difficulties and obstacles are sometimes raised by legal rules, however, they do not specifically impede on the collaboration and communication between CSOs. It might be possible for CSOs in the Netherlands and in Hungary to help each other in dealing with all sorts of regulations. For instance, by suggesting legislation through lobbying, or by advising on law proposals in areas in where they have experience. It was suggested that UNHCR could play a facilitating role here, by providing a platform and bringing all these CSOs within a national and international setting together.

### Limitations

Although conducting interviews with the same questions in two countries is very valuable, it also brings along challenges, e.g. different languages. We have tried to be as accurate and careful as possible while translating the interview questions from English to Dutch and Hungarian and translating the results back to English, but it is possible that some interpretation mistakes have been made. For instance, as mentioned in the above, a translation error occurred when interpreting 'costs and benefits' in Hungary. Similarly, despite the fact that qualitative research has many benefits, one disadvantage is its subjectivity. With different researchers coding the interviews, in different languages, it is almost inevitable that differences in interpretation occur. We have tried to minimize this by transcribing the interviews as soon as possible by a researcher present at the interview.

Furthermore, even though effort was put into having interviews with as many CSOs as possible, not all active CSOs in both countries have been interviewed, thus, it is possible that incorporating more organisations might have led to different results. However, the researchers did try to interview the largest and most important CSOs active in this field, thus, making this inaccuracy



unlikely. Another limitation of conducting the interviews is that these were conducted with only one or two representatives of the organisation in question. In large organisations, people in different functions and at different levels of the organisation might answer very differently to our questions and by interviewing only one person, these differences cannot be examined. A suggestion for future research is to investigate the differences between different functions and at different levels within a CSO.

Finally, as we focused on contact and collaboration between CSOs, we did not investigate the output of their collaborations, namely the efficacy of helping refugees. Our results may have shown that, in general, CSOs are content with their collaboration, but that does not mean that their output has the same effect. A suggestion for future research is to investigate this further and we would like to recommend interviewing both CSOs and refugees, so that a comparison could be made between the CSOs' 'perceived output' and the refugees' 'perceived received input'.

## Conclusion

The focus of this paper was on the degree and efficacy of interrelations between CSOs in Hungary and the Netherlands that assist refugees and on the factors that influence these relations. In order to answer this broad question, four sub-questions were formulated:

- What factors influence the efficacy of the interrelations between CSOs?
- What is the role of the legal environment in which CSOs exist and function, also with regards to the interrelations between CSOs?
- What is the role of the government for the interrelations between CSOs?
- What is the role of the international and national networks and organisations, with special attention to UNHCR, with regards to the degree and efficacy of interrelations between CSOs?

### Degree and Efficacy of Relations between CSOs

Both in Hungary and the Netherlands, all CSOs are in contact with multiple other CSOs and the extent of this contact correlates strongly with the capacity, mainly number of employees, of an organisation. Overall, in both countries, CSOs are positive about their network of contacts and consider it successful. However, both Hungarian and Dutch CSOs desire to work together with other CSOs more often and more closely. In Hungary, they suggested to set up an online platform that connects CSOs, which would allow them to communicate and share knowledge. Dutch organisations advocated for more personal meetings between CSOs and they also indicated that more communication would smoothen the contact between CSOs with overlapping working areas. One Dutch CSO brought up the idea of bringing refugees to the table as well, so that CSOs and refugees can work together on a higher level.

### Factors that influence the degree and efficacy of the relations between CSOs

In both countries, CSOs indicated fairly the same motives for their collaboration, namely common goals, reinforcement and expertise or information sharing. Similar to motives for collaboration, in both countries, shared goals and division of tasks were often mentioned as factors that have a positive influence on collaboration. Both countries' CSOs state that 'trust' is the most important value when collaborating. Hungarian CSOs find rules the second most important value for collaboration, but Dutch CSOs find rules the least important.

Negative factors differed per country. In the Netherlands, negative factors were related to

conditions within the organisations, for instance, that one person is responsible for all contact, or one person is taking all credit for a shared project. Meanwhile, in Hungary, negative factors were mostly related to conditions outside the CSOs, namely, the negative political environment and competition over financial aid. Collaboration is also influenced by the size of the sector. In Hungary, the sector is small, which is experienced as a positive factor for collaboration, while in the Netherlands, a few CSOs find that the sector is too big, and there are too many CSOs in the field.

Eventually, capacity, mainly in the form of financial resources and the number of employees, is a factor that limits the function of many CSOs, as well as their collaboration with other CSOs. However, some CSOs find that collaboration with others may help in receiving money by subsidies. In the Netherlands, finance is not the first reason for the problems they encounter, while for Hungarian CSOs, this is more often a problem. In Hungary, relatively big CSOs have a stable financial situation, while that of smaller CSOs is more uncertain. For instance, sometimes subsidy was transferred after the CSOs' work was finished. Especially for smaller CSOs, it is harder to pay upfront for their activities. On the other hand, subsidy in Hungary is sometimes not allocated to well-established organisations, because of unclear selection rules.

### Legal Environment Surrounding CSOs

In both countries, CSOs agree that the legal environment is relatively supportive. In both countries, tax and public status benefits are mentioned as positive factors. In the Netherlands, CSOs did not mention any problems regarding legislation. However, Hungarian CSOs do encounter several problems within this environment.

Hungarian CSOs mentioned that legislation often is too bureaucratic and connected to too many administrative obligations. With regards to registration of CSOs, Dutch CSOs did not mention any problems, while Hungarian CSOs, especially smaller ones, argued that the registration process is too bureaucratic and unpredictable. Additionally, Hungarian CSOs stressed that the government has a negative influence on the legislation and functioning of CSOs. The government treats them as 'enemies of the state'. Some CSOs mentioned that being critical about the government even influences their amount of funding.

According to some Hungarian CSOs, the social dialogue between the government and CSOs is disappearing or has disappeared. CSOs also mentioned that they are worried about new laws that will further diminish their freedom. Furthermore, according to CSOs in Hungary, discrepancy in the interpretation of legislation exists amongst judges, for instance, with regards to the right to establish an association. Hungarian CSOs mostly experience that problems in the legal environment surrounding CSOs manifest themselves on a domestic level, while in the Netherlands, CSOs agree

that problems are mostly faced on a municipal level. Thus, the legal environment is very different in the Netherlands and in Hungary. In the Netherlands, CSOs barely encounter any problems with their legal environment, while Hungarian CSOs encounter mostly bureaucratic and government-related problems.

### Relationship with the government and the EU

In Hungary, the relation between the government and CSOs is complex and paradoxical. On the one hand, a part of the CSOs' funding comes from the government. On the other hand, the government tries to prevent CSOs from receiving funding or subsidies and, furthermore, CSOs claim that the government manipulates the public, via media and advertisement, to make CSOs look like enemies of the state, which also influences their financial income in the form of donations. Moreover, inflexibility of the Hungarian government and scarce resources of the CSOs were continuously pointed out during the interviews with Hungarian CSOs: the bureaucracy and slow motion of state institutions were mentioned to have a severely negative influence on CSOs' activities. In the Netherlands, the political climate is very different: CSOs can criticize and give advice to the government. However, CSOs think this advice is not used often enough.

CSOs with a religious background in Hungary (i.e. faith-based organisations, FBOs) sometimes experience an advantage over non-religious organisations, for instance when applying for funding. On the contrary, Dutch CSOs with a religious background sometimes encountered problems with the government, since the Dutch government tries to retain its religiously neutral position. The EU is considered by both Dutch and Hungarian CSOs as a useful partner, both for information-sharing about practices and making changes on a domestic level. No Dutch CSO specifically mentioned that the EU or the Dutch government is inflexible, provides insufficient help or financial aid, or that money is held back from CSOs after pledging.

### (Inter)National networks and UNHCR

More CSOs are part of international networks than national networks in both countries. Hungarian CSOs prefer UNHCR to play a more active and leading role, whereas Dutch CSOs are relatively content with the current role of UNHCR. Paradoxically, CSOs in both countries also mentioned that they do not know what the role of UNHCR is on a national level. Desiring more contact between each other, CSOs from both countries suggested that UNHCR could take a leading role in organising meetings between them.

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## Appendices

### Appendix A: The interviewed organisations and the interview-method

Name of the CSO	Country of the CSO	Method
Artemisszió Foundation (Artemisszió Alapítvány)	Hungary	Personal
Cordelia Foundation (Cordelia Alapítvány)	Hungary	Personal
Subjective Values Foundation (Szubjektív Értékek Alapítvány)	Hungary	Personal
Hungarian Helsinki Committee (Magyar Helsinki Bizottság)	Hungary	Personal
International Organisation for Migration Hungary (IOM Hungary)	Hungary	Personal
Jövőkerék Non-Profit Foundation (Jövőkerék Közhasznú Alapítvány)	Hungary	Personal
Menedék Hungarian Association for Migrants (Menedék Migránsokat Segítő Egyesület)	Hungary	Personal
SOS Children's Village (SOS Gyermekfalvak)	Hungary	Personal
Amnesty International Netherlands	The Netherlands	Personal
ASKV Refugee Support (Amsterdams Solidariteits Komitee Vluchtelingen / Steunpunt Vluchtelingen, ASKV)	The Netherlands	E-mail
International Organisation for Migration (IOM) Netherlands	The Netherlands	Personal
Church in Action (Kerk in Actie)	The Netherlands	Personal
Foundation Gave (Stichting Gave)	The Netherlands	Personal
Foundation Aid for National Undocumented Migrants (Foundation LOS, Stichting Landelijk Ogedocumenteerden Steunpunt (LOS))	The Netherlands	Telephonic
Meijers Committee (Commissie Meijers)	The Netherlands	Personal
Foundation for Migration Law Netherlands (Stichting Migratierecht Nederland)	The Netherlands	Personal
Foundation Nidos (Stichting Nidos)	The Netherlands	Personal
Foundation for Refugee Students (Stichting voor Refugee Students (Stichting Vluchteling Studenten, UAF))	The Netherlands	E-mail
The Dutch Council for Refugees (VluchtelingenWerk Nederland)	The Netherlands	Telephonic
We Are Here (/Wij zijn hier)	The Netherlands	Personal

## Appendix B: Themes and subthemes used in the interviews

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### 1. Contact with CSO's

---

- A. No CSOs mentioned
  - B. First CSO mentioned
  - C. Second CSO mentioned
  - D. Third CSO mentioned
  - E. Fourth CSO mentioned
  - F. Further CSOs mentioned
- 

### 2. Form of contact

---

- A. E-mail
  - B. Phone calls
  - C. Meetings (formal and informal)
  - D. Meetings between multiple CSOs
  - E. Other
- 

### 3. Frequency of contact

---

- A. Regular
  - B. Occasional
  - C. Frequency differed over time
- 

### 4. Responsibility for contact

---

- A. One person is responsible
  - B. Multiple persons are responsible
- 

### 5. Reasons for contact

---

- A. Common goals
  - B. Information sharing
  - C. Expertise sharing
  - D. Network sharing
  - E. Reinforce each other
  - F. Approachability (the field of CSOs know each other, know what the others can do for or with them.)
  - G. Common tenders or applications
  - H. CSOs together are stronger when making statements
  - I. Direct assistance
  - J. Joint research papers
  - K. Other
- 

### 6. Successful contact

---

- A. Good
  - B. Bad
  - C. Mixed
  - D. Other
- 

### 7. Positive factors on contact

---

- A. Common goals
- B. Trust
- C. Personal connections
- D. Professionalism
- E. Financial aid
- F. Religious background
- G. Capacity
- H. Clear agreements or division of tasks
- I. Division of tasks

- J. Approachability
  - K. Similar moral sense
  - L. Long term relationship between CSOs
  - M. Other
- 

#### **8. Negative factors contact**

---

- A. Religious reasons
  - B. Capacity
  - C. Different goals
  - D. The other CSO does not put effort into contact
  - E. Taking the honour alone
  - F. Violating trust
  - G. Slow and difficult to maintain contact
  - H. Addressing their own 'brand'; CSOs do not work together if they have a different way of approaching things (e.g. some CSOs want to spread Christianity, while others are against this)
  - I. Competition for funds
  - J. Political environment (there is political pressure and make the CSO's environment hard)
  - K. Negative environment of the local people
  - L. Ineffective communication or information sharing
  - M. Other
- 

#### **9. Values, which grade do they get**

---

- A. Fairness
  - B. Costs and benefits
  - C. Trust
  - D. Rules
  - E. Other values
- 

#### **10. Room for improvement**

---

- A. More central collaboration or meetings
  - B. UNHCR congress
  - C. A more supporting UNHCR
  - D. Website for information-sharing
  - E. Development in the academic sector
  - F. No room for improvement
  - G. Other
- 

#### **11. Get (more) contact with these CSO's**

---

- A. No CSO is mentioned
  - B. First CSO mentioned
  - C. Second CSO mentioned
  - D. Etc.
- 

#### **12. Participation in national networks**

---

- A. No national network mentioned
  - B. First national network mentioned
  - C. Second national network mentioned
  - D. Etc.
- 

#### **13. Participation in international networks**

---

- A. No international network mentioned
  - B. First international network mentioned
  - C. Second international network mentioned
  - D. Etc.
- 

#### **14. Role of international organisation and the UNCHR**

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- 
- A. UNHCR focusses abroad and at the borders, not inside the country
  - B. Active role (lobbying, organising congresses, writing articles)
  - C. UNHCR the Netherlands
  - D. UNHCR Hungary
  - E. Role unknown
  - F. Other
  - G. UNHCR does not play a role
- 

**15. Improvements for role of UNHCR**

---

- A. Central congress for CSOs
  - B. More focus inside the border
  - C. A more intense role in the media
  - D. More provocative role
  - E. More pressure on the government
  - F. More coordinating role
  - G. Other
  - H. Not sure how UNHCR should play another role
- 

**16. Useful legislation for CSO**

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- A. Tax benefits
  - B. ANBI status (Dutch)
  - C. Less bureaucracy
  - D. No input, existing rules are sufficient
  - E. Other
- 

**17. Problems regarding legislation**

---

- A. Examples of problems that only affect refugees themselves (not relevant for our study)
  - B. New amendment of the Civil Act
  - C. Bureaucracy
  - D. State policies, and whether officials act according to these policies
  - E. Other
- 

**18. Registration process**

---

- A. No problems
  - B. Problems
  - C. Unknown
  - D. CSO is not registered
  - E. Question not correctly answered
  - F. Other
- 

**19. Discrepancy provision and executing of law**

---

- A. Examples of problems that only affect refugees themselves
  - B. Religious freedom
  - C. Bureaucracy
  - D. Other
- 

**20. Working with illegally residing refugees**

---

- A. No problems
  - B. Problems
  - C. Unknown
- 

**21. Level of problems**

---

- A. National
  - B. International
  - C. Municipal
- 

**22. Room for improvement**

---

---

A. Examples of problems that affect only refugees themselves

---

**23. Positive influence and help from the government or the EU**

---

- A. Financial help
  - B. More help from the EU than national governments
  - C. More help from national governments than EU
  - D. The government offers room for feedback from CSOs
  - E. Other
- 

**24. Negative influence of government or EU**

---

- A. Religious freedom
- B. Unclear rules
- C. Inflexibility
- D. Government or EU is slow in contact or help
- E. Not enough financial help
- F. Not enough active help
- G. Government does not listen to rules of the CSO
- H. Government does not take CSOs' advice
- I. Collaboration with governmental organisations if more difficult than contact with other CSOs
- J. Disagreement with regards to policy
- K. Bureaucracy with regards to tenders
- L. The government has different ideas or views
- M. They are labelled as „enemies“ by the Government (they are called watchdog organisations), political instruments
- N. Sometimes the EU holds back promised money
- O. Other

**25. Funding: how the CSO is funded**

**26. Number of employees**

**27. Number of members**

**28. Number of refugees helped**

---

**Appendix C: The subthemes of the questionnaire compared to CIVICUS' CSI indicators**

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CIVICUS' CSI Indicator	Questionnaire
2.5.3	4a
2.5.1	4b
2.6.3	5a
2.6.1	5b

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## Appendix D: Descriptions of Hungarian and Dutch CSOs interviewed

### Hungarian organisations

#### **Artemisszió Foundation** (Artemisszió Alapítvány)

‘Artemisszió Foundation’ has been operating since 1998 as a non-profit organisation of public interest. Among the mission goals of the foundation are supporting social integration of socially and culturally disadvantaged groups, the strengthening of international scientific and cultural relations internationally and the development and dissemination of intercultural training courses, educational materials and methods. ‘Artemisszió Foundation’ aims to achieve its objectives through the research, promotion and use of the theory and practice of intercultural communication.

#### **Cordelia Foundation** (Cordelia Alapítvány)

The ‘Cordelia Foundation’ was established in 1996 with the aim to assist torture survivors and severely traumatized asylum seekers, refugees and their family members arriving in Hungary through psychiatric, psychotherapeutic, psychological treatment, psycho-social counselling. At present, ‘Cordelia Foundation’ is the only civil organisation in Hungary which fulfils this task, although the treatment of the psycho-social and somatic problems of this unique target group is a basic-service public-benefit task. Moreover, the foundation is an accredited member of the Copenhagen-based network, the ‘IRCT’ (International Rehabilitation and Research Council for Torture Victims).

#### **Subjective Values Foundation** (Szubjektív Értékek Alapítvány, SVF)

‘Subjective Values Foundation’ was founded in 2002. The primary aim of the foundation is to struggle against racism. Moreover, the foundation participates in the organisation of cultural events such as the UN Day Against Racism as the music events, training, video presentations and exhibitions attract the attention of people to the social problems of discrimination and racism. Among other events, the foundation organised business-related trainings for third country immigrants who live in Hungary and aim to start an enterprise in the country. Another important goal of the foundation is to organise tolerance trainings for children and teachers in schools. The foundation is an active member of the largest European-level anti-racist network, ‘United for Intercultural Action’ and since 2009 the Subjective Values Foundation is a member of the ‘ROOTS & ROUTES network’.

#### **Hungarian Helsinki Committee** (HHC, Magyar Helsinki Bizottság)

The ‘HHC’ was established in 1989 as association and started its permanent activities in 1994-1995. Since then, the HHC has been monitoring whether rights that are assured by domestic law can be



effectively exercised, and whether Hungarian legislation guarantees the rights that it should under either international treaties or the general principles of human rights. The HHC has been analysing legislation and legal practice and has made efforts to influence the legislative process to ensure that domestic law fully respects the principles of human rights.

#### **International Organisation for Migration Hungary (IOM Hungary)**

As the leading international organisation for migration, 'IOM' acts with its partners in the international community to assist in meeting the growing operational challenges of migration management, advance understanding of migration issues, encourage social and economic development through migration and to uphold the human dignity and well-being of migrants.

Hungary became a member state of IOM in 1991. Since then, IOM managed numerous projects in the fields of counter-trafficking, migration and health, assisted voluntary return and assistance to migrants in transit and ran several public information campaigns on migration issues in Hungary. The IOM office in Hungary continues to be actively involved in building the Hungarian government's capacity to manage migration issues through training, and organising regional and international exchange programmes, conferences and research projects. IOM Budapest has also established partnerships with several relevant non-governmental organisations that assist migrants and victims of trafficking in Hungary.

#### **Budapest Jövőkerék Non-Profit Foundation (Jövőkerék Közhasznú Alapítvány)**

The overall objective of the 'Budapest Jövőkerék Non-Profit Foundation' is to promote and support the development and the exploitation of independent initiatives and programmes which are essential to strengthen and enforce European values with the help of the local communities, non-governmental organisations and independent citizens' capabilities, resources and opportunities. The Foundation intends to provide help and assistance for a variety of partners in the civil society in the development and implementation of concrete ideas.

#### **Menedék Migránsokat Segítő Egyesület (Menedék Hungarian Association for Migrants)**

The foundation promotes social integration of foreign citizens migrating into Hungary, as well as it organises and runs training courses for professionals which deal with immigrants in the course of their work. Besides the support of immigrants and professionals, the mission of the association is to make the majority of society more open towards and accepting of foreigners arriving in our country. In order to achieve this, the association tries to build a bridge between the host society and immigrants by realizing various educational and cultural projects and programmes.

### **SOS Children's Village** (SOS Gyermekfalvak)

'SOS Children's Village' focusses on supporting helpless children throughout its activity, so that the children can grow up in a safe home and have foster parents to rely on. Moreover, the organisation provides help for the children to be able to stay with their blood relatives like siblings to recover from the shared traumas and become a successful and educated adult. Additionally, in the framework of the Emergency Response Program SOS CV Hungary supports migrant/refugee children and families responding their needs in crisis, resilience and integration.

### Dutch organisations

#### **Foundation for Refugee Students** (Stichting Vluchteling Studenten, UAF)

According to Foundation for Refugee Students studenten:

Invoking the Universal Declaration of Human Rights, the 'Foundation for Refugee Students' aims to provide the necessary material and moral assistance to higher educated refugees from all parts of the world, who, owing to a well-founded fear of persecution, have left their countries, and who have shown to have sufficient abilities, with the objective to let them continue and successfully finish their studies in the Netherlands, and to help them find a place in the labour market that matches their education as well as giving information with regard to the above mentioned target groups and activities.

#### **Church in Action** (Kerk in Actie)

'Church in Action' is an organisation that originates from the Protestant church. In the Netherlands and worldwide, this CSO tries to improve the situation of those in need. In the Netherlands, their help reaches orphan children, lonely elderly, (ex-) detainees, refugees and many more. They do this by financially supporting certain projects or to use the church network for volunteers. For refugees in particular, Church in Action fulfills numerous tasks, varying from providing language lessons to providing support for Christian refugees.

#### **Foundation Gave** (Stichting Gave)

According to Foundation Gave:

'Gave' helps Churches and Christians to understand and practise the biblical call to offer hospitality to 'strangers'. 'Gave' challenges, trains and supports volunteers in contacting asylum seekers and in sharing God's love with them. To this end, 'Gave' provides intensive assistance, advice and resources, enabling churches to start outreach to refugees and to develop good working structures.

### **Amnesty International**

'Amnesty International' is a worldwide organisation independent of any political ideology, economic interest or religion. The organisation investigates and exposes facts about abuse or wrongdoings, they lobby governments and other powerful groups to ensure they keep their promises and respect international law, they support people to claim their rights through education and training and the organisation mobilizes millions of supporters around the globe to campaign on certain issues. Also in the Netherlands, 'Amnesty International' tries to improve the rights for refugees by, for example, lobbying the government.

### **Foundation LOS (Stichting landelijk ongedocumenteerden steunpunt, LOS)**

Since 2003, 'Foudation LOS' is the knowledge institute for people and organisations that offer help to migrants without a residence permit (undocumented migrants). The CSO commits to improving the situation for this group and their children, basing their actions on Article 25 of the Universal Declaration of Human Rights that also applies to undocumented migrants. Foundation LOS informs organisations, institutions and individuals about the law of undocumented migrants.

### **We Are Here (Wij Zijn Hier)**

We Are Here is a group of refugees in Amsterdam that do not receive housing from the Dutch government, but is also not allowed to work, forcing them to live on the streets. This group of refugees has chosen to unite themselves in an organisation to expose their situation to the Dutch society. By doing this, they are gaining support from many parties, which will hopefully help improve their situation.

### **Foundation for Migration Law Netherlands (Stichting Migratierecht Nederland)**

'Foundation on Migration Law' is a knowledge institute focusing on immigration law and related topics. The organisation provides judicial information to professionals and other interested in an easy and clear way. They do this by managing the databank 'Migratieweb', publishing professional journals, organising courses and gatherings and by answering questions from those who are interested.

### **Meijers Committee (Commissie Meijers)**

The Meijers Committee (Commissie Meijers) is an independent group of experts on European criminal-, asylum-, migration-, privacy-, non-discrimination- and institutional law. The Meijers committee systematically assess European legislative proposals in these area's on their conformity with the requirements of a democratic constitutional state. The commission stimulates public and

democratic decisions, respect for Human Rights and securing access to justice. The commission tries to do this by providing politicians and policymakers with scientific knowledge on Human Rights and democratic implications of new European proposals that affect the terrain of civil rights, justice and home affairs.

**Foundation Nidos** (Stichting Nidos)

‘Foundation Nidos’ is an independent guardianship institute, that takes care of the guardianship of alone underage migrants. This is executed by professionals that, with respect to the cultural background of the underage migrant, tries to centralise the interests of this individual, and make sure they take control over their own lives.

**IOM** (International Organisation of Migration)

The ‘International Organisation for Migration’ is a worldwide intergovernmental organisation with headquarters in Geneva. Four main areas are migration and development, facilitating migration, regulating migration and addressing forced migration. The Dutch office of IOM was a combination from the Dutch Emigration Service, several NGOs and the Ministry of Social Affairs. First, IOM the Netherlands’ supports migrants with voluntary return to the country of origin and with sustainable reintegration. Second, IOM the Netherlands’ arranges the travel of invited refugees. Third, IOM the Netherlands’ supports migrants residing in the Netherlands to help with the development and reconstruction of their country of origin by facilitating temporary return projects.

**Dutch Council for Refugees** (VluchtelingenWerk)

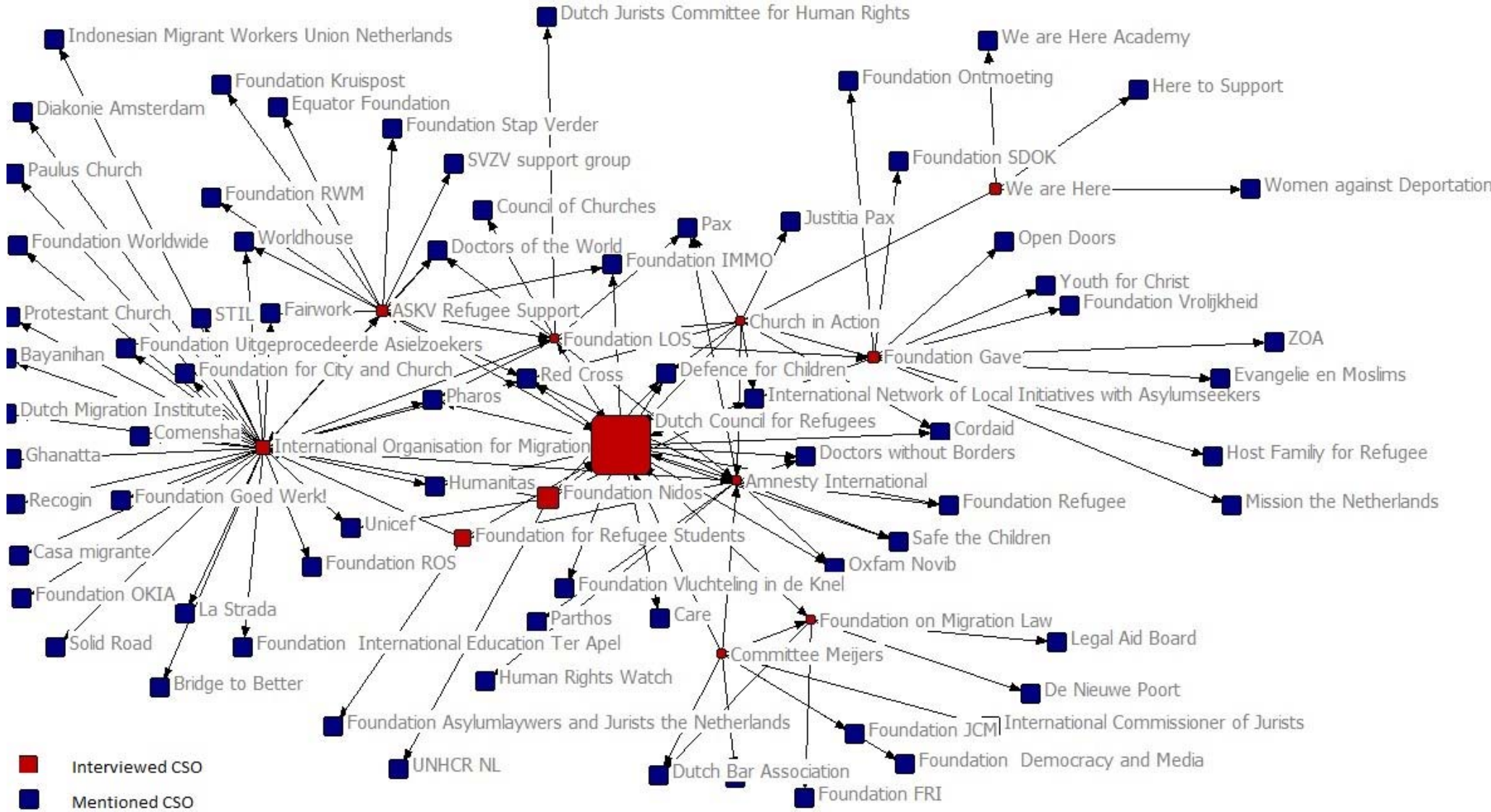
‘Dutch Council for Refugees’ is an independent, non-governmental organisation, founded in 1979. The Dutch Council for Refugees assists refugees during their asylum procedure and their integration in the Dutch society and stand for a good asylum and integration policy. The organisation provides members of Parliament with information concerning refugee issues and policy, and has an active lobby for refugee rights. The work also includes giving information and advice to asylum lawyers and develop various projects to promote the integration of refugees in the Netherlands. In addition, the Dutch Council for Refugees is committed to increase public support for refugees as well.

**ASKV Refugee Support** (Amsterdams Solidariteits Komitee Vluchtelingen / Steunpunt Vluchtelingen. ASKV)

‘ASKV Refugee Support’ is an organisation that assists refugees and rejected asylum seekers. ASKV Refugee Support offers judicial and social support for refugees in order to have them take control of their own lives again. Also, they help to provide housing for this group of people. Furthermore, ASKV

Refugee Support works on structurally improving the situation of refugees and rejected asylum seekers by campaigning, research and lobbying. The organisation aims to give refugees, and also those who got rejected for asylum, a fulfilling life.

Appendix E: Complete Network of CSOs in the Netherlands



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