
Order no. DJZ/BR/1307-2005 of 21 December 2005, containing further rules governing the award of grants by the Minister of Foreign Affairs and the Minister for Development Cooperation (Ministry of Foreign Affairs Grant Regulations 2006)

The Minister of Foreign Affairs and the Minister for Development Cooperation,
Having regard to articles 2 and 3 of the Ministry of Foreign Affairs Grants Decree;
Order as follows:

Part 1. General

Division 1. Definitions

Article 1.1

The following definitions are used in these regulations:

- a. developing countries: countries listed in the most recent List of Recipients of Official Development Assistance drawn up by the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD);
- b. Framework Act: Ministry of Foreign Affairs (Grants) Framework Act;
- c. Grants Decree: Ministry of Foreign Affairs Grants Decree.

Part 2. Human rights, good governance, international legal order and international cooperation

Division 1. Human rights

Article 2.1

The Minister may award grants for activities that are not eligible for a grant under one of the other provisions of these regulations and that promote or help to promote the observance of human rights.

Division 2. Social transformation

Article 2.2

In the interests of promoting the social and political aspects of transformation to a democratic and market-oriented system, the Minister may award grants for activities that are not eligible for a grant under one of the other provisions of these regulations and that promote or help to promote:

- a. the establishment and strengthening of plural democratic societies governed by the rule of law;
- b. the development of civil society;
- c. accession to the European Union, or
- d. the strengthening of central government.

Article 2.3

In view of and within the framework of the objectives referred to in article 2.2, activities will be eligible for a grant if they focus on or promote:

- a. an articulate population capable of self-organisation, diversity of civil society, opportunities for individuals to become involved in shaping society, and private initiative;
- b. the operation of the rule of law, the quality of legislation, law enforcement and the administration of justice, and the legal protection of the citizen;
- c. democracy in government, improvements in the operation of public authorities, transparency of government activity and public access to government;
- d. the equipping of central and local authorities for their role in their country's accession to the European Union and the changes required to that end;
- e. the structure, capacity, quality and administrative strength of central authorities, or
- f. knowledge transfer, financial assistance to students, and the development and provision of courses and placements.

Division 3. Peace and security, international legal order, multilateral cooperation, bilateral relations and other activities

Article 2.4

The Minister may award grants for activities that are not eligible for a grant under one of the other provisions of these regulations and that promote or help to promote the development and implementation of the Minister's policy in the fields of peace and security, the environment, the international legal order, international legal and judicial cooperation, multilateral cooperation or the improvement of bilateral relations.

Division 4. Migration

Article 2.5

The Minister may award grants for activities that promote or help to promote the development and implementation of the Minister's policy in the field of migration.

Division 5. Consular assistance for Dutch prisoners abroad

Article 2.6

The Minister may award grants for activities that promote or help to promote the provision of assistance to Dutch prisoners abroad with a view to their general welfare and social or mental well-being.

Part 3. Emergency assistance and staff security

Division 1. Emergency assistance

Article 3.1

The Minister may award grants for activities that serve or help to relieve, limit or prevent human distress arising from conflicts, natural disasters or other emergencies.

Article 3.2

In view of and within the framework of the objectives referred to in article 3.1, activities will be eligible for a grant if they focus on or promote:

- a. direct aid to allow victims, especially the most vulnerable among them, access to basic necessities relating to:
 - shelter;
 - food and food security;
 - healthcare, including reproductive healthcare;
 - water and sanitation;
 - protection;
 - repatriation and resettlement of refugees and displaced persons, and
 - other humanitarian priorities identified by the United Nations;
- b. the strengthening of institutional capacity, including the promotion of expertise, at international level, in the Netherlands and in afflicted or vulnerable areas, aimed at alleviating acute human distress and fostering disaster-preparedness;
- c. the efficiency and effectiveness of aid, and

- d. the limiting of humanitarian need and material damage caused by disasters.

Article 3.3

The following activities are not eligible for a grant:

- a. identification missions to investigate needs;
- b. activities that
 - are funded wholly or in part from United Nations multi-donor emergency relief funds for the country or countries in question;
 - are concerned with education in crisis situations, or
 - have generating income as their primary objective;
- c. applications for a grant of less than €300,000, with the exception of applications involving activities of the type referred to in article 3.2 (b).

Article 3.4

Grants under this division may be awarded solely to legal persons:

- a. whose objectives and work cover a wide range of activities;
- b. who, in respect of emergency aid, are affiliated to and abide by the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations in Disaster Relief or an equivalent code of conduct;
- c. who have experience and a good track record in the geographical area concerned;
- d. who have demonstrable knowledge and expertise on the issues concerned;
- e. possess adequate capacity in terms of organisation and implementation, and
- f. who, if applicable, are actively involved, directly or through a local partner, in the United Nations' local coordinating mechanism for humanitarian aid.

Article 3.5

Supplementary to articles 3.2 and 3.3, applications for grants under this division must demonstrate:

- a. that the activities satisfy internationally accepted principles of humanitarian aid;
- b. that they are based on an analysis of needs and are aimed at a clearly defined target group;
- c. that the activities are linked to clearly and realistically described results, goals, instruments and indicators;
- d. an awareness of the need to bridge the gap between acute emergency aid and rehabilitation;
- e. that provision has been made for an exit strategy;
- f. an awareness of the issue of HIV/AIDS;

- g. an awareness of the issue of gender and sexual and reproductive health and rights, and
- h. that the budget is clear and balanced and linked to the proposed activities.

Article 3.6

Applications will be assessed in part on the basis of the following criteria:

- a. the speed, nature, scale and alignment of the proposed intervention with the identified needs;
- b. the distribution of donor activities over the identified needs;
- c. in protracted crises, priority is given to continuing relevant activities that are being adequately implemented rather than funding new ones;
- d. the avoidance of negative effects of humanitarian aid, partly with a view to the sustainability of results, and
- e. complementarity and added value in relation to other initiatives in the same area.

Article 3.7

A grant may be awarded for activities that are already under way if:

- a. the activities are so urgent that the applicant could not reasonably have been expected to submit the application before they began;
- b. the applicant notified the Minister when the activities began, and communicated its intention to submit a grant application, and
- c. the grant application is submitted within four weeks of the start of the activities.

Article 3.8

1. Underspending and overspending on budget items for activities for which a grant has been awarded pursuant to this part will not require the Minister's prior approval if:
 - a. the underspending and overspending are due to altered or unforeseen circumstances in an acute emergency;
 - b. the underspending and overspending do not amount to more than 25% of the items in question, and
 - c. the total budget is not exceeded.
2. Paragraph 1 does not apply to allowances for expatriates or to the procurement of vehicles and communications equipment.

Division 2. Staff security

Article 3.9

The Minister may award a grant for

- a. taking part in security training, and
- b. supporting the development of a security policy.

Article 3.10

1. Grants under part 2 may be awarded solely to non-governmental organisations performing activities in high-risk areas which are charged to the budget of the Ministry of Foreign Affairs.
2. A grant may be awarded for up to 50% of the costs of activities eligible for a grant. Grants will not be awarded for travel costs.
3. Grant applications must in any case include:
 - a. a list of participants;
 - b. mention of the countries or regions where these participants are or will be active;
 - c. a description of the activities for which grant funding is sought;
 - d. the intended providers of these activities, if applicable, and
 - e. a clear and balanced budget which is linked to the activities.

Part 4. Strategic partnerships in the area of lobbying and advocacy

Division 1. General

Article 4.1

For the purpose of this division, the following definitions apply:

- *strategic partnership*: a framework for cooperation, laid down in a partnership agreement, between the minister and a civil society organisation or a consortium of civil society organisations;
- *consortium*: two or more civil society organisations, at least one of which has legal personality under Dutch law, which have concluded an agreement to work together;
- *civil society organisation*: a not-for-profit organisation neither established by a public authority nor connected to a public authority either de facto or under its constitution, which possesses legal personality under civil law;
- *lead party*: one of the parties in a consortium, which acts as the grant applicant for the consortium;
- *low-income and lower-middle-income countries*: countries listed as such in the most recent List of Recipients of Official Development Assistance drawn up by the

Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD).

Article 4.2

1. Within the framework of a strategic partnership, the Minister may award grants for activities that promote or help to promote sustainable growth and inclusive development in low- and lower-middle-income countries by supporting civil society organisations in their lobbying and advocacy activities.
2. Grants are not awarded for activities that are aimed primarily at, or relate to, service provision or the supply of basic services.

Division 2. Grant recipients

Article 4.3

1. Eligibility for grants under this division is limited exclusively to civil society organisations that are part of a strategic partnership, have their registered office in the Netherlands or in a low-income or lower-middle-income country, and that:
 - a. work to achieve inclusive growth and development for all and combat poverty and injustice, in cooperation with civil society organisations in low- and lower-middle-income countries;
 - b. possess relevant experience, capacities and expertise;
 - c. have a remuneration policy in which the remuneration of managers and staff does not exceed the customary levels of remuneration in the civil service.
2. The recipient or consortium must derive at least 25% of its income from other sources than:
 - a. grants and contributions awarded by the Minister, and
 - b. contributions provided by organisations subsidised from the budget of the Minister of Foreign Affairs or the Minister for Foreign Trade and Development Cooperation, and paid from that grant.
3. Grants awarded for activities performed by a consortium are awarded solely to the lead party. The lead party is responsible for fulfilling all obligations pertaining to the grant, irrespective of which party in the consortium is assigned the actual task of implementing the activities concerned.
4. For the purposes of this division, a civil society organisation may act as lead party of only one consortium and may additionally take part, other than as lead party, in no more than one other consortium. Civil society organisations whose registered office is in a low-income or lower-middle-income country are only eligible for a grant as members of a consortium.

Division 3. Assessment

Article 4.4

1. Article 7, paragraph 2 of the Grants Decree applies to the award of grants.
2. Notwithstanding article 6, paragraph 1 of the Grants Decree, the Minister will announce his or her administrative rules no later than twelve months prior to the start of the grant period. No more than 25 applications will be eligible for a grant.
3. Applications are assessed in two stages. The first stage is focused on selecting partners with whom the Minister wishes to enter into a strategic partnership. The second stage is focused on awarding grants to civil society organisations in the partnerships.
4. The Minister will announce the ceiling for grants under this division after the first stage.

Article 4.5

1. In addition to a check against the criteria in article 4.3, the first stage of the assessment consists of an appraisal of the quality of the application with reference to a track record and a theory of change.
2. The track record is a factually substantiated description of the experience gained and results achieved by the organisation or the consortium in the area of lobbying and advocacy.
3. The theory of change in any case comprises the organisation's or consortium's vision on the social change to be pursued in the framework of the strategic partnership and its role in the change processes, the underlying analysis, the proposed interventions to achieve the envisaged social change, the way in which their effects and results will be determined, a description of the decisive factors for success, and the risks identified and the measures proposed to limit them.

Article 4.6

The second stage comprises an assessment of a programme proposal drawn up by the organisation or consortium within the framework of the strategic partnership.

Division 4. Other provisions

Article 4.7

A condition may be attached to the grant award to the effect that an agreement as referred to in section 4:36 of the General Administrative Law Act is established in respect of part of the grant awarded.

Part 5. Theme-based funding

Article 5.1

The Minister may award grants for activities other than those referred to in division 4 on one or more of the following themes in or for the benefit of developing countries:

- food security;
- water;
- security and the rule of law;
- human rights;
- sexual and reproductive health and rights;
- gender;
- climate;
- private sector development.

Part 6. Education and research

Division 1. International education and research

Article 6.1

The Minister may award grants for activities that promote or help to promote international education and research contributing to the development and implementation of the Minister's development cooperation policy.

Division 2. Research

Article 6.2

The Minister may award grants for activities that promote or help to promote research and knowledge development, and whose results can be effectively used to achieve Dutch foreign policy objectives in the field of poverty reduction and sustainable development.

Article 6.3 [Repealed on 1 January 2011]

Division 3. Higher education

Article 6.4

The Minister may award a grant for activities that promote or help to promote:

- a. improvements in the quality of higher education;
- b. institutional strengthening of higher education establishments, or
- c. improvements in the capacity and quality of human resources in developing countries.

Article 6.5

In view of and within the framework of the objectives referred to in article 6.4, activities will be eligible for a grant if they focus on or promote:

- a. cooperation between Dutch educational institutions and educational institutions in developing countries;
- b. financial assistance to students in or from developing countries, or
- c. knowledge transfer, for example the development and provision of courses and placements.

Part 7. Government and the private sector, interest charges and guarantees

Division 1. Government

Article 7.1

The Minister may award grants for activities that promote or help to promote a better global trading position for developing countries by making expertise and other forms of assistance available to governments in developing countries.

Division 2. Private sector

Article 7.2

1. The Minister may award grants for:
 - a. activities that promote or help to promote a sustainable increase in employment and economic growth in developing countries by strengthening the private sector in the said countries;
 - b. economic transactions with an innovative or stimulating effect on environmental improvement in developing countries, and
 - c. activities that promote or help to promote international economic relations and foreign trade.
2. Only companies and organisations focused on promoting the interests of the private sector are eligible for grants under this part.

Article 7.3 [Repealed on 1 January 2011]

Division 3. Interest charges and guarantees

Article 7.4

The Minister may award grants for activities that promote or help to promote the making of loans to developing countries, for investment in those countries, at a rate of interest lower than the market rate, by means of interest subsidies and guarantees.

Part 8. Culture and sport; regional priorities

Division 1. Culture and sport

Article 8.1

The Minister may award a grant for activities that promote or help to promote:

- a. international cultural relations;
- b. the strengthening of the cultural sector in developing countries;
- c. knowledge of and understanding for cultural expression in developing countries;
- d. the strengthening of the sports sector in developing countries.

Article 8.2

1. With a view to and within the framework of the objectives referred to in article 8.1 (a), the following will be eligible for a grant:
 - a. visitors' programmes for foreign cultural experts;
 - b. grouped or sector-specific presentations of Dutch culture abroad;
 - c. activities with a view to implementing cultural treaties or international cultural agreements, and
 - d. small-scale local cultural projects abroad, aimed at local people and with a recognisable Dutch component.
2. Only sectoral institutions with an international task designated by the Minister of Education, Culture and Science and funds as referred to in section 9 of the Cultural Policy (Special-Purpose Funding) Act are eligible for a grant for the activities referred to in paragraph 1 (a) and (b).

Article 8.3

1. With a view to and within the framework of the objectives referred to in article 8.1 (b), (c)

and (d), the following will be eligible for a grant:

- a. activities aimed at realising cultural activities, particularly in developing countries, by artists and cultural institutions from or working in developing countries;
 - b. internships for artists or athletes from developing countries;
 - c. initiatives aimed at setting up sports activities in developing countries and increasing participation in sport, especially among young people, women and people with disabilities.
2. Only institutions whose objectives and working methods are entirely or mainly focused on promoting and disseminating cultural activities, particularly in developing countries, by artists or cultural institutions from or working in developing countries and partnerships of sports institutions with experience of working in developing countries are eligible for a grant for the activities referred to in paragraph 1.

Division 2. Regional priorities

Article 8.4

The Minister may award grants for activities that promote or help to promote social and political ties and economic cooperation between the Netherlands and countries that, because of their proximity, shared cultural or historical ties, significance as a country of origin of immigrants to the Netherlands, or otherwise, have a special relationship with the Netherlands.

Part 9. Opinion-forming, public information and promoting public support for development cooperation and foreign relations

Division 1. Development cooperation

Article 9.1

The Minister may award a grant for activities that promote or help to promote:

- a. knowledge and understanding of and opinion-forming on matters relating to development cooperation, or
- b. public support for development cooperation policy.

Article 9.2

In view of and within the framework of the objectives referred to in article 9.1, activities will be eligible for a grant if they focus on or promote:

- a. public information in the widest sense and information aimed at specific target groups;

- b. thematic meetings, conferences, seminars and international events;
- c. the publication and distribution of material, or
- d. educational activities that serve or help to increase knowledge of developing countries in the Netherlands.

Division 2. Foreign relations

Article 9.3

The Minister may award a grant for activities that promote or help to promote:

- a. knowledge and understanding of and opinion-forming on matters relating to foreign relations;
- b. public support for policy on foreign relations, or
- c. a positive image of the Netherlands abroad.

Article 9.4

In view of and within the framework of the objectives referred to in article 9.3, activities will be eligible for a grant if they focus on or promote:

- a. public information in the widest sense and information aimed at specific target groups;
- b. thematic meetings, conferences, seminars and international events;
- c. the publication and distribution of material, or
- d. educational activities that serve or help to increase knowledge and understanding of, and opinion-forming on, matters relating to foreign relations.

Part 10. Public-private partnerships and special cases

Division 1. Public-private partnerships

Article 10.1

For the purposes of this division a public-private partnership is defined as: a collaborative venture involving, on the one hand, one or more government bodies and, on the other, one or more non-profit-making non-governmental organisations or organisations from the private sector, which seeks to implement common objectives through activities, such that each of the parties delivers part of the necessary input and bears part of the accompanying risks.

Article 10.2

1. The Minister may award grants with a view to implementing activities, as referred to in

these Regulations, carried out in the framework of public-private partnership.

2. In awarding grants, the Minister may waive the grant ceiling fixed for the activities concerned, the provisions laid down pursuant to article 7, paragraph 2 of the Grants Decree and provisions laid down in these Regulations.
3. The grant will be awarded in the form of an activities grant, possibly in addition to a core-funding grant already awarded to the same recipient. The grant recipient is responsible for managing the grant funds in such a way that the grant is exclusively spent on the activities for which it was awarded and that it can be specifically accounted for.

Article 10.3

If the public-private partnership does not have legal personality, the grant may be awarded solely to one of its members who does have legal personality, without prejudice to article 4, paragraph 1 of the Grants Decree. The said grant recipient will be responsible for fulfilling all obligations pertaining to the grant, irrespective of which party in the partnership is responsible in practice for implementing the activities concerned.

Article 10.4

1. The grant application will describe how each of the parties contributes to the activities of the public-private partnership and give an account of the decision-making process within the partnership.
2. If the public-private partnership does not have legal personality, the grant application must include an agreement between the parties guaranteeing that they will fulfil their obligations towards the Minister in respect of the grant.

Division 2. Special cases

Article 10.5

1. In exceptional cases, the Minister may, within the framework of section 2 of the Framework Act, award grants:
 - a. for activities other than those referred to in these Regulations, or
 - b. contrary to one or more provisions of these Regulations, including the administrative rules announced for this purpose pursuant to article 6 of the Grants Decree, if, in the Minister's opinion, the activities for which the grant is awarded make a significant contribution to achieving the Minister's policy objectives.
2. A decision to award a grant contrary to one or more provisions of these Regulations must indicate which provisions have been waived.

Part 11. Concluding provisions

Article 11.1

The Ministry of Foreign Affairs Grant Regulations and the General Development Cooperation Organisations Grant Regulations are hereby revoked.

Article 11.2

These Regulations enter into force with effect from 1 January 2006 and lapse with effect from 1 January 2020. If the Government Gazette in which these Regulations appear is published after 30 December 2005, these Regulations will enter into force on the second day after the date of publication of the Government Gazette in which they appear and will have retroactive effect to 1 January 2006.

Article 11.3

These Regulations may be cited as the Ministry of Foreign Affairs Grant Regulations 2006. These Regulations and the explanatory memorandum will be published in the Government Gazette.

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