

PROVISION OF TECHNICAL ASSISTANCE BY G20 ANTI-CORRUPTION WORKING GROUP COUNTRIES

INFORMATION PROVIDED BY NETHERLANDS

The 2017-2018 G20 Anti-Corruption Implementation Plan recognizes that, through provision of technical assistance¹, G20 countries can assist other countries in becoming States Party to, and effectively implementing, relevant international instruments such as the United Nations Convention Against Corruption (UNCAC).

1. National anti-corruption programmes/tools that could be shared with other countries:

House for Whistleblowers Act

On March 1, 2016 the Dutch Senate adopted a law on whistleblowing covering the public sector and the private sector. The House for Whistleblowers law provides legal protection for whistleblowers in public and private sector and established an institution where wrongdoings can be reported and investigated. The House consists of an advisory department and an investigatory department. The task of the advisory department is to provide information, advice and support to an employee who has reported a suspected abuse. The task of the investigatory department will be to determine whether a request to start an investigation is admissible and to institute an investigation into: 1) a suspected abuse; 2) how an employer treated an employee following a report of suspected abuse.

TYPE OF ASSISTANCE ²:

 Legislative assistance

 Research/data-gathering and analysis

Extractive Industries Transparency Initiative (EITI)

In 2015 The Netherlands Government has informed parliament about its decision to implement the Extractives Industries Transparency Initiative (EITI) in The Netherlands. The EITI coordinator started in 2016, a scoping survey was completed and potential stakeholders were approached. A chair of the Multi-Stakeholder Group (MSG) has been appointed by government in April 2017. Preparations are made to form the Multi-Stakeholder Group in which government, private sector and civil society are represented. After summer Chair and Multi-Stakeholder Group will have their first MSG meeting. It is expected that early 2018 The Netherlands will present its candidacy to the international EITI board for approval.

TYPE OF ASSISTANCE ²:

-  Institution-building
 -  Capacity building
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CSR Risk Checker

The Netherlands raise awareness of foreign bribery within the wider context of international corporate social responsibility (CSR). Preventing foreign bribery is part of the CSR Due Diligence in line with the OECD Guidelines for Multinational Enterprises. The CSR Risk Check tool is a practical business tool for companies who are exporting to, importing from or have production facilities in foreign countries. By conducting a risk assessment this tool will help companies to know which CSR risks, such as foreign bribery, are related to their business activities abroad and provides options to manage these risks.

TYPE OF ASSISTANCE ²:

-  Policymaking
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EPRM, European Partnership for Responsible Minerals

The EPRM is a multistakeholder initiative launched in 2016 and aims to increase responsible sourced and produced minerals and metals. The partnership of companies, civil society and governments focuses on doing projects on the ground in complex mining areas and on making companies aware of doing due diligence in their supply chain. The EPRM and its members follow the OECD Guidance for mineral supply chains in conflict and high risk areas. The OECD Guidance is also about anti corruption and pro transparency so following these guidance helps decreasing corruption in the raw materials sector. The EPRM can be seen as an accompanying measure to the EU regulation on conflict minerals. The EPRM is open for new members, please visit the website for more information.

TYPE OF ASSISTANCE ²:

-  Capacity building
 -  Research/data-gathering and analysis
 -  Facilitation of international cooperation with other countries
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2. Existing anti-corruption technical assistance programmes

SHIRAKA programme

In 2016 the Netherlands-MENA Partnership (Shiraka) was launched by the Ministry of Foreign Affairs as a successor to the Matra South Programme. The aim of Shiraka is to support sustainable democratic transition in the MENA region. It is a Dutch bilateral effort dedicated to contributing to transition in the MENA region. The programme addresses civil society as well as governments and local authorities.

POTENTIAL OUTREACH:

- Regional
- Bilateral

CONTACT INFORMATION:

shiraka@minbuza.nl

INSTITUTIONAL FRAMEWORK³:

The Shiraka programme is implemented by Dutch embassies, the Dutch Ministry of Foreign Affairs and the Dutch Enterprise Agency (RvO).

Matra

Through Matra*, the Dutch government contributes to the transition towards a democratic, pluriform constitutional state, with a robust civil society and a constructive dialogue between government and civil society in the Western Balkans, Turkey and the Eastern Partnership countries. Its main themes are legislation and justice, public administration, public order and the police, and human rights and minorities.

*Dutch abbreviation that stands for Societal Transformation

POTENTIAL OUTREACH:

- Regional
- Bilateral

INSTITUTIONAL FRAMEWORK³:

The Matra programme is implemented by Dutch embassies and the Dutch Ministry of Foreign Affairs

Construction Sector Transparency Initiative (CoST)

CoST promotes transparency by disclosing data from public infrastructure investment. This helps to inform and empower citizens, enabling them to hold decision-makers to account. Informed citizens and responsive public institutions can lead to the introduction of reforms that will reduce mismanagement, inefficiency, corruption and the risks posed to the public from poor infrastructure.

POTENTIAL OUTREACH:	<input checked="" type="checkbox"/> Global <input checked="" type="checkbox"/> Multilateral
CONTACT INFORMATION:	Petter Matthews, executive director p.matthews@constructiontransparency.org
INSTITUTIONAL FRAMEWORK ³ :	CoST is an initiative implemented by the NGO “Engineers Against Poverty” based in London and primarily funded by the government of the Netherlands and the UK Department for International Development (DFID).

Lobby and Advocacy: Open Contracting Data

The public contracting process is complex and sometimes difficult to understand. Journalists, civil society organisations and other infomediaries play an important role in analysing, contextualising and translating this information into tangible and relevant information for citizens. The Hivos and ARTICLE19 programme on Open Contracting Data supports these infomediaries in their efforts to use contracting data and public revenue flows for public scrutiny, advocacy campaigns or strategic litigation and translate it into meaningful, comprehensible information for citizens. This way, citizens can gain insight into what governments and businesses are doing, how they obtain and spend (public) money and hold them to account. In addition, the programme advocates for policy and practice change by governments to open up more and high-quality data on public contracting for the public good.

POTENTIAL OUTREACH:	<input checked="" type="checkbox"/> Global <input checked="" type="checkbox"/> Multilateral
CONTACT INFORMATION:	Daniel Dietrich, programme officer ddietrich@hivos.org
INSTITUTIONAL FRAMEWORK ³ :	The program is designed implemented by a consortium of the NGO’s Hivos and Article19, and almost fully funded by the government of the Netherlands.

OECD International Academy for Tax Crime Investigation

The Academy was formally established on 17 June 2014, in Ostia, Italy. During these past years, it delivered two Foundation Programmes on Conducting Financial Investigations and two Intermediate Programmes on Managing Financial Investigations. In addition, a first Specialty Programme on VAT/GST Fraud has been launched. The demand for this programme was overwhelming and clearly reflects the serious issues faced by developing countries in the field of VAT/GST fraud.

The Academy Programme has provided investigators with the key skills to combat illicit financial activities such as tax evasion, bribery, corruption, and money laundering. The participants come from a diverse range of agencies involved in the fight against tax and other financial crimes, including Revenue and Customs Authorities, Financial Intelligence Units, Ministry of Finance, Economic and Financial Crimes Commission, and Judicial Services.

POTENTIAL OUTREACH: Global

INSTITUTIONAL FRAMEWORK³: The OECD Oslo Dialogue.
Dutch support is financially and in kind (through Netherlands Tax and Customs Administration).

3. Recent technical assistance provided

- Strengthening integrity within the judiciary in Romania (March 2015-Nov 2016). Organisations involved were the Superior Council of Magistracy of Romania and the Dutch Council for the Judiciary.
- Establishing an enabling environment for independent judiciary in Bulgaria (Feb 2014-Aug 2016). Organisations involved were the Dutch Association for the Judiciary and the Bulgarian Judges Association.
- Judicial reforms in Macedonia: focusing on court management, financial aspects, Strategy, IT and integrity. Organisations involved were the Dutch Council for the Judiciary, Basic Courts in Skopje, Judicial Council of the Republic of Macedonia, The Academy for Training of Judges and Prosecutors.
- Suriname capacity building training. Organisations involved are the NL Public Prosecution Service, National Center for State Courts.
- Training of judges in Serbia (2011-2013). Partners involved were the Dutch Ministry of Justice and the Council for the Judiciary, USAID.
- Training digital forensics in Indonesia in 2014, provided by the Dutch Forensic Institute and the Ministry of Justice, KPK (Anti-corruption Bureau)
- Financial support of the defence accountability and anti-corruption programme for a safer Ukraine, by Transparency International – UK.
- Financial support from NL MoFA to the International Secretariat of the Extractives Industries Transparency Initiative (EITI) for the period 2017-2020. The main tasks of the secretariat are provision of training and technical support to implementing countries, communication, validation of EITI country reports. In 2016-2017 The Netherlands is board member of the EITI, representing a sub-sub constituency of 6 EITI supporting countries (European Commission, France, Germany, Italy, Netherlands, Switzerland).
- Financial support from NL MoFA to IUCN-Netherlands (2016-Dec 2018) to lead a broad consortium using an integrated approach with interventions at different levels and stages in the wildlife crime chain in the Horn of Africa, from the reality on the ground to the exporting harbours. Facilitation of the Horn of Africa Wildlife crime Enforcement Network (HAWEN), mainly to improve intelligence information sharing, also around corruption in the WLC chain, is a component of this programme.

- Financial support from the Dutch Ministry of Economic Affairs to kick start the Wildlife Justice Commission, working on ‘justice activation’ in the field of wildlife crime by producing thoroughly researched ‘maps-of-facts’ on specific cases that are also showing corruption chains. These documents are first given to national governments to act upon. If the (prosecution) response is inadequate, the WJC brings a case in the international public domain via a high level panel in the Peace Palace in The Hague and it supports follow up actions and training sessions for relevant players, especially in the justice and law enforcement sectors.

4. Challenges and gaps in providing technical assistance

Internal:

- Failure to provide enough experts in a certain area of expertise;

External:

- Lack of political will in the receiving country;
- Political instability and security risks;
- Shrinking space for civil society in the receiving countries;
- Weak governance structures that lack absorption capacity.

5. Current anti-corruption priorities

The Netherlands stands for an integrated approach to preventing and detecting corruption both at central and local level.

Establishing and enhancing integrity and integrity policies as well as anti-corruption measures in order to prevent corruption are part of that integrated approach. Awareness raising activities are taken place within the public and private sector. Within the private sector The Netherlands promotes awareness of foreign bribery within the wider context of international corporate social responsibility (CSR). Preventing foreign bribery is part of the CSR due diligence the Netherlands expects from Dutch companies operating abroad.

The fight against corruption is of equal importance within development cooperation. By promoting the rule of law, the aim is helping to construct reliable government institutions and services, as well as capacity building for an independent and impartial judiciary. Also the risk of corruption within bilateral programs are taken into account.

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- 1 *Technical assistance should be understood in line with UNCAC provisions, and cover relevant programs aimed at strengthening capacities in the prevention and fight against corruption as well as both public and private sectors' integrity*
 - 2 *For further information on each of these forms of technical assistance please refer to <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/20-24June2016/V1603598e.pdf>*
 - 3 *Institutional framework under which the program is undertaken (e.g, agency responsible for implementing the program, other agencies involved, legal framework, etc).*