

1. and 2.

Are there examples of ministries oriented to cross border trade and investment promotion that have any policy commitment to address human rights as part of their activities?

If yes, does such a commitment include any reference of the UN Guiding Principles on Business and Human Rights and other standards for responsible business conduct (e.g. OECD Guidelines; IFC Performance Standards)?

Are there examples of trade/business oriented ministries and agencies that have required businesses to demonstrate respect for human rights as set out in the UN Guiding Principles on Business and Human Rights as a condition of receiving government support through export credit, investment guarantees, and political risk insurance? If yes, how was this implemented?

Responsible Business Conduct agreements:

- The Dutch government encourages business sectors to conclude Responsible Business Conduct (RBC) agreements together with civil society organizations, unions and the government, to collectively use their leverage to prevent and mitigate negative impacts. These agreements are in conformity with the United Nations Guiding Principles on Business and Human Rights (UNGPs).
- The Dutch banking sector concluded an RBC agreement in December 2016 to fulfil its obligations to respect human rights under the UNGPs. The Dutch export credit agency, Atradius Dutch State Business actively participates within this RBC to meet the objectives set out in the agreement.

Support for export and investment and trade missions:

- Companies have to state (in writing) their commitment to abide to the OECD-guidelines as a condition to receive export and investment support.
- Similarly, companies are obliged to commit to the OECD-guidelines as a condition to be able to participate in a trade mission. In addition, when applying for participating in a trade mission, each company is subjected to a CSR-reporting transparency benchmark. When the company falls short of the benchmark, the government will enter into a dialogue with the firm to gauge and decide whether the firm is still eligible to participate.

With regard to export credit insurance & investment guarantees:

- Atradius Dutch State Business (ADSB) is the official Export Credit Agency (ECA) of The Netherlands. Transactions that are subjected to an environmental and social due diligence can only be insured if the due diligence leads to a positive conclusion. Transactions that may have unacceptable negative environmental, social and human rights impacts will not be insured. The approach and methodology of this due diligence process were recently revised and were brought in line with the national policy decision to pay more attention to human rights issues. The new environmental and social due diligence procedures are described in the Environmental & Social Policy of 2018 which can be found on the website of ADSB.
- Over the years ADSB's environmental, social & human rights due diligence practices have evolved in conjunction with national policy developments and revisions on international standards and agreements, such as the Worldbank IFC Performance Standards and the OECD Common Approaches. The 2016 revision of the Common Approaches was the starting point for a revision of ADSB's own E&S policy framework. After an extensive internal evaluation process and support and advice from Shift<sup>1</sup>, the draft E&S policy was subject to public & stakeholder consultations.

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<sup>1</sup> Integrating Human Rights Due Diligence: A Review of Atradius DSB's Environmental and Social Policy and Procedure" (November 2017 and provided to the UNWG earlier)

- The revised E&S policy now implements relevant policy developments, including the revisions of the Common Approaches 2016. It also embeds the UNGPs. As such, it now provides a more holistic and risk based approach to the due diligence process.
  - In January 2018 ADSB published its revised Environmental & Social Policy on its website<sup>2</sup>. At the same time ADSB published a Human Rights Statement and a Corporate Responsibility Statement. ADSB is currently translating these documents into English and once available, will post the English version on its website. A copy of the English version will be forwarded to the UNWG.
  - ADSB has been in dialogue in the UNWG since September 2017 and ADSB is looking forward to continue its dialogue with the UNWG and is willing to elaborate on its experience and practice in implementing the UNGPs.
3. Have such ministries or agencies involved with export/investment promotion, required businesses to demonstrate commitments to human rights as set out in the UN Guiding Principles as a condition for participating in trade missions, receiving export promotion assistance, and being eligible for trade advocacy services? If yes, how was this implemented?
- The Dutch government asks companies (in writing) to comply with the OECD guidelines prior to and in order to receive export and investment support or to be accepted for to participate in a trade mission.
4. Are there examples of human rights training programmes for trade officers who assist companies with export promotion and other forms of trade and investment support?
- An online training program was created for civil servants who deal with companies. These can be trade officers in Embassies, but also officers in our implementing agencies such as the Netherlands Enterprise Agency (RVO, export promotion), FMO, Atradius DSB, as well as officers working in procurement. A new version of this training is intended to be provided in the fall of 2018.
- 5 and 6.
5. If a company/business is the subject of a complaint by victims and/or civil society organizations, relating to adverse human rights impacts, are there examples of this having consequences for trade and investment-related support to the same company?
6. In what ways may decisions by State-run grievance mechanisms (e.g. national contact points) have consequences for whether a business receives trade and investment support? Are there examples of such connections being made?
- So far, the Netherlands does not have examples of consequences for trade and investment-related support to companies that are subject of a complaint or decision of (non-) judicial processes.
  - In theory the (non-) judicial process should determine the resolution to a complaint and the government does not take sides. If the outcome of a (non-) judicial process is that a company is obliged to pay a fine or compensation to victims in a particular case there is no direct consequence to our broader trade or investment support relation with that company.
  - ADSB includes concerns by the NCP in the process of its due diligence for a potential export credit insurance.

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<sup>2</sup> See, <https://atradiusdutchstatebusiness.nl/nl/artikel/mvo.html>

## **Export Processing Zones and Investment Promotion**

7. Are there examples of laws, regulations, policies and procedures in place for special economic zones/export processing zones that also include provisions for ensuring that businesses operating in those zones respect the human rights of workers and other people/communities who may be impacted by their activities?