Order of the Minister of Foreign Affairs and the Minister for Foreign Trade and Development Cooperation of 12 July 2013, MinBuZa-2013.209411, laying down administrative rules and a ceiling for grants awarded under the Ministry of Foreign Affairs Grant Regulations 2006 (Human Rights Fund 2014-2017)

The Minister of Foreign Affairs

Having regard to article 6 of the Ministry of Foreign Affairs Grants Decree;

Having regard to articles 2.1 and 4.8 of the Ministry of Foreign Affairs Grant Regulations 2006;

Orders:

Article 1
The administrative rules appended as an annexe to this order apply to grants awarded under articles 2.1 and 4.8 of the Ministry of Foreign Affairs Grant Regulations 2006 with a view to financing activities aimed at promoting respect for human rights in the framework of the Human Rights Fund 2014-2017.

Article 2
1. A ceiling of €16 million applies to grants from the Human Rights Fund 2014-2017 awarded for the period from the date this order comes into force to 31 December 2017 for activities as referred to in article 2.1 and article 4.8 of the Ministry of Foreign Affairs Grant Regulations 2006.
2. The grant is awarded under the condition that, for the part of the grant that is charged to a yet to be set budget, sufficient funding becomes available.

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1 Bulletin of Acts and Decrees 2006, no. 137.
Article 3
1. Applications for grants from the Human Rights Fund 2014-2017 must be submitted using the model application form as stipulated by the Minister and accompanied by the documents stipulated in the form.\(^3\)

2. Applications for a grant can be submitted from the date on which this order comes into force until Friday 30 August 2013, 12.00 hrs Dutch time.

Article 4
The available funds will be allocated in accordance with an assessment based on the criteria set out in the annexe to this order, on the understanding that, of the applications that meet the criteria, those that meet them best will be given priority, as referred to in article 8, paragraph c and paragraph d of the Ministry of Foreign Affairs Grants Decree.

Article 5
This order enters into force on the day after the date of publication in the Government Gazette in which it appears and lapses with effect from 1 January 2018, with the proviso that it continues to apply to grants awarded prior to that date.

This order and its accompanying annexe, excepting annexes II and III, will be published in the Government Gazette. Annexes II and III in the appendix will be placed on the internet http://www.government.nl/issues/development-cooperation/grant-programmes.

R.V.M. Jones-Bos
Secretary-General
For the Minister of Foreign Affairs

\(^3\) The model application form can be downloaded from http://www.government.nl/issues/development-cooperation/grant-programmes
1. Introduction

This is the grant policy framework for the Human Rights Fund 2014-2017 for the period from 1 January 2014 to 31 December 2017. It contains the administrative rules for assessing applications for grants under the Fund. It is also to be used, together with the obligatory model application form published on the Ministry of Foreign Affairs website, as a guide for drawing up grant applications for the period from 1 January 2014 to 31 December 2017.

The available funding is part of the Human Rights Fund, which is designed to finance activities in the field of human rights supporting the priorities set out in the human rights policy paper ‘Justice and respect for all’ thereby furthering Dutch foreign policy objectives.

Human rights form the basis of human dignity, freedom and development and are the basis of open and free societies across the world. Without the promotion and protection of these rights there can be no democracy or rule of law. The Netherlands has a rich tradition regarding our efforts for human rights nationally and internationally. It is a moral duty and a legal duty, and compliance with human rights leads to a more stable and prosperous world which also benefits the Netherlands.

In the 2014 to 2017 period, our first concern is to use funds as effectively as possible in pursuit of this objective, deploying human and material resources realistically and selectively. We will also explore opportunities for an international division of labour. Within the policy the emphasis is on protecting human rights’ defenders, equal rights for Lesbians, Gays and Transgender (LGBT) and equal rights for women. Further themes on which the Netherlands has a strong profile – such as internet freedom, freedom of religion and belief – remain just as important as before.

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4 [http://www.government.nl/issues/development-cooperation/grant-programmes](http://www.government.nl/issues/development-cooperation/grant-programmes)

5 Parliamentary Year 2012-2013, Parliamentary Paper 33400 V. NR.1
The Netherlands focuses on the following main themes:

- Protection and support for human rights defenders;
- Equal rights for lesbians, gays, bisexuals and transgender people (LGBT);
- Equal rights for women focused on political participation and prevention of violence against women;

And the following other themes:

- Combating the most serious human rights abuses (death penalty and torture);
- Promoting freedom of expression and internet freedom;
- Promoting freedom of religion and belief;
- Human rights and development;
- Business and human rights, including child labour.

This is how the Netherlands will implement The Human Rights Policy Paper ‘Justice and respect for all’.

These administrative rules apply to activities that aim to promote respect for human rights, including both ODA-eligible activities according to the OECD-DAC criteria and activities that do not satisfy these criteria. For grants awarded for both kinds of activities for the period 1 January 2014 to 31 December 2017 a total maximum of €16 million is available.

The policy principles underpinning the MRF 2014-2017 are set out in chapter 2 of this grants policy framework. Based on these principles, threshold criteria have been drawn up which all applications must meet in order to qualify for funding under the MRF 2014-2017. Subsequently, on the basis of the policy principles, assessment criteria have been formulated. The assessment criteria, which are used to assess applications that meet the threshold criteria, are also based on the policy principles.

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6 Parliamentary Year 2012-2013, Parliamentary Paper 33400 V. NR.1
These criteria are described in chapter 4. The assessment procedure is described in chapter 3. Assessment will take place in two consecutive stages, using checks that contain the various assessment criteria.

Stage 1 involves the threshold criteria check and the organisational check which enables the Minister to judge the quality and efficiency of the applicant organisation.

In stage 2, the quality of the programme is assessed by means of the programme check. This is dealt with in more detail in chapter 4.

This grant policy framework includes several appendices: the list of priority countries in Dutch human rights policy (appendix 1), the OECD/DAC definitions of outcomes and outputs (appendix 2), and the corporate rates for conversion of foreign currency to euros (appendix 3).


2.1 Aim and policy themes 2014 - 2017

The overarching policy aim of the Human Rights Fund 2014-2017 is to contribute to the improvement of the human rights situation worldwide. In order to subsidise activities which promote this objective and which are eligible for a grant, the Minister for Foreign Affairs has made a maximum of €16 million available for the period 2014-2017.

To qualify for a grant, within the framework of MRF 2014 – 2017, applicant organisations must work effectively and efficiently towards the improvement of the human rights situation in the countries listed in appendix 1.

In order to be eligible for a grant under the MRF 2014-2017, activities must focus on one or more of the themes highlighted in human rights policy paper ‘Justice and respect for all’\(^7\). This means that at least 60% of the funding needed to implement the activities should relate to:

\(^7\) Parliamentary Year 2012-2013, Parliamentary Paper 33400
Main themes:
- Protection and support for human rights defenders;
- Equal rights for lesbians, gays, bisexuals and transgender people (LGBT);
- Equal rights for women focused on political participation and prevention of violence against women;

Other themes:
- Combating the most serious human rights abuses (death penalty and torture);
- Promoting freedom of expression and internet freedom;
- Promoting freedom of religion and belief;
- Human rights and development;
- Business and human rights, including child labour.

To qualify for a grant, activities must take place in at least two of the countries on the attached list.

Activities for which a subsidy is granted from within the budget of the Ministry of Foreign Affairs, as in the framework of FLOW, the SRGR Fund, the MATRA-South programme, are not eligible for a subsidy in the framework of the Human Rights Fund 2014-2017.

2.2 Who are the grants for?

Grants under the MRF 2014-2017 are intended for programmes set up by independent, not-for-profit civil society organisations (CSOs) with legal personality, both Dutch and international, that contribute in a result-oriented way to the promotion and protection of human rights, through activities as specified in 2.1.

Organisations can independently submit a grant application or form part of a consortium in a joint application. A consortium is a cooperative of two or more societal organisations in the above sentence, which implements a joint, integrated programme in which all parties contribute to the total. They draw up a cooperative agreement for this. In the latter case, a consortium representative (known as the ‘lead party’) submits the grant application on behalf of the consortium as a whole. If the application is granted, the lead party is responsible for implementing the consortium’s programme. Only CSOs of the type specified above can form part of a consortium.
Applicants may form a partnership with other not-for-profit organisations or private companies to implement the programme or certain of its components.

3. Assessment procedure

3.1 Assessment criteria

Organisations applying for grants under the MRF 2014-2017 must meet certain criteria in order to qualify for a grant. There are three types of criteria:

1. Threshold criteria: criteria which all applications must meet. If an application does not meet all of the threshold criteria, it will be rejected.
2. Criteria relating to the quality of the applicant organisation or the lead party of the consortium (organisational check).
3. Criteria relating to the quality of the programme proposal (programme check).

These criteria are explained in more detail in chapter 4.

3.2 Assessment

The provisions of the General Administrative Law Act, the Ministry of Foreign Affairs Grants Decree and the Ministry of Foreign Affairs Grant Regulations 2006 are fully applicable to the assessment of applications and the grants that are ultimately awarded. Applications will be assessed in accordance with the above legislation and pursuant to the requirements set out in these administrative rules. The administrative rules laid down in the Standard Framework for Development Cooperation also apply. If the administrative rules applying to MRF 2014-2017 deviate from the Standard Framework for Development Cooperation, the former will prevail.

The assessment of grant applications and the award and allocation of the available funds will take place by means of a call for proposals: the quality of all applications that meet the

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requirements set out in these administrative rules will be assessed according to the same criteria. The applications that best meet the criteria will be given priority in the award of grants. The Minister will award grants in accordance with this ranking system, within the framework of article 8, third paragraph, sub-section c and sub-section d of the Ministry of Foreign Affairs Grant Resolution and will decide on grant applications no later than 10 December 2013.

3.3 Checks and the allocation of available resources

The assessment of applications for MRF 2014-2017 grants will take place in stages. The first stage consists of checks of the threshold criteria and the organisation. The second stage looks only at proposals that meet the threshold criteria and that have been submitted by organisations that satisfy the organisational check.

3.3.1 Checks in stage 1
The threshold criteria are criteria that applications for MRF 2014-2017 grants must meet. No points are awarded; applications that fail to meet one or more of the threshold criteria are rejected and not assessed further.

The organisational check contains criteria relating to the quality and efficiency (track record, planning, monitoring and evaluation, and financial and administrative management) of the applicant organisation. Applications from organisations whose quality and efficiency are judged to be deficient are rejected and not assessed further.

3.3.2 Checks in stage 2
Stage 2 involves screening the quality of the programme proposal. If the quality of the programme is judged to be deficient, the application will not qualify for an MRF 2014-2017 grant and the applicant will receive a letter of rejection.

In order to qualify for a grant under MRF 2014-2017, applications must satisfy the criteria set out in this policy framework.
3.3.3 Allocation of available resources

The resources available in the framework of the Human Rights Fund 2014-2017 are allocated to applicants that have already met the threshold criteria and organisational check at the end of stage 2, i.e. on the basis of the results of the qualitative assessment of the applications following the above programme check.

If insufficient resources are available for all satisfactory applications to receive a full grant, these applications will be ranked according to their results in the programme check. The size of the grant they receive will depend on how well they meet the criteria within the framework of article 8, third paragraph, sub-sections c and d for the Ministry of Foreign Affairs Grants Resolution.

3.4 Application procedure

Applications for grants from the Human Rights Fund 2014-2017 must be submitted using the model application form as stipulated and made available by the Minister. Applications should be complete and without reservations. The model application form should be signed by an officially authorised signatory and submitted as one paper copy and on CD-ROM or USB flash drive. The compulsory appendices with the model application form only need to be submitted on CD-ROM or USB flash drive. It is not possible to submit a provisional application. Applications should be submitted in Dutch or English.

Applications for grants must be submitted by 12.00 hrs (Dutch time) on Friday 30 August 2013 to the Ministry of Foreign Affairs, DMM/MP, Bezuidenhoutseweg 67, The Hague.

With regard to the application procedure, applicants should take note of article 7, paragraph 3 of the Ministry of Foreign Affairs Grants Decree. If an incomplete application is submitted, the Minister may request a supplement. In this case, the date of receipt of the application will be the date on which the application was supplemented. If the application is submitted less than two weeks before the deadline, the applicant runs the risk that, if it is incomplete, the Minister will not use his discretionary powers to request a supplement, because it cannot be submitted before the deadline. In that case, the application would have to be assessed as it stands.

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9 The model application form can be downloaded from [http://www.government.nl/issues/development-cooperation/grant-programmes](http://www.government.nl/issues/development-cooperation/grant-programmes)
Questions about this policy framework or other matters relating to this may be submitted by email. The questions will be anonymised and published with answers on the internet.

If you have any questions, please send them to:
DMM-tender-MRF2014@minbuza.nl by Monday 5 August 2013.
They will be answered by 13 August 2013 (8 days later).

3.5 Administrative costs

The Minister of Foreign Affairs grants subsidies to organisations to enable them to carry responsibility for implementing their own activities to promote compliance with human rights, an important policy goal of the Minister.

In order to keep the burden of regulations for applicant organisations as low as possible, it was decided to make a distinction between:

- Organisations that have submitted the organisation check and supplementary organisation check\(^{10}\) or the Checklist Organisational Capacity Assessment (COCA), during the past four years and
- Organisations that have not done this.

The second category will of course need to collect and submit the required information for the organisation check and supplementary organisation check according to the model application form. The first category may satisfy the conditions for these checks by re-submitting the previously submitted items and indicating any changes to these; if the checks were implemented in the past four years and received positive results. If the checks were not implemented in the last four years or were not positive, the conditions apply as for the second category.

In submitting the application a standard form is used. Applicants are only required to submit one hard copy and the rest may be submitted digitally. However, the appendices only need to be submitted digitally.

\(^{10}\) The supplementary organisation check flows from threshold criterion D.5 See further in the model application form.
In the framework of the Dutch government’s aim to reduce the administrative burden for Dutch grant applicants the column below clarifies the consequences for Dutch organisations, starting from a number of expected applications of 55, of which 15 originate from the Netherlands.

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<thead>
<tr>
<th></th>
<th>Number</th>
<th>Hours</th>
<th>Total number of hours</th>
<th>Costs</th>
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<tbody>
<tr>
<td>(supplementary)</td>
<td>O check</td>
<td>8</td>
<td>40</td>
<td>320</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12,800</td>
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<tr>
<td>P check</td>
<td>15</td>
<td>80</td>
<td>1200</td>
<td>48,000</td>
</tr>
</tbody>
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- Based on an hourly rate of €40

In the process of implementation the Ministry works in accordance with the Uniform Grant Framework produced to reduce the burden of regulations as far as possible.

3.6 Procedure prior to decision-making

The assessment of applications is carried out at civil service level by an assessment committee consisting of at least two members of staff of the Ministry of Foreign Affairs and possibly an external consultant. The procedure is based on the legislation governing the award of grants by the Minister, the Standard Framework for Development Cooperation and this grant policy framework.

The Minister will decide on the submitted applications no later than 10 December 2013.

4. Assessment of applications

4.1 Threshold criteria
Applications that fail to meet all the criteria below will be rejected and will not be assessed further. These criteria are listed below and explained where necessary.

Criterion D.1: The applicant, or the lead party (if the application is made by a consortium) is a Dutch or international not-for-profit civil society organisation which possesses legal personality. This is shown in the attached organisational statutes.
**Criterion D.2:** The applicant/lead organisation works on and makes efforts to improve the human rights situation in countries mentioned in the policy regulations in the accompanying Annex I. The objectives of the organisation as stated in its statutes should make this clear. For organisations with broader objectives it is also possible to demonstrate this on the grounds of the organisation’s track record and/or internal policy items.

**Criterion D.3:** The applicant/lead party must demonstrate that, as of 1 January 2013, at least 25% of its annual income will derive from sources other than Ministry of Foreign Affairs grants. Grants awarded from MRF 2014-2017 will not exceed 75% of the total annual income of the applicant organisation. The applicant can demonstrate this is plausibly on the basis of income over the 2011-2012 period.

If the applicant is the lead party, this criterion applies to the whole consortium. Consequently, if one organisation derives less than 25% of its annual income from sources other than Ministry of Foreign Affairs grants, this may be offset by another party in the consortium. Funds which are directly or indirectly obtained from the budget of the Ministry of Foreign Affairs (e.g. a grant or contribution from a Dutch embassy) do not count when determining the size of the applicant’s own income.

**Criterion D.4:** If the applicant/lead organisation is an EU-based organisation, the gross salary of management and board of the applicant/lead organisation should satisfy the DG norm (maximum EUR 129,500 per year, on the basis of a 36-hour working week). Taking into account the purchasing power data published by EUROSTAT (GDP PPS) the following gross salaries apply: for Norway a maximum NOK 1,440,000 per year, for Switzerland a maximum CHF 192,000 per year and for US/Canada a maximum of USD 187,000 per year. As soon as the process for which the subsidy has been granted starts, the gross salary of the management and board of the applicant/lead organisation outside the EU should be in reasonable relationship to the level of the function, geographic situation and strategic positioning and complexity of the organisation. The applicant specifies the level of the salaries (including bonuses) of the management and board.
**Criterion D.5:** The applicant/lead party is capable of proper financial management. The applicant can ensure effective and efficient implementation of the activities due to its expertise regarding the activities for which a grant is being applied for.

**Criterion D.6:** The minimum grant application is €500,000 and the maximum €2,000,000, and the duration of the activities for which grant funding is sought does not exceed four years. These amounts are proportionally lower for projects with a shorter duration. Projects should have a minimum duration of 24 months. This should be evident from the proposal and the accompanying budget and long-term estimate.

**Criterion D.7:** The programme does not start earlier than 1 January 2014.

**Criterion D.8:** The programme does not concern activities aimed at or partly aimed at proselytism. This should be evident from the proposal and the accompanying budget and long-term estimate.

**Criterion D.9** The programme concerns substantial activities in at least two of the countries included on the country list for these policy regulations (see Annex I of the grant policy framework). This should be evident from the proposal and the accompanying budget and long-term estimate.

**Criterion D10:** The programme does not relate to the funding of commercial services, investment or other commercial activities. This should be evident from the proposal and the accompanying budget and long-term estimate.

**Criterion D.11:** At least 60% of the resources necessary for implementing the activities must be spent in one or more of the following categories of activities:
- Protection and support for human rights defenders;
- Equal rights for lesbians, gays, bisexuals and transgender people (LGBT);
- Equal rights for women focused on political participation and prevention of violence against women;
- Combating the most serious human rights abuses (death penalty and torture);
- Promoting freedom of expression and internet freedom;
- Promoting freedom of religion and belief;
- Human rights and development;
- Business and human rights, including child labour

This should be evident from the proposal and the accompanying budget and long-term estimate.

**Criterion D.12:** At least 60% of the resources necessary for implementing the activities will be spent in the countries stated in Annex 1.

Contrary to the Standard Framework for Development Cooperation, there is no criterion stipulating the percentage of funding for the programme that has to be spent in partner countries of the Ministry of Foreign Affairs.

### 4.2 The organisational check

The organisational check is part of the assessment of the application in the first stage. The aim is to enable the Minister to judge the quality and efficiency of the applicant organisations.

Assessment within the context of the organisational check is based on the extent to which the organisation complies with the following criteria:

- **Track record over the past three years:** an applicant's/lead party’s performance over the past three years shows that they are capable of achieving the planned outcomes\(^{11}\) and outputs,\(^{12}\) of obtaining the contributions from third parties necessary for the implementation of the programmes, and of ensuring the sustainability of programmes vis-à-vis the ultimate target group.

- **Planning, monitoring and evaluation (PME):** the PME system is sufficient for monitoring progress in terms of outcomes, outputs and sustainability at programme and organisational level. The organisation periodically commissions independent evaluations of programmes,

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\(^{11}\) As defined by DAC/OECD, see appendix II; [http://www.oecd.org/dataoecd/29/21/2754804.pdf](http://www.oecd.org/dataoecd/29/21/2754804.pdf)

\(^{12}\) As defined by DAC/OECD, see appendix II; [http://www.oecd.org/dataoecd/29/21/2754804.pdf](http://www.oecd.org/dataoecd/29/21/2754804.pdf)
programme components and its own functioning. The organisation has a sound quality management system in place for its primary processes.

- **Financial and administrative management:** the applicant’s/lead party’s policy on the financial supervision of organisations with which it has a funding relationship is satisfactory; it uses a satisfactory method for assessing the quality of partner organisations with which it has a financial relationship; it has a financial monitoring system that enables it to identify shortfalls (or potential shortfalls) or surpluses at an early stage and take adequate measures to anticipate these contingencies; it also has a broad donor base.

If the quality of the applicant/lead party is deficient, the applications will be rejected and will not be assessed further.

### 4.3 The programme check

The programme check assesses the quality of the programme on the basis of the following criteria, which are divided into policy criteria and programme technical criteria:

#### 4.3.1 Policy criteria, programme check

- **Policy relevance:** the extent to which the programme is relevant to policy. This is assessed on the basis of the following factors:
  1. *Relevance to the objective of this call for proposals:* contribution to promoting respect for human rights, particularly those specified in the Dutch human rights policy paper ‘Justice and respect for all’;
  2. *The human rights theme that the activities concern:* the level to which the activities contribute to the main themes and/or the other themes as stated in paragraph 2.1. Priority will be given to activities that contribute to the main themes.
  3. *The countries in which the activities will be carried out:* priority will be given to activities in countries where the human rights situation is worst.
  4. *Complementarity:* the extent to which the activities are aligned with the development policy of the Netherlands and other donors (organisations or countries) in the country.
concerned, or with the activities carried out by the Netherlands or other donors (organisations or countries) in the country concerned.

- **Innovative nature**: the extent to and the way in which the proposed activities are innovative, in a thematic sense, due to improvements to the intervention strategy used (increasing the effectiveness of the programmes) or efficiency gains in programme implementation.

### 4.3.2 Programme technical criteria, programme check

- **Contextual analysis**: the extent to which the proposal, especially the defined problem and objective, reflects contextual analysis findings.
- **Position of partners in the programme**: the degree to which the programme contributes to institutional capacity building of the partners in the recipient country and the extent to which either the partners or the target group can effectively influence the programme.
- **Details of envisaged outcomes, outputs, activities and resources**: the extent to which the programme provides a detailed description of outcomes, outputs, proposed activities and resources, and a clear link has been established between the outputs to be achieved and the resources necessary to do so.
- **Expression of envisaged outcomes, outputs and resources in SMART terms**: the outcomes, outputs and resources have been formulated in SMART terms (Specific, Measurable, Acceptable, Realistic and Time-related).
- **Risks, monitoring and corrective action**: satisfactory risk management is in place, consisting of a satisfactory risk analysis and a satisfactory system for monitoring and corrective action, and the funding necessary to implement the programme, in addition to the requested grant, is guaranteed.
- **Sustainability**: sustainability of the activities: whether they will produce a lasting effect for the ultimate target group and contribute to the institutional sustainability of partners and the applicant’s/lead party’s own organisation.

If the quality of the programme is insufficient, the application will not be considered for the awarding of a grant. It applies here that both the application’s policy quality as well as its programme technical quality will need to be sufficient.
### Appendix I: Priority countries Human Rights Fund

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<th>REGION</th>
<th>Africa</th>
<th>Asia</th>
<th>Europe</th>
<th>Latin America</th>
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