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# COUNTER-TERRORISM POLICY

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*Change begins with Education*

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## COUNTER-TERRORISM POLICY

### 1. Purpose

This document sets out SeeBeyondBorders' policy with respect to counter terrorism. The policy is to ensure that SeeBeyondBorders makes all reasonable efforts to ensure that funds are not being used to directly or indirectly fund terrorist activities by partners, suppliers, Board, beneficiaries, staff or volunteers.

SeeBeyondBorders recognises that governments who support us are committed to preventing terrorism at home and around the world. The governments that support us have an international obligation to combat terrorism financing as parties to the International Convention for the Suppression of the Financing of Terrorism and pursuant to UN Security Council resolutions on terrorism.

Under the UN Charter Act, it is an offence to "*directly or indirectly make any asset available to a proscribed person or entity*". An asset is very broadly defined as "*asset of any kind, or property of any kind, whether tangible or intangible, movable or immovable*". While the UN Charter Act applies less stringent penalties, it has a much broader application capability in the aid context due to its very wide definition of asset.

This policy is a 'living' document and will be constantly reviewed and updated as experience grows.

### 2. Definitions

#### 2.1. 'Best endeavours'

'Best endeavours' refers to the need for positive action and a common sense approach, based on the level of risk, to meet legal obligations and avoid inadvertently financing terrorist activity.

#### 2.2. 'Beneficiaries'

'Beneficiaries' refers to those natural persons, or groups of natural persons, who receive assistance through SeeBeyondBorders' programs.

#### 2.3. 'Funds'

'Funds' refers to assets of any kind or property of any kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such property or assets, including, but not limited to, bank credits, travellers cheques bank cheques, cash, money orders, shares, securities, bonds, debt instruments, drafts and letter of credit.

#### 2.4. 'Listed individuals or organisations'

'Listed individuals or organisations' means any individual or organisation which appears on the lists relevant to the country of operation. Implementing operations in Cambodia, as a branch of Australia, are committed to checks on Australian government terrorist lists.

#### 2.5. 'Suspicious activity'

'Suspicious activity' is any activity where a known or suspected terrorist individual or organisation is involved, or where a known or suspected terrorist act is to occur. This includes, but is not limited to, any activity involving any listed individuals or organisations.

#### 2.6. 'Third Party'

'Third Party' is any individual or organisation other than a beneficiary to which the organisation provides funding or support, or receives funding or support from, to carry out its usual functions,

including fundraising and delivering aid. 'Third Party' includes, but is not limited to, partners, intermediaries, contractors, sub-contractors and service providers.

### 2.7. 'SeeBeyondBorders

SeeBeyondBorders refers to the whole organisation of SeeBeyondBorders including worldwide entities unless specifically excluded.

### 3. Policy

SeeBeyondBorders will use its best endeavours to ensure that all development interventions comply with relevant funding and partner government laws and regulations, and that assets (funds and other resources) are not used to support organisations and individuals associated with terrorism, either directly or indirectly.

SeeBeyondBorders will make all partner organisations aware of, and ensure they understand, the legal obligations so as to assist the partner organisation comply with relevant legislation.

- SeeBeyondBorders will immediately inform DFAT, DFID and other funding partners, if any terrorist links are identified within any of SeeBeyondBorders' projects or activities.

### 4. Policy in practice

#### *Compliance strategy*

SeeBeyondBorders' overall compliance strategy is to,

- Ensure SeeBeyondBorders staff are aware of relevant legislation, understand the obligations of the organisation and the responsibilities of their role with regard to this policy.
- There will be zero tolerance of any links to terrorist funding by employees, partners, suppliers, donors or any third parties.
- Include consideration of terrorism activities in risk assessment and management strategies.
- Through close collaboration and dialogue with the communities where development activities occur and funds are disbursed, continuously assess the terrorism risk of making payments to organisations and persons in those communities.
- Include in partnership and funding agreements a clause imposing an obligation on the partner to manage counter-terrorism risk and to comply with SeeBeyondBorders' obligations.
- Check names against the relevant Lists (see appendix) for:
  - staff, including Board and volunteers at recruitment
  - an annual check of all staff employed and regular suppliers
  - potential partners,
  - all other contracts
  - procurement transactions over 300 USD in fundraising offices (NB local exemptions such as ABN) and all invoiced transactions in Cambodia.annual review of list for Cambodia based names
- Report to the SeeBeyondBorders CEO, CFO or Country manager any organisation or persons who are suspected of posing a terrorist threat.

### *Transparency and accountability*

- SeeBeyondBorders endeavours wherever possible to conduct all financial transactions through regulated financial institutions, such as banks or building societies.
- Records are maintained of all assistance provided, who received it and the details of any third parties involved. Regular checks and reviews are undertaken to ensure that assistance was given as intended.
- SeeBeyondBorders as part of its recruitment procedure conducts reference background checks, relevant list checks and police checks where possible, of management, staff and volunteers.
- Any suspicious activity is to be reported to the relevant police authority.

### *Application in different situations*

Payments made directly by SeeBeyondBorders to individuals and organisations

- Names of the recipients of funds over \$300 USD equivalent shall be checked against the lists before any payment is made from our bank accounts to any company or organisation outside of where the money originated, exceptions in appendix
- If there is a close match, further investigations shall be undertaken. If, after investigation, there is reason to believe the person or entity could be the person listed in any of the 'regulatory lists', no payment will be made and the matter will be reported to the relevant police authority.

### *Payments made to foreign government entities*

SeeBeyondBorders will bring to the attention of foreign government entities our counter-terrorism requirements. However, SeeBeyondBorders accepts that it is not possible to insist that foreign governments comply with the law from a foreign country, in their country.

### *In-country non-government organisations and other community-based organisations (CBO)*

In-country NGOs and CBOs that SeeBeyondBorders partner with to implement projects are usually small and have limited capacity. SeeBeyondBorders assesses their capacity to comply with counter-terrorism policy as part of the overall capacity assessment. In cases where the partner does not have the capacity, SeeBeyondBorders will conduct the list checking in connection to payments made for the partnership, or make the payments on behalf of the partner.

## **5. HOW TO REPORT SUSPICIOUS ACTIVITY**

Staff and volunteers can report suspicious behaviour to the Country Manager, GMFHR, CEO or CFO as appropriate

Other parties, staff and volunteers can report orally in person or by telephone and in writing by post, email (details in appendix) or online via our website.

We recognise that in some circumstances reporters may wish to remain anonymous and will respect this.

Website: <https://www.seebeyondborders.org/contact-us/>

Email: [feedback@seebeyondborders.org](mailto:feedback@seebeyondborders.org)

## **6. POLICY MANAGEMENT**

This Policy has been approved by the Australian Board and the Trustees of SeeBeyondBorders' other entities as noted below.

Amendments and or developments will be recommended to the Board from time to time as deemed appropriate by senior management. Formal reviews will take place before the expiry of three years from the anniversary date of approval by the Board. Recommendations for minor changes can be approved by the CEO before the expiry of three years, and recommendations for changes to the background or policy in practice can be approved by the relevant Sub-Committee.

Doc ref	Doc type	Approved by Australian Board Date	Minute ref.	Approved by UK Trustees Date	Minute ref	Approved by Irish Board Date	Minute ref
	Policy Update	Board 15 Nov 2019	Item 8	March 2020?	?	N/A	N/A
CTP/11/20 19/1.1	Policy Update	FAR Committee 25 May 2020	Item 8				
CTP/09/20 /2.0	Policy Update	Board 16 Sept 2020	Item 8	28 <sup>th</sup> Sept 2020	File Note 28.9.20		
CTP/01/22 /1.0	Policy Update	Board Jan 2022	Item 5				

## **1 APPENDIX 1 – RELEVANT LEGISLATION BY COUNTRY**

### **Australia**

See BeyondBorders' Counter-Terrorism policy includes recommendations of "*Safeguarding your organisation against terrorism financing - A guidance for non-profit organisations*", Commonwealth of Australia [2009].

The Australian Government has enacted legislation with a number of international counter-terrorism treaties designed to combat terrorism, including by starving individuals and organisations associated with terrorism of funds and resources. There are two separate legislative mechanisms directly prohibiting activities in relation to individuals and organisations associated with terrorism. They are:

- Part 5.3 of the Criminal Code Act 1995 'The Criminal Code'; and
- Part 4 of the Charter of the United Nations Act 1945 ('the UN Charter Act').

Under the Criminal Code there are stringent penalties for, amongst other things, intentionally or recklessly '*getting funds to or from a terrorist organisation*' (Code s102.6), '*providing support to a terrorist organisation*' (Code s102.7) and '*financing terrorism*' (Code s103.1).

### **Cambodia**

*Anti-Money Laundering and Combating the Financing of Terrorism 2007.*

Article 12 - Requirement to report suspicions to the FIU (Financial Intelligence Unit)

Article 17 – Compliance Officer to monitor and report

*Cambodia Law on Counter Terrorism 2007*

### **UK**

The UK Government has enacted various pieces of legislation on counter terrorism and as of 12<sup>th</sup> February 2019 has enacted the Counter-Terrorism and Border Security Act 2019. See BeyondBorders is committed to following the law as prescribed in the UK and globally and for following best practice in ensuring no money received within the UK has come from or is used to fund terrorism. This will be done by checking a variety of lists as recommended by the UK Government's Department for International Development.

- HM Treasury's Office of Financial Sanctions Implementation – Financial sanctions: consolidated list of targets
- UK Home Office – Proscribed terrorist groups or organisations
- European Union – Consolidated list of sanctions

### **IRELAND**

TBC

## **2 APPENDIX 2 – REGULATORY BODY BY COUNTRY**

Australia - DFAT' means the Australian Department of Foreign Affairs and Trade.

UK – Charity Commission

Ireland – Charities Regulator

## **3 APPENDIX 3 – LISTS FOR CHECKS BY COUNTRY**

### **AUSTRALIA**

- 'The Consolidated List' of all persons and entities subject to targeted financial sanctions under United Nations Security Council decisions and maintained by the Department of Foreign Affairs and Trade pursuant to Regulation 40 of the Charter of the United Nations (Dealing with Assets) Regulations 2008. This list is therefore not limited to terrorist organisations, but does include all persons and entities designated by the United Nations Security Council's Al-Qa'ida and Taliban Committee pursuant to Resolution 1267 (1999) and all persons and entities designated by the Minister for Foreign Affairs for their association with the commission of terrorist acts pursuant to Resolution 1373 (2001).
- 'List of Terrorist Organisations'- Organisations which have been proscribed by the Australian Government as terrorist organisations under the Criminal Code because they advocate the doing of a terrorist act (regardless of whether or not a terrorist act occurs), or because they are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (regardless of whether or not a terrorist act occurs). Before an organisation can be listed the Attorney-General must be satisfied on reasonable grounds that the organisation 'is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act'.
- Sanctioned countries

### **UK**

Organisations listed on any of the following within the UK or European Union: HM Treasury's Office of Financial Sanctions Implementation – Financial sanctions: consolidated list of targets; UK Home Office – Proscribed terrorist groups or organisations; European Union – Consolidated list of sanctions

### **IRELAND**

Organisations listed on any of the following within the UK or European Union: HM Treasury's Office of Financial Sanctions Implementation – Financial sanctions: consolidated list of targets; UK Home Office – Proscribed terrorist groups or organisations; European Union – Consolidated list of sanctions



#### **4 APPENDIX 4 – EXCEPTIONS TO LIST CHECKS**

##### Australia (inc Cambodia Branch)

- payments for goods and services supplied in the normal course of business by a company or person with a place of business in Australia and an ABN,
- payments to government and government entities,
- Australian listed public companies,
- banks,
- ACFID and member organisations,
- embassies,
- Australian registered travel agents,
- an international NGO.
- Payments under \$300 USD \$500 AUD

##### UK

- a place of business in the UK
- payments under GBP 200

##### IRELAND

- Registered Companies
- payments under Euro 300

## **5. Appendix 5 – CONTACTS BY COUNTRY**

### **Cambodia**

Telephone: +855 63 507 0888

Address Country Manager,  
SeeBeyondBorders,  
Cambodia Head Office,  
Teak Sen Tbong Village,  
Sangkat Kork Chork,  
Siem Reap

### **Australia**

Telephone +61 2 9960 7077

Address General Manager Australia  
Suite 106,  
1-3 Gurrigal Street,  
Mosman, NSW, 2088 Australia

### **UK**

Telephone +44 7779 020334

Address Country Manager UK  
31 Sistova Road,  
London,  
SW12 9QR

### **Ireland**

Telephone +353 83 842 8035

Address Company Secretary  
31 Woodlands  
Portmarnock  
Co. Dublin, D13YN34