

# ALIANZA POR LA SOLIDARIDAD ANTI- TERRORISM POLICY



## 1. INTRODUCTION

The mission of ApS is to promote equal rights and opportunities for all persons without discrimination, and the redistribution of wealth while promoting alternative development models that are fair, equitable and sustainable in a context of active, critical, and responsible global citizenship.

Humanitarian principles require that assistance and protection be provided wherever it is needed, impartially and with preference for those in greatest need. This foundation for humanitarian action is based in international law and has been repeatedly reaffirmed by States. ApS is committed to encouraging professional competence, ethical practices, and quality services in its humanitarian action response.

ApS acknowledges in its Humanitarian Policy that the legal framework for humanitarian action in situation of armed conflict is provided by International Humanitarian law (IHL). Humanitarian action is a mean to protect life and dignity of civilian population. ApS has the commitment to fulfil humanitarian principles derived of IHL, and one key principle to be **respected is "humanity"**, the aim of which is to prevent and alleviate human suffering **wherever it is found. "Impartiality" and "non-discrimination" principles are closely linked too**, and also recognized as fundamental by ApS Humanitarian Policy and ApS ethical standards and codes that the organization has adhered to.

The attacks on the United States on September 11th, 2001 and then in Madrid 11<sup>th</sup> March 2004, preceded counter-terrorism laws and policies which have had an impact on the funding, planning and delivery of humanitarian assistance and protection activities to people in need. Examples of these policies are: International Convention for Suppression of the Financing of Terrorism, Global Counterterrorism Strategy (adopted by UNGA in 2006), UNSC Resolution 1373 or the OECD Financial Action Task Force (FATF) at the international level; European Union, Australia, Canada, US, New Zealand and other counties have also established new legislation codes related to finance international NGOs with regards to anti-terrorism measures.

ApS, as many humanitarian actors, is concerned about the impact of these measures in humanitarian action and about the need to protect the organization from these acts too. The organization seeks to find a balance between accomplishing these measures and laws and continue having access to populations under control by non-State armed groups that may be designated as terrorists. These populations should not have diminished access to humanitarian assistance and protection. Less funding or conditions attached to funding **shouldn't be the reason so that these populations have access to assistance.**

Transparency is among our main values. We defined it *as "essential value to promote the appropriation, participation, and compromise of everyone, who one way or another, is interested in, identifies with, or is involved with the organization. The organization will be transparent with respect to the real results of its projects and the use of its financial resources, locations of interventions, and way of the organization, in response to its interest groups. In addition, it agrees to act at all times in accordance with the law and regulations in the countries of intervention"*. For this reason, the Anti-terrorist policy of ApS will be appropriate to the purpose of ApS, will be communicated and disseminated among key staff members and will be reviewed accordingly.

This anti-terrorist policy document is the first attempt of the organization to establish the standards for ApS in order to accomplish anti-terrorism or counter-terrorism measures and being able to continue providing humanitarian aid to people in need. ApS has prepared this policy under the understanding that anti-terrorist policy and IHL have convergence points and the ultimate goal is to protect civilians and the organization and its members from harm.

## 2. THE APPROACHES THAT SERVE AS A REFERENCE FRAMEWORK FOR OUR WORK

- a. ApS' affairs shall be conducted with **integrity and truthfulness** and the organization activities shall be **open and accessible** to scrutiny by its donors, except for personnel matters and proprietary information.
- b. ApS will adopt practices to **reduce the risk of terrorist financing or abuse**. The organization shall oppose and shall not be a willing party to wrongdoing, terrorism, sexual abuse or sexual harassment, corruption, bribery, other financial impropriety or illegal acts in any of its activities. It shall take prompt and firm corrective action whenever and wherever wrongdoing of any kind is found among its board, employees, contractors, volunteers and local partners.
- c. **Funds or grants managed by ApS will never be used to benefit individual members of terrorist groups or the groups themselves, nor direct or indirect terrorist activities.** The definition of terrorist activity, terrorist entity or terrorist groups to be used as a reference is the one provided by the *2002 European Union Framework Decision on Combatting Terrorism*. The reference list of organizations to be used is the *EU's list of entities, groups and persons involved in terrorist act*. In case new donors require ApS to use other lists (i.e. Canada's Governor in Council under section 83.05 of Criminal Code) the organization will contemplate them and include them in this policy.
- d. ApS will apply a **risk-based approach**, particularly with respect to engagement with local partners for implementation of projects in the field. This approach implies an adequate monitoring, orientation and commitment with its partners to seek mitigating risks against different factors, not only anti-terrorism practices, also other wrongdoing, as already mentioned.
- e. **Assistance will be provided on a non-discriminatory basis** by ApS and its partners in the field. Disaster or armed conflict related response should be treated as a humanitarian and non-political matter, as stated in the Humanitarian Policy of the organization and in the Humanitarian Principles that the organization shall always respect.
- f. ApS reaffirms its commitment to **International Humanitarian Law, Humanitarian Principles and Do No Harm**, as stated in its Humanitarian Policy.
- g. APS will not participate in military plans and operations specifically involving counter-terror action.

## 3. MEASURES, COMMITMENTS AND ACTIONS TO BE UNDERTAKEN

1. ApS prioritises direct implementation of humanitarian response. This is the case of Colombia, where all the humanitarian response activities are directly implemented by ApS teams in the field.

2. There are contexts where there is the need to engage with local partners for project implementation. In those cases, ApS conducts partners assessments before engaging in any joint humanitarian response project in the field. Those assessments should be periodically updated when the partnership continues and new cooperation agreements are to be signed. Partner assessments follow the methodology that ApS has developed for every context and they include institutional, political, organizational, technical, financial capacity criteria to be analysed and reflected in the assessment to conclude if ApS should engage in a partnership relationship.
3. ApS will assure in its partner assessments that organizations and their board members, key employees and senior management in any location do not appear on the already mentioned lists in section 2.c. A reasonable search of public information will be undertaken. In case of doubt with any local partner, ApS will require partners to certify that they do not employ or deal with groups or people listed or are known to support terrorism. ApS will not enter into a relationship with a local partner where any terrorist-related act exists.
4. ApS commits to monitor, during project implementation and partnership engagements, that agreements made with partners are accomplished in matters related to anti-terrorism and will report to its Board in case unexpected cases may arise during this period. The Board of the organization will be informed by the Director in case any partnership needs to be ceased during project implementation and will immediately inform donors about the reasons that forced into this situation.
5. ApS will verify that its subcontractors or external consultants are not in the mentioned lists in section 2.c by requesting them their ID and criminal record certificate of each person involved in the consultancy or in the works to be subcontracted.
6. ApS will consider that UN agencies already have their procedures regarding anti-terrorism and will not undertake partner assessments in this case.
7. ApS will implement training on risk assessment and management to staff in the field and the headquarters and agree on the model to be used globally in its operations. The risk assessment and management will include anti-fraud/money laundering; anti-bribery/corruption; and anti-terrorism-financing.

#### 4. REFERENCES

- UN Nations Action to Counter terrorism

<http://www.un.org/en/terrorism/>

- The United Nations Global Counter-Terrorism Strategy

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement>

- Security Council resolution 1267 (1999)
- 2002 EU Council Framework Decision on Combating Terrorism

[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_terrorism/133168\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_terrorism/133168_en.htm)

[http://eur-lex.europa.eu/legal-content/EN/ALL/;ELX\\_SESSIONID=KGnvJ8jGcxqIwgmBwVKtsKOT21qf1SsVPjSOLwpGLdDvw1vdJOrvI-1666042261?uri=CELEX:32002F0475](http://eur-lex.europa.eu/legal-content/EN/ALL/;ELX_SESSIONID=KGnvJ8jGcxqIwgmBwVKtsKOT21qf1SsVPjSOLwpGLdDvw1vdJOrvI-1666042261?uri=CELEX:32002F0475)

- 2008 EU Framework Decision 2008/919/JHA (amendment to 2002 Framework)

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008F0919&from=EN>

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008F0919&from=EN>

- Section 83 of the Canadian Criminal Code

<http://laws-lois.justice.gc.ca/eng/acts/c-46/page-28.html>

- EU's list of entities, groups and persons involved in terrorist act.

[http://eeas.europa.eu/cfsp/sanctions/consol-list/index\\_en.htm](http://eeas.europa.eu/cfsp/sanctions/consol-list/index_en.htm)

- US Department of Treasury SDN List

<http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>

- OECD Financial Action Task Force (FATF) Recommendations. International Standards on Combating Money Laundering and the financing of terrorism and proliferation.

[http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF\\_Recommendations.pdf](http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF_Recommendations.pdf)

- Study of the Impact of Donor Counter-Terrorism Measures on Principled Humanitarian Action, 2013. OCHA, NRC.

[https://docs.unocha.org/sites/dms/Documents/CT\\_Study\\_Full\\_Report.pdf](https://docs.unocha.org/sites/dms/Documents/CT_Study_Full_Report.pdf)

- International Humanitarian Law and the challenges of contemporary armed conflicts - ICRC report, 2011.

<https://www.icrc.org/eng/resources/documents/report/31-international-conference-ihl-challenges-report-2011-10-31.htm>

- 31st INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT  
Geneva, Switzerland 28 November – 1 December 2011

<https://www.icrc.org/eng/assets/files/red-cross-crescent-movement/31st-international-conference/31-int-conference-ihl-challenges-report-11-5-1-2-en.pdf>

- Counterterrorism and Humanitarian Engagement Project An Analysis of Contemporary Anti-Diversion Policies and Practices of Humanitarian Organizations, Harvard Law School, 2014.

## 5. REVIEW DISTRIBUTION OF THIS POLICY

This policy document will be accessible to staff of the organisation in the server of the organization and known by all Country Coordinators and Program Coordinators.

The policy document will be annually reviewed with the commitment to accomplish requirements of continuous improvement of internal management and policies so that effective and quality delivery of humanitarian aid is in place. ApS has the commitment to improve its accountability in front of donor in this matter and will consider reviewing its anti-terrorist policy upon donor request.

Date: 12<sup>th</sup> February 2014