

THE YOUNG SEEDS FOUNDATION

Policy January 2013

Title: Counterterrorism Policy and Procedures

Target: All Young Seed Executive, Committee Members, Employees and Partnership Agencies

Policy Statement:

The Young Seeds Foundation of Tasmania (YSF) condemns all forms of terrorism and is committed to ensuring that YSF, or any other person or body aligned with YSF funded projects, does not act in any which tolerates or supports terrorism.

YSF is a non-political and non-religious charitable organisation. Funds and other resources designated to support vulnerable children in South Sudan and Uganda to access their right to education will be used for these purposes only and will not be used to promote any religious adherence or to support any political party.

At the basis of humanitarian action, and critical to how humanitarian organisations operate, are the humanitarian principles of humanity, impartiality, independence and neutrality (Risk Management Toolkit – in relation to counterterrorism measure, Norwegian Refugee Council, 2015).

Background:

YSF is founded on the belief that Education is a fundamental human right and that every child deserves a chance to acquire quality education. YSF strongly believes that education is the core pillar of a fair and just society which will enhance human dignity and worth.

The YSF is a charitable non-profit organisation based in Tasmania, Australia, which is managed by a small group of volunteers. YSF aims to gain direct sponsorship to provide for the education needs of impoverished children in South Sudan and Uganda.

YSF and therefore the disadvantaged children rely completely on the generosity of sponsors to fulfil the children's right to education. YSF strongly believe that 'education is the most powerful weapon which can be used to change the world' (Nelson Mandela). Without education, these vulnerable children are not able to escape the most dire life circumstances which would see them live a life of abject poverty if they survive to adulthood. With education, these children can not only secure an appropriate standard of life for themselves but they will also create a ripple effect which in the long term will build sustainability in their community and for their country.

What is Terrorism?

While international and national laws may attempt to define terrorism, there is no universally agreed definition. YSF therefore adopts the definition provided by the United Nations Security Council in resolution 1566 (2004) which refers to terrorism as:

“criminal acts including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organisation to do or to abstain from doing an act”.

What is terrorism financing and how does it occur?

Terrorism financing is the financial support, in any form, of terrorism or of those who encourage, plan or engage in terrorism. It generally falls into two broad categories:

- funding the direct costs associated with undertaking terrorist acts - for example, expenses for travel, explosive materials, weapons and vehicles
- Funding required maintaining a terrorist network, organisation or cell.

The terrorism financing process:

The terrorism financing process typically involves three stages:

- raising funds (such as through donations, self-funding or criminal activity)
- transferring funds (to a terrorist network, organisation or cell)
- using funds (for example, to purchase weapons or bomb-making equipment, for payment to insurgents, or covering living expenses for a terrorist cell)

YSF shall remain vigilant and report any suspicious activity/action relating to terrorist funding to Australia Federal Police or Ugandan and South Sudanese Police authorities so that the suspect can be apprehended and charged in the Court of Law.

Charities and not-for-profit organisations

Some Australia-based charities have been exploited by terrorist groups to raise relatively large amounts of money over time. These organisations can be exploited in a number of ways:

- Charities and NPOs can be used to disguise international funds transfers to high-risk regions.

- Funds raised for overseas humanitarian aid can be commingled with funds raised specifically to finance terrorism.
- Funds sent overseas by charities with legitimate intentions can also be intercepted when they reach their destination country and siphoned off for use by terrorist groups.

Terrorism financing indicators

Young Seeds Foundation (YSF) may hold information sessions to educate its committee/staff members about how to identify terrorism financing indicators. Therefore, YSF has adopted AUSTRAC, Terrorism financing in Australia 2014 report, which shows that terrorism financing indicators include:

- Multiple customers conducting international funds transfers to the same beneficiary located in a high-risk jurisdiction
- A customer conducting funds transfers to multiple beneficiaries located in the same high-risk jurisdiction
- A customer using incorrect spelling or providing variations on their name when conducting funds transfers to high-risk jurisdictions
- Transfer of funds between business accounts and personal accounts of business officeholders which is inconsistent with the type of account held and/or the expected transaction volume for the business
- Large cash deposits and withdrawals to and from accounts
- Operating a business account under a name that is the same as (or similar to) that used by listed entities in Australia and overseas (as shown on Australia's AML/CTF regulatory framework and sanctions regimes applicable in Australia)
- Multiple low-value domestic transfers to a single account and cash deposits made by multiple third parties, which could be indicative of fundraising for terrorism financing
- Multiple cash deposits into personal account described as 'donations' or 'contributions to humanitarian aid' or similar terms
- Multiple customers using the same address and telephone number to conduct account activity

The Young Seeds Foundation will take all reasonable steps to ensure it is not implicated in any criminal activity

“The Criminal Code Act 1995 (the Criminal Code) creates a number of offences for individuals who engage in, train for, prepare, plan, finance or provide support for terrorist acts. Individuals who are members or supporters of terrorist organisations also commit a criminal offence. An organisation may be found to be a terrorist organisation by a court as part of a prosecution for a terrorist offence, or it may be specified by the Commonwealth

Government in Regulations, a process known as 'listing'."(AUSTRAC:
<http://www.austrac.gov.au>).

Legal Obligations

As a legal entity, YSF has a legal responsibility to adhere to Australian Law by:

- Complying with Commonwealth, State and Territory laws
- Complying with the laws of foreign countries that it operates in such Uganda and South Sudan.
- Seeking legal advice if it is uncertain of its obligation under law
- Contacting federal/state authorities to determine applicable State/Territory legislation
- Complying with legal systems of foreign countries such as Uganda and South Sudan
- Treat children with respect and dignity and provide safe and equal educational opportunity without discrimination.
- Immediately report any child abuse or suspicious activity that might put the well-fare of sponsored children at risk.

Due Diligence

Young Seeds Foundation shall set standards to ensure:

- Beneficiaries shall only be orphans and disadvantage children
- Know their third parties in Australia, Uganda and South Sudan
- Make best effort to confirm the identity, credentials and standing of third parties
- Requiring assurance from third party to ensure that it will not provide funding or not make assets available to a terrorist organisation.

4. Transparency and Financial Accountability:

As a registered body the YSF is required to submit an annual financial statement to The Department of Justice – Consumer Affairs and Fair Trading, in the state of Tasmania.

- YSF shall conduct financial transactions through regulated financial institutions, such as Western Union, Banks or Building societies.
- Shall conduct background checks of management Committees, staff and volunteers

- Shall keep records of what assistance has been provided, who has received it and the details of any third parties involved.
- Shall conduct regular follow-up checks to make sure that the assistance was delivered as intended
- Should report suspicious activity to the Australian Federal Police/Ugandan Police/ South Sudan Police

5. Responsibility of YSF Executive

The primary responsibilities of the YSF Executive body are to ensure the well-being and safety of children under the care of the program and to be highly accountable to sponsors and donors.

The Executive Body will achieve this by:

- Organising financial payments for children to attend the local school in Pajok, and other parts of South Sudan.
- Locating and contracting with boarding schools in the neighbouring country of Uganda for those students who demonstrate the ability for a higher standard of education.
- Maintaining regular fortnightly contact with the school principals, the Co-ordinator based in Africa, and where possible the children. The regular contact will help ascertain that the children have received all that is needed and been financed for (school fees, uniforms, all personal and health needs). This regular contact is also to ensure the physical, mental and emotional well-being of the children.
- Responding immediately to any concerns or complaints raised by the children or on behalf of the children. All Executive members will be notified that a concern / complaint has been made and kept informed of progress until the issue is satisfactorily resolved.
- One member travelling to Africa annually to visit the children, the schools and the Co-ordinators to ensure that children in YSF care are being well provided for as well as meeting prospective children for the following school year. This member will also write a report on their return which will be tabled at the first Executive meeting following their return and then be made available for sponsors / donors.
- Ensuring that accurate and true financial records are maintained.
- Providing an updated and itemised list of expenses for sponsors.
- Ensuring that sponsors receive regular updates on the children they are caring for. This would include an end of year report including photos of sponsored children.
- Being available and responding to sponsor / donor queries in a timely manner.

- Ensuring that committee members / field coordinators are made aware that it is a criminal offence under Australian and international Law to provide financial support to a terrorist organisation. Individuals or organisations may also face criminal penalties if they provide financial support to a terrorist organisation or act. An offence is committed even if a terrorist act does not occur or if the funds will not be used towards a specific terrorist act. Penalties also apply under the Charter of the United Nations Act 1945 for making resources available to a designated person or entity.
- Assessing the risks of potential money laundering or terrorism financing when dealing with designated schools in Uganda and South Sudan to identify suspicious matters and report them to Police, regardless of their own perceptions of risk.
- Identifying and verifying the customer's identity, and ongoing monitoring of transactions
- Reporting—notifying authorities of suspicious matters, threshold transactions and international fund transfers
- Shall not provide support or resources to any organisation or individuals associated with terrorist/extremist.
- Shall not receive funds or make funds available to organisation /groups/ individual with ties to any form of criminal activity.