អង្គការសិក្សាឥតព្រំដែន
StudyBeyondBorders Organisation

POLICY

COUNTER-TERRORISM POLICY

Change begins with Education

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COUNTER-TERRORISM POLICY

1. STUDYBEYONDBORDERS IN CAMBODIA OVERVIEW

StudyBeyondBorders in Cambodia **(SBBC)** is a local Cambodian non-government organisation operating in rural areas of Battambang and Siem Reap Provinces. The organisation is supported by an alliance of registered development organisations in Australia (SBBA), the UK (SBBUK), and Ireland (SBBI).

SBBC aims to build capability within Cambodian education policy-making, leadership, mentoring, and training to equip and motivate teachers to provide quality education to children. The organisation is committed to supporting systemic change so that educators are proud to work in the teaching profession and are highly respected by parents, communities, and peers. To this end, SBBC conducts programs to mentor education leaders, upskill teachers, engage parents and communities, and develop resources that together enable the delivery of quality education to schoolchildren. The organisation seeks to embed all its work at the school, district, provincial, and national levels.

2. PURPOSE

This document sets out **SBBC**'s policy with respect to counter-terrorism. The policy is to ensure that SBBC 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.

SBBC 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 an "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 an asset.

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

3. DEFINITIONS

3.1. ‘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.

3.2. ‘Beneficiaries’

'Beneficiaries' refers to those natural persons, or groups of natural persons, who receive assistance through **SBBC**’s programs.

3.3. ‘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, traveller's cheques bank cheques, cash, money orders, shares, securities, bonds, debt instruments, drafts and letter of credit.

3.4. ‘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, **SBBC** is committed to checks on Australian government terrorist lists (Consolidated List) and in accordance with our MoA with SBBA. **SBBC** is also committed

to broadening those checks to other upstream partners as required by formal agreements. See Appendix C for further details.

3.5. '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.

3.6. '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.

4. POLICY

SBBC 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.

5. POLICY IN PRACTICE

Compliance strategy

SBBC's overall compliance strategy is to,

- Ensure **SBBC** 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 **SBBC**'s 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 for non exempt suppliers. Regular suppliers checked annually rather than by transaction.

and report to the Managing Director any organisation or persons who are suspected of posing a terrorist threat.

Transparency and accountability

- **SBBC** 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.
- **SBBC** 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 **SBBC** to individuals and organisations

- Names of the recipients of funds 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.

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

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

6. HOW TO REPORT SUSPICIOUS ACTIVITY

Staff and volunteers can report suspicious behaviour to the Managing Director, Finance Manager, or member of the Senior Leadership Team (SLT) 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

7. POLICY MANAGEMENT

This policy has been approved by the Board of Trustees of SBBC as noted below.

Amendments will be recommended to the Managing Director from time to time as deemed appropriate by the General Manager Shared Services, usually annually.

Formal reviews are recommended every three years from the anniversary date of approval by the Board.

Recommendations for minor changes can be approved by the Managing Director before the Board review every three years.

Reference Code	CTP/12/2024/V1.0
Executive Owner	The Managing Director
Policy Manager	The Finance Manager
Effectiveness Approval Body	SBB Cambodia Board
Date Approved	Reviewed/Feb/2025; Approved/07/May/2026
Effective Date	01/Dec/2024
Next Formal Review	01/Dec/2027
Version Number	V1.0

**Note: This policy was published and approved by the Managing Director and General-Shared Services in December 2024 before Board establishment.*

APPENDIX A – FOR REFERENCE - Relevant Legislation by Country where StudyBeyondBorders may have Partnership Agreements.

Australia

SeeBeyondBorders' 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 12th February 2019 has enacted the Counter-Terrorism and Border Security Act 2019. StudyBeyondBorders is committed to following the law as prescribed in the UK and globally and for following best practices 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

- HM Treasury's Office of Financial Sanctions Implementation – Financial sanctions: consolidated list of targets
- European Union – Consolidated list of sanctions

APPENDIX B – FOR REFERENCE - Regulatory Bodies by Country in where StudyBeyondBorders may have Partner agreements.

Australia - DFAT' means the Australian Department of Foreign Affairs and Trade.
UK – Charity Commission
Ireland – Charities Regulator

APPENDIX C – 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: HM Treasury's Office of Financial Sanctions Implementation – Financial sanctions: consolidated list of targets; UK Home Office – Proscribed terrorist groups or organisations

IRELAND
Organisations listed on any of the following within the European Union: European Union – Consolidated list of sanctions