

EXAMPLES OF COUNTERTERRORISM CLAUSES

TOOL 2

These clauses are provided as examples of the wording that has appeared in grant agreements. They should not be interpreted as best practice, nor as necessarily being compatible with principled humanitarian action.

EXAMPLES OF CLAUSES FROM HUMANITARIAN DONORS

Example A

Consistent with local and international legislation and applicable United Nations Security Council resolutions, the Participants are firmly committed to the international fight against terrorism. It is XXX's policy to seek to ensure that none of its resources are used, directly or indirectly, to provide support to individuals or entities associated with terrorism and that XXX staff and its programmes activity are compliant with counter terrorist financing legislation. In accordance with this policy, XXX expects the Partner and all Downstream Partners to make themselves aware of and comply with obligations under the relevant counter terrorist financing legislation.

The Partner will seek to ensure that none of the funds or assets provided under this Arrangement are made available or used to provide support to individuals, groups or entities associated with terrorism to aid, or otherwise support, terrorists or terrorist organisations. The Cooperation Partner agrees that it shall use all reasonable efforts to ensure that funds received under this Agreement are not used to engage in, support or promote violence, terrorist activity or related training of any kind and will take all appropriate precautions and institute all procedures necessary to prevent any portion of the funds from being so used. The Cooperation Partner shall screen its Implementing Partners to ensure that no such funds, other financial assets and economic resources will be made available, directly or indirectly, to, or for the benefit of, a natural or legal person, group or entity associated with terrorism consistent with European Union's Consolidated list of persons, groups and entities subject to EU financial sanctions including those named on the following lists as updated from time to time ...

Example B

By signing and submitting this application, the prospective recipient provides the certification set out below:

The Recipient, to the best of its current knowledge, did not provide, within the previous ten years, and will take all reasonable steps to ensure that it does not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated, or participated in terrorist acts...

Example C

The recipient must obtain the prior written approval of XXX before providing any assistance made available under this Award to individuals whom the Recipient knows to have been formerly affiliated with Boko Haram or the Islamic State of Iraq and Syria (ISIS)-West Africa, as follows: fighters, non-fighting members, individuals who may have been kidnapped by Boko Haram or ISIS-West Africa but held for periods greater than six months, and those under the control or acting on behalf of the same. Former affiliates do not include civilian populations who only resided in areas that were, at some point in time, controlled by the groups. The decision of XXX shall be provided promptly to the Recipient. Under no circumstances will the Recipient be obliged in this context to share any individual/personalised beneficiary data with XXX.

DEVELOPMENT DONOR CLAUSES

Example D

The Recipient undertakes:

- Ⓐ to fully comply with anti-money laundering and terrorism financing standards in accordance with the FATF Recommendations, and implement, maintain and, if necessary, improve its internal standards and guidelines (including without limitation in relation to customer due diligence) appropriate to avoid any Sanctionable Practice, act of money laundering or financing of terrorism;
- Ⓑ as soon as the Recipient or XXX becomes aware of or suspects any Sanctionable Practice, act of money laundering or financing of terrorism, to fully cooperate with XXX and its agents, in determining whether such compliance incident has occurred. In particular, the Recipient shall respond promptly and in reasonable detail to any notice from XXX and shall furnish documentary support for such response upon XXX's request.

Example E

ARTICLE 1. The Partner and XXX are committed to taking appropriate steps to ensure that funds provided under this Agreement are not used to aid, or otherwise support, terrorists or terrorist organisations.

ARTICLE 2. The Partner agrees that it shall use all reasonable efforts to ensure that funds received under this Agreement are not used to engage in, support or promote violence, terrorist activity or related training of any kind and will take all appropriate precautions and institute all procedures necessary to prevent any portion of the funds from being so used.

ARTICLE 3. The Partner shall screen its Implementing Partners to ensure that no such funds, other financial assets and economic resources will be made available, directly or indirectly, to, or for the benefit of, a natural or legal person, group or entity associated with terrorism consistent with European Union's Consolidated list of persons, groups and ties subject to EU financial sanctions.

ARTICLE 4. The Partner shall include in its agreements with its Implementing Partners, contractors and subcontractors a clause requiring that the recipient of Grant funds screens its potential subsequent Implementing Partners, contractors and subcontractors as per Article 3 above and uses all reasonable means to ensure that none of the funds provided under those agreements are used to benefit individuals or entities associated with terrorism.

ARTICLE 5. If, during the course of this Agreement, the Partner discovers any link whatsoever with any organisation or individual associated with terrorism, it must inform XXX immediately. The Cooperation Partner shall provide XXX with an account of all the known facts and shall continuously thereafter consult with XXX on the further handling of the matter.