

Policy on Terrorism

Policy Description

The policy of Mukti Australia Inc. (hereafter MA) on Terrorism outlines our response to the issue of development efforts and terrorism.

The Context

Division 101 of the Criminal Code Act 1995 (Cth) defines a terrorist act as an action or threat made with the intention of advancing a political, religious or ideological cause; coercing the government; or intimidating members of the public. Acts of terrorism are defined as those causing serious harm to a person, damage to property, endangering life or creating serious risk to health/safety.

It is an unfortunate reality that poverty can create an environment in which terrorism can flourish, with people turning to terrorist activities as a solution to their problems, and where terrorist leaders can exploit the frustrated, the poor and the politically and economic excluded.¹ It is also a reality that NGOs working in developing countries risk inadvertently supporting individuals or organisations who are known terrorists or suspected of undertaking terrorist acts where they fail to undertake diligent measures to ensure that this does not happen.

Mukti Australia's Response

MA deplores and opposes all forms of terrorism and is committed to ensuring that none of the projects funded by MA directly or indirectly supports terrorism. MA will monitor our projects and partner organisations to minimise the risk of any inadvertent association with terrorist activities or organisations occurring.

In particular MA will use its best endeavours to ensure that all its activities comply with relevant laws in relation to terrorism in both Australia, India, Sri Lanka and any other country in which we develop partner organisations. . Australian law requires that MA does not provide direct or indirect support or resources to organisations or individuals associated with terrorism, including 'terrorist organisations' as defined under Division 102 of the Criminal Code Act 1995 (Cth) and listed in regulations under the act and regulations made under the *Charter of the UN Act (Cth) 1945*.

MA will use its best endeavours to ensure our overseas partner organisations also have the appropriate capacity to fulfil these requirements and are themselves in no way linked, directly or indirectly, to organisations and individuals associated with

¹ AusAID 2003, *Counter-Terrorism and Australian Aid*, p.4, retrieved 18 May 2010, <http://www.aisaid.gov.au/publications/pdf/counterterrorism.pdf>

terrorism. To the extent possible, MA will maintain direct knowledge of its beneficiaries and partners, which will be checked against the consolidated terrorist listing at <http://www.dfat.gov.au/sanctions/consolidated-list.html>

Any suspected terrorism related activity will be immediately brought to the attention of all relevant intervention bodies (including the Australian Federal Police).

MA shall regularly review the 'consolidated list' and investigate any concerns or degree or perceived risk in its project locations or operating environments. If necessary, our overseas partner organisations will be provided with a list of organisations and individuals identified by the Australian Government as terrorists that are relevant to their area. MA will check that partners and/or beneficiaries are not included on the 'consolidated list' during the project appraisal process and prior to providing any kind of support.

If MA is approached by the media regarding any matter related to terrorism, the National Director and the Chairperson are the only authorised spokespeople for MA and will respond to all media enquiries. No one else but the National Director and the Chairperson are permitted to speak to the media about any issue, topic or concern(s) (including terrorism, hostage and/or abduction or any other serious threat) regarding MA, international or local partners or other associated personnel. No MA staff member or associate is permitted to speak to the media without authorisation from the National Director or Chairperson.

Implications for Practice

MA's strategy for managing the risk of supporting potential terrorist activities will include, but may not be limited to:

- 1.1 Ensuring that its staff, partners, visitors, volunteers and stakeholders are familiar with Australian and partner government law and policy in relation to terrorism.
- 1.2 Checking the DFAT 'consolidated list' regularly to ensure updates to the website are taken into account.
- 1.3 Before providing direct funding, support or resources, ensuring that the beneficiary is not included on the 'consolidated list'.
- 1.4 Ensuring that PRMM and WoH and any other overseas partner organisations, to whom funding, support or resources are being provided and who are themselves further distributing assets, know of, understand and comply with Australian and partner government law.
- 1.5 Providing PRMM and WoH, and any other overseas partner organisations, with lists and updates as required.
- 1.6 Introducing formal provisions to promote compliance by partner organisations and to ensure immediate notification by partner organisations of any terrorism

related concerns. MA will withdraw all financial provisions if it has reason to believe that a partner has breached the requirements of this policy.

- 1.7 Conducting regular monitoring visits to ensure partner organisations to whom funding, support or resources are being provided are not associated in any way with terrorist activities or organisations.
- 1.8 Immediately informing Australian Federal Police on the national security hotline- 1800 123 400 if any credible information becomes available suggesting any links with terrorism.
- 1.9 Ceasing all assistance to any organisation found, after due process has been followed, to have direct or indirect links with terrorist activities or organisations.