

## Policy on Anti-Terrorism and Trade Sanctions

Medair is firmly committed to achieving its humanitarian aid objectives in compliance with anti-terrorism laws and sanctions laws applicable to its activities. Medair will not provide support or resources<sup>1</sup> to any individual or entity that it knows, or has reason to believe advocates, plans, sponsors, engages or has engaged in terrorism<sup>2</sup>, weapons proliferation, human rights violations or narcotics trafficking, any other prohibition instituted by a jurisdiction applicable to Medair's activities, or acts as agent of any individual or entity involved in any such activities, or that has been so designated by the United Nations, the United States, the European Union (or any of its member countries including the United Kingdom), Switzerland, Canada or any other State which has legislation applicable to Medair's donors or activities. Medair implements due diligence, monitoring and reporting procedures appropriate to each of its country programmes and designates appropriate employees to be responsible for overseeing compliance.

### Purpose

This policy is based on the Medair Code of Ethics, which set out Medair's commitment to fair, transparent and impartial procurement processes, to thorough due diligence when hiring and contracting third parties and to comply with sanctions, embargoes and anti-terrorism laws. The purpose of this policy is to provide guidance on how to identify potential anti-terrorism or sanctions issues and how to deal with them in compliance with relevant laws.

### Scope

The scope of this policy is broad and inclusive. It applies to all Medair staff (international and national), trustees, consultants, volunteers, contractors (under short- or long-term contracts) and partner agencies as well as any other persons acting on behalf of Medair ("Representatives"), regardless of their location.

### Context

Medair's purpose is to provide humanitarian relief in crisis situations. Some of these crises are caused by human conflict and disputes between a country's internationally recognized government and dissident groups within that country, or by radical groups acting violently within the territory of one or more countries. Medair often needs to act in territories or in the territory of countries where displaced populations may be located. As part of its work, Medair channels resources provided by institutional and private donors to provide services to people affected by crisis.

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<sup>1</sup> "Material support or resources" means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

<sup>2</sup> "Terrorist act" means (i) an act prohibited pursuant to one of the 12 United Nations Conventions and Protocols related to terrorism (see <http://untreaty.un.org/English/Terrorism.asp>); (ii) an act or premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents; or (iii) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in hostilities in a situation of armed conflict, when the purpose of such act, but its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

Many countries, on their own initiative or to comply with relevant UN resolutions, have adopted legislation prohibiting the provision of material or human resources to groups or individuals classified as “terrorist” or other persons subject to trade sanctions. Some of these countries punish the breach of these prohibitions severely, including with imprisonment. Some countries have established due diligence and reporting obligations so that humanitarian relief agencies, like Medair, make sure that third parties they may deal with are not linked in any way to groups or individuals classified as terrorists or other persons subject to trade sanctions. Institutional donors may have requirements reflected in their grant agreements that reflect their anti-terrorism and due diligence rules, which Medair must comply with under the agreement.

Medair and its Representatives need to be aware of the rules applicable to the territories where they operate to anticipate and minimize the impact of these requirements on Medair’s ability to provide effective, timely relief under the principles of international humanitarian law (humanity, impartiality, neutrality and independence), and to avoid violations that could harm Medair’s reputation and affect its ability to obtain resources from donors.

## **Principles/Mandatory Practices**

- An anti-terrorism and sanctions assessment must be part of Medair’s program planning.
- Country program management must carry out an assessment of what the applicable conduct, due diligence and reporting rules relating to the actors or stakeholders Medair will likely have to engage with in executing the program, including: the potential institutional donors, the beneficiaries and the suppliers or partners.
- Based on such an assessment, Medair Representatives must check the sanctions list status for each such third party and their management and act accordingly for any persons or entities who is on a sanctions list by either avoiding engagement or seeking guidance and appropriate exceptions from Medair’s management, and by obtaining licenses where required.
- When negotiating a grant agreement with institutional donors, Medair Representatives must have a general understanding of the rules governing such donors and must carefully review the entire draft agreement, especially any anti-terrorism or sanctions provisions, to ensure that they are clear and that Medair can comply with them.
- Medair Representatives must be aware of any international, legal or contractual screening, reporting and informing obligations that would apply to those third parties with which Medair Representatives seek to engage, contractually or otherwise. Medair Representatives must make such third parties aware of those obligations from the beginning of any discussions and that they comply with them.
- Contracts with third parties should include provisions that allow Medair to comply with its international, legal or contractual obligations concerning anti-terrorism and sanctions.
- Medair and Medair Representatives will not accept funding without appropriate screening of the sources.
- Medair and Medair Representatives will not make any payments for goods or services without previously conducting appropriate screening of the providers of such goods or services as well as the recipient country and any known entities involved in the distribution of such goods or services.

- Medair Representatives must be alert to, and avoid, that any support, financial or in goods or services, provided to beneficiaries get diverted or are used for purposes that would violate anti-terrorism or sanctions laws or any other international, legal or contractual obligations.
- In case of grave emergency, where immediate action for life-saving purposes is required, Medair and Medair Representatives will, to the extent possible, take anti-terrorism and sanctions rules into consideration and make all reasonable efforts to avoid any violations.
- Any actions taken under grave emergency circumstances must be reported to Medair senior management as soon as the emergency permits and, if possible, corrective action be taken to avoid any continued, non-life-saving necessary, actions which compliance with anti-terrorism or sanctions law might be prohibited.

## **Reporting**

Any suspicion of violations to anti-terrorism or sanctions laws or any other international, legal or contractual obligations by Medair staff or by third parties or beneficiaries must be immediately reported to Medair's Executive Office Director. All reports will be treated as confidential and thoroughly investigated. Violations to this policy will bring disciplinary action, which might include employment or agreement termination. Medair will comply with any and all reporting obligations in connection with violations to this policy. There will be no retaliation for good-faith reporting, even if the allegations are unsubstantiated.