

Counterterrorism Measures

NRC is obliged to comply with counterterrorism legislation and sanctions from a number of jurisdictions. At the same time, we are committed to the humanitarian principles. This paper sets out the main principles that allow NRC to deliver assistance and protection in compliance with both.

Legal and Contractual Obligations

NRC is obliged to comply with counterterrorism legislation and sanctions from a number of jurisdictions, including countries of registration, countries of operation and donor states.

NRC receives most of its income from institutional donors. Donor agreements and regulations may reflect the counterterrorism laws of the relevant donor state. They may also establish contractual requirements beyond the relevant legal obligations.

At the same time, NRC is obliged to comply with the General Data Protection Regulation (GDPR). NRC is also committed to act in a manner consistent with International Humanitarian Law and International Human Rights Law, including the Universal Declaration of Human Rights and the European Convention of Human Rights, as well as International Refugee Law.

Preventing Aid Diversion

Many counterterrorism measures are aimed at reducing the risk that humanitarian assistance benefits designated terrorist groups. NRC has zero tolerance for aid diversion. Our due diligence processes include a range of procedures and policies, aimed at preventing and/or mitigating the risk of intentional and/or reckless aid diversion, including diversion of funds or assets to terrorism.

NRC implements its programmes according to internal programme cycle management (PCM) standards that demand systematic needs assessments and robust post-distribution monitoring. NRC carefully selects areas of intervention and beneficiaries based on assessed need alone and without discrimination. All NRC offices undertake robust beneficiary selection and needs assessments to ensure that the selected beneficiaries are those who meet the organisation's vulnerability criteria.

Internal NRC procedures impose tight financial and procurement controls, along with appropriate

checks and balances, including internal and external auditing. NRC has mandatory internal requirements for reporting of suspicious transactions.

NRC takes a risk management approach, as outlined in NRC's *Risk Management Toolkit in Relation to Counterterrorism Measures*, to ensure that activities and services reach those in most need and that activities occur in a safe and secure manner as much as practicable.

In addition to the PCM, the risk management approach involves a number of tools and systems, including:

- Partner Organisational Assessment Tool (OAT), including capacity assessments, monitoring, and use of ethical standards declaration and internal vetting procedures
- Risk Management Toolkit in Relation to Counterterrorism Measures
- Vendor Ethical Guidelines & Assessment Tools
- Ethical Code of Conduct, binding on all NRC staff including obligations to safeguard NRC assets and to act strictly in accordance with humanitarian principles of neutrality and impartiality. NRC's Non-Staff Code of Conduct is signed by consultants and some suppliers.
- Anti-Bribery and Corruption procedures
- Internal vetting procedures, during recruitment and annually for key staff
- Security and Risk Management policy

Vetting and Due Diligence

To reduce the risk of aid diversion and ensure compliance with counterterrorism legislation, NRC carries out a variety of due diligence procedures, including vetting against prohibited entities on the UN's sanction list and relevant donor government lists. NRC screens or vets potential and existing downstream and lateral partners, as well as potential and existing contractors, vendors and staff members above a certain threshold in line with NRC's internal procedures to mitigate the risk

of diversion. (For vetting of beneficiaries, see next heading).

NRC conducts the vetting in compliance with the GDPR and other relevant data protection legislation, as well as NRC's Data Protection Policy.

In exceptional circumstances, NRC may expand vetting beyond the standard limitations. Country Directors will need a clear rationale and approval from the Secretary General to do so.

Humanitarian Principles

NRC is committed to the principles of humanity, neutrality, independence and impartiality. These principles guide our work and ensure that the needs and rights of displaced and vulnerable people remain at the heart of everything we do.

In accordance with the principles of impartiality and independence, as well as with the privacy legislation outlined above, NRC does not vet beneficiaries. NRC will not allow any external interference or influence during the beneficiary selection process. Vetting of beneficiaries remains a red line also under expanded vetting procedures.

NRC's commitment to the humanitarian principles also means that we will review donor requirements to ensure that they do not restrict the organisation's ability to protect and deliver assistance according to our principles prior to entering into donor agreements. In the event of any concerns, NRC will endeavour to negotiate a satisfactory agreement with the donor. NRC is committed to fulfilling the requirements of all donor agreements that the organisation enters into.

NRC will also continue to advocate for limits to the impact of counterterrorism measures on principled humanitarian action.

Duty of Care

Counterterrorism measures and related obligations and responsibilities are complex, adding to the existing difficulties of operating in conflict-affected

environments. NRC field staff face a wide range of challenges that necessitate organisational support, including carefully designed responses and mitigation measures.

As part of its duty of care NRC commits to continually develop the organisation's understanding of its obligations and responsibilities related to counterterrorism measures, including legislation and sanctions. NRC will provide clear, relevant guidance and support to NRC staff at all levels on how to best manage and implement programmes and operations in relation to counterterrorism measures.

Links to other relevant information:

NRC report: Principles Under Pressure: <https://www.nrc.no/resources/reports/principles-under-pressure/>

Contact: nrcgeneva.policy@nrc.no
