



Preventing and Combating the Financing of Terrorism

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Introduction

Controlling the flow of money to terrorist organizations and activists is not a new problem. It has been a major element on the global agenda since the late 1980s. Terrorist organizations need some type of funding to operate. When organizations plan even a single attack, it needs to collect money to travel, to acquire weapons and other equipment, and to recruit supporters. Without any money, the group is unable to purchase any weapons or supplies to carry out their plans. Although their funding needs may be modest, they are important. Most groups and would-be attacks gain their funds by commercial enterprise, using natural resources, multiple small donations, and illegal means like ransom, extortion, smuggling, drug and human trafficking, and illegal weapons trading.



Terrorism likes cash, but it may be evolving beyond. The UN Security Council must adapt.

The financing of terrorism has global attention, an example of a problem of small amounts with large consequences. Since international action on the problem accelerated in 1989, technological, religious and political changes have led to rapid evolution. The terrorist finance problem the United States and other UN Member States first aimed to stop in 1989 was the work of state-sponsored terrorists and

government transfers to foreign groups. The problem today is much less organized and harder to spot.

The internet makes everything terrorists do easier, although it also helps efforts to intercept them. Terrorists are adroit and appear to be taking advantage of innovations like cryptocurrencies like Bitcoin. The Dark Web seems tailor made for terrorist exploitation. The rise of new governments that are unable to crack down aggressively, tolerate, or sometimes support terrorist activity makes the problems especially troubling for the international community.

The rapid transformation of terrorist finance requires constant adaptation. For the UN Security Council, the challenge is gaining consensus among states with differing outlooks and interests. Some states would do everything possible to stop all terrorist finance, ignoring the unintended consequences in other areas. Some call for balancing the need to stop terrorism with the need to preserve humanitarian goals and human rights. Others quietly support groups that some label terrorist, and work to make sure their support cannot be stopped.

Current Issues

The fundamental problem of terrorist finance is *inverse scale*; the most significant dangers do not require the most money. The most effective terror attacks are often quite cheap. Stopping large-scale finance is vital. The largest source of terrorist funding appears to be donations from wealthy supporters and sympathetic governments. These advocates raise funds for terrorist groups in order to help them promote extremist views or to sponsor their own causes.



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But stopping small scale finance is not less important.

An important source of income for large groups like Islamic State or the Taliban is illegal commerce and trade. These complicit trade deals can range from drug dealings (most common), counterfeit, money laundering, distribution of oil from the black market and many more ways. Islamic State is the most well-known to use black market oil transactions to increase profits for their organization. Afghanistan's poppy crops are believed to be a major portion of funding for the Taliban.



Money laundering: making it impossible to trace the origins of illegally acquired or illegally transferred money.

Misused humanitarianism: A major issue of terrorist financing are connections to humanitarian action. Humanitarian charities run by sympathizers are an easy way to disguise terrorist financial activity. And charities have been misused this way. On the other hand, sudden humanitarian disasters often require massive donations in response, and financial controls to stop terrorism can be a serious hurdle preventing humanitarian aid from reaching the people who need it.¹

After September 11 2001, Islamic charities became a prominent issue for the United States. Charities play a big role in terrorist financing

¹ Alex Marriage, *Counter-Terrorist Financing and Humanitarian Security*, European Interagency Security Forum, 5 April 2017, <https://reliefweb.int/report/world/counter-terrorist-financing-and-humanitarian-security>

because *zakat*, one of the pillars of Islam that requires followers to donate a portion of ones' wealth to a charity. It is widely regarded among Muslims as a responsibility to donate to help the poor. Some of this generosity has gone amiss, funding jihad instead of spreading the message about Islam or helping the poor. A major challenge of terrorist financing is the fact that terrorist networks are aware of governments trying to inhibit their efforts. There are strong incentives for would-be attackers to constantly innovate. One way to avoid tracing is reliance on cash, which is harder to spot than most electronic transfers. The issue is extremely sensitive for governments and religious organizations that emphasize humanitarian giving and deeply resent any measures that impede their entirely legitimate work.

New financial technologies: Like other criminals, terrorists can take advantage of the dark web to finance their operations. The dark web is the counterpart to the surface Internet, except it relies on concealed and protected identities with encryption to conceal commercial activity. New technologies also appear to favor terrorists over governments. Bitcoin, for example, and other crypto-currencies, were deliberately created to offer privacy from oversight by tax agencies and law enforcement. Crypto-currencies are ideal for terrorist originations seeking to evade controls as they launder money, passing it covertly from donors to attackers. Because many crypto-currencies have no governance or authority structure, there is no one in control, and it is not obvious how illicit uses can be controlled.²

Will Islamic State return? With the military defeat of Islamic State in Iraq in 2017 and Syria in 2019, it is tempting to think the worst dangers

² Popper, Nathaniel, 'Terrorists Turn to Bitcoin for Funding, and They're Learning Fast', *New York Times*, 18 August 2019, <https://www.nytimes.com/2019/08/18/technology/terrorists-bitcoin.html>



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have passed. A more careful interpretation is the Islamic State challenge has temporarily receded. Islamic State remains active. Its members are dispersed and underground, making apprehension difficult. But they continue to organize and plan, especially in Iraq and Syria, but also in East Asia, Europe and North America. A recent RAND Corporation report concludes that:

‘The most important measures in Iraq and Syria to counter any attempted Islamic State resurgence will be domestic intelligence gathering and law enforcement. Authorities will need to identify businesses that have Islamic State investments, the locations of cash storage sites, and money exchange and transfer businesses that are cooperating with the Islamic State.

‘The group has an international network of financial relationships. And even though donations have not provided a large share of Islamic State revenue, the group has raised money around the world. International cooperation will thus be needed to address these connections.

‘It will also be important for law enforcement entities to protect affected populations in Iraq and Syria as reconstruction progresses, both in the sense of security and in ensuring that funds are not extorted. Authorities will also need to ensure that the Islamic State does not find other means of accessing reconstruction funds.’³

Non-cooperative governments: While all UN Member States cooperate to halt the flow of money to terrorist organizations, they do not all agree on which groups are terrorist organizations. Many government refuse to act aggressively or even tolerate specific groups.

These groups often serve the political goals of the government, or they have important domestic political support. Among the best known examples are violent Islamist organizations in Pakistan, which often have substantial democratic support and play an important role preserving domestic peace and stability. The groups may benefit from the patronage of intelligence organizations, especially Pakistan’s Inter-Service Intelligence (ISI), which cultivated groups in the 1990s and 2000s in the hopes the organization might be useful against India. Also in Pakistan, the Taliban have a sanctuary from most attack and marshal their resources and do much of their planning. With strong support from the ethnic Pashtun community, the Taliban is difficult for the government of Pakistan to control.

In parts of the Middle East and North Africa, it is political parties in control of major territories and populations that are branded terrorists. Because they control their own finances, taxes and banks, they have advantages unlike typically terrorist groups. In Palestine, Hamas controls the government of the territory of Gaza. Hamas has been designated a terrorist organization by Israel and most Western governments, and has been locked out of the traditional financial system. It continues to help administer some international humanitarian assistance to its population, largely unemployed and impoverished. Hamas’ military force, the Qassam Brigades, is best known for running smuggling tunnels to Egypt and attacking Israel with long-range rockets.

Israel maintains a strict blockade of Gaza, with Egypt’s help, and Hamas has been squeezed over the last year by financial cuts imposed by their rivals. The role of Iranian financial support for Hamas is unclear. Iranian political and technological assistance may be more important. The same uncertainty applies to Iran’s support

³ Howard J. Shatz, *Follow the Money: How the United States Can Counteract the Islamic State's Plans for a Comeback*, Santa Monica: RAND

Corporation, 8 August 2019, <https://www.rand.org/news/press/2019/08/08.html>



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for Hezbollah—the Shi’ite political party that runs much of Lebanon—and the Houthis fighting for control of Yemen.

Getting better at the old game: Since the early-1990s the international community has gotten progressively better stopping large international financial transfer for terrorism. This helps make large-scale foreign terrorist actions like the attacks of 11 September 2001 harder to do. The larger an attack is, the easier it is for intelligence and law enforcement agencies to spot. The more cooperation an attack requires, the easier is for government agencies to take action to stop it.

International cooperation is a major reason why there have been fewer and fewer comparable attacks since then. But international measures often do nothing about purely domestic terrorist groups and attacks. So long as no international borders are crossed, it is difficult for the international community to marshal opposition. The tendency is for foreign outside actors—other UN Member States and international organizations—to offer criticism and assistance, sometimes pressure, but ultimately effective responses are the responsibility of the most affected states alone. Finding more effective ways to coordinate international action is a major problem of the UN system, especially as terrorist groups get smaller in scale and terrorist attacks increasingly are the work of individuals, not groups.

White nationalist terror: In Much of Europe and the United States, the most common terror attacks are the work of far-right extremists, usually motivated by racist or anti-Jewish doctrine. The amounts of money involved in their attacks often seems small—sometimes thousands or hundreds of US dollars—making

tracing and stopping difficult. This is especially true when individual terrorist attacks are being planned. Terrorists like Anders Breivik, responsible for the Norway attacks of 22 July 2011 in which acted alone to kill 77 people, appear to have been entirely self-financed. This creates further difficulties for the international community to overcome.

Past United Nations Action

Given the scale of the problem, it comes as no surprise that the Security Council has a long record of action. It has established principles of cooperation and targeting, but often leaves interpretation and application of these principles up to the Member States. These elements stand as the principle international barriers to international terrorist finance.⁴ They also reveal some of the biggest problems the international community faces as it tries to do more.

The keystone document for international action is *The Terrorist Financing Convention* of 1999, formally the International Convention for the Suppression of the Financing of Terrorism. The Convention establishes the importance of the issue for the international community and calls for states to promote police and judicial cooperation to prevent, investigate and punish the financing of terrorist attacks. With 188 ratified parties, it is one of the most successful international agreements.⁵ Among the most recent signatories was the Islamic Republic of Iran, where there was strong domestic resistance—Iranian conservatives appreciated that the document was being used against Iran

⁴ UN Security Council, n.d. ‘Terrorism financing’, *Security Council Counter-Terrorism Committee*, <https://www.un.org/sc/ctc/focus-areas/financing-of-terrorism/>

⁵ Geoffrey Kieley, *International Convention for the Suppression of the Financing of Terrorism*, Law Library of Congress, 19 September 2001, <http://publications.gc.ca/Collection-R/LoPBdP/BP/prb0118-e.htm>



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and saw no benefit in cooperating—yet ratification passed the legislature in 2018.⁶

But the Convention mostly establishes principles. Its 28 Articles mostly create a framework for operational cooperation. Action comes more from its implementing resolution, *United Nations Security Council resolution 1373 (2001)*. The resolution, passed on 28 September 2001, was the principle UN response to the 11 September attacks. Although short, its language is direct, stressing specific measures to impede and prosecute efforts by terrorists to finance their activities.⁷ These two documents, the Convention and Security Council resolution, establish the framework of international law governing the area of terrorist finance. They explain what states are expected to do. They call on states to prevent and suppress the financing of terrorism, by using their domestic legal process, passing domestic law and directing their law enforcement agencies to deal with the issue. They do not force states to do anything. As sovereign actors, states cannot be forced to do anything they oppose.

Instead the 1999 Convention and SC Resolution 1373 call upon Member States to make sure their institutions and businesses are not misused. Its call on States to respond by criminalizing the collection and provision of funds for terrorist purposes, and urges them to set up effective mechanisms to freeze funds and other financial assets of persons involved in or associated with terrorism, as well as to prevent those funds from being made available to terrorists.

This resolution asks all UN Member States to freeze all assets and funds directed towards terroristic demands and, furthermore, criminalize the assailants provisions and collections of funds that are used with the intention of carrying out a terrorist attack. Furthermore, this resolution recognizes the advancements and innovations in technology that terrorists have capitalized on to amplify their terrorist attacks. The resolution has as well decided to refrain from giving any provisions or support to terrorist groups or people involved in terrorist acts including the employment of any person involved in a terrorist group or supply of weapons and firearms to terrorists. How Member States implement these mandates is left up to themselves.

The third basic element in the international framework to stop terrorist finance is *The Financial Action Task Force*, or FATF. Established in 1989, the FATF is not part of the UN system, but an independent group, although with many UN Member States.⁸ It allows states and financial institutions to cooperate to help law enforcement agencies pursue suspected terrorist finance.

The FATF drafts *best practices* for domestic agencies and financial institutions and businesses in its 39 Member States to follow. It also offers a place for banks and police to meet and coordinate their responses. Again, participation is voluntary. Several major actors refuse to give the FATF or UN institutions authority that would compromise their sovereign authority in this area.

⁶ Najmeh Bozorgmehr, 'Iran's parliament votes to ratify UN anti-terror funding treaty', *Financial Times*, 7 October 2018, <https://www.ft.com/content/1aa2a208-ca20-11e8-9fe5-24ad351828ab>

⁷ *Security Council Unanimously Adopts Wide-Ranging Anti-Terrorism Resolution; Calls For*

Suppressing Financing, Improving International Cooperation, UN Security Council, 28 September 2011,

<https://www.un.org/press/en/2001/sc7158.doc.htm>

⁸ 'History of the FATF', *Financial Action Task Force on Money Laundering (FATF)*, <https://www.fatf-gafi.org/about/historyofthefatf/>



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39 Member States on the job: The FATF in plenary session.

In an important advance, *Security Council resolution 2178 (2014)* responds to the growing sophistication of terrorist groups, urging Member States to disrupt terrorist-financing activities linked to financial transaction, and to criminalize under their domestic law the financing of terrorist travel and financial transfers. The resolution calls on the state to focus not just on groups and money, but also on individuals. With the experience of Islamic State—then rising in Syria and Iraq—in mind, it calls on all states to ‘ensure that their legal systems provide for the prosecution, as serious criminal offences, of travel for terrorism or related training, as well as the financing or facilitation of such activities.’ This Obama Administration initiative won unanimous support from the Security Council⁹

For example, a major problem for the international community is stopping groups with safe havens from sending money abroad. While Islamic State was at the height of its power in

⁹ *Security Council Unanimously Adopts Resolution Condemning Violent Extremism, Underscoring Need to Prevent Travel, Support for Foreign Terrorist Fighters*, United Nations Security Council, 24 September 2014,

¹⁰ UN Security Council, n.d., *The United Nations Security Council Counter-Terrorism Committee*, <https://www.un.org/sc/ctc/> <https://www.un.org/press/en/2014/sc11580.doc.htm>

¹¹ UN News Centre, 2019. ‘Landmark terror finance resolution adopted by Security Council’, 28 March 2019, <https://news.un.org/en/story/2019/03/1035671> ; Edith M. Lederer, ‘UN council adopts resolution to

2014-18, it used its control of much of Iraq and Syria to raise income for its supporters elsewhere. Often Islamic State sent no money, but just coordinated transfers between foreign sympathizers in countries like Saudi Arabia to actual terrorists elsewhere in East Asia, Europe, the Middle East and United States. Since money was flowing through the territory it controlled, monitoring and stopping communications, and arresting terrorist plotters, often became more important. But the cooperation to make this possible often was lacking.¹⁰

With problems like these in mind, in 2017 the Security Council created the *UN Office of Counter-Terrorism (UNOCT)* to strengthen the Organization’s ability to implement global counter-terrorism strategies and to play a leading role in identifying ways to suppress terrorist financing.¹¹ The UNOCT only coordinates and offers recommendations. Member States have not given it power to demand action. Instead, Member States prefer to be consulted by the UN and left to interpret requests as they prefer.

Finally, the UN has a small think-tank in Vienna, The Terrorism Prevention Branch (TPB), part of the United Nations Office on Drugs and Crime (UNODC).¹² This office does studies on the scale and nature of illicit terrorist finance and planning. It can be asked by the Security Council to investigate specific problems and quests, and it can offer suggestions. But it has no authority to demand

combat terrorist financing’, *Associated Press*, 28 March 2019,

<https://www.apnews.com/2e4215e6ab6b4f6ab65f4ff64e4817d8> ; and Farnaz Fassihi, ‘U.N. Security Council Asks Nations to Adopt Laws on Terror Financing’, *Wall Street Journal*, 28 March 2019, <https://www.wsj.com/articles/u-n-security-council-asks-nations-to-adopt-laws-on-terror-financing-11553818459>

¹² UNODC, n.d. ‘Countering Terrorist Financing’, United Nations Office on Drugs and Crime, <https://www.unodc.org/unodc/en/terrorism/news-and-events/terrorist-financing.html>



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that Member States cooperate with its investigations.

Issues Facing the Security Council

- Charities and illicit black-market activities like drug smuggling are two of the most popular means of financing terrorism. Can the work be effectively regulated without being suppressed?
- “Terrorism finance” involves more than simply cash moving hands; it also includes bank, on-line and human networks, sometimes involving government agencies as money is moved (laundered) from a variety of sources.
- UN Member States also face the issue of decentralized funding of terrorism, often including large numbers of private individual cooperating only in a general way, coordinating more on their goals than their means. How can Member States, with centralized law enforcement and financial governance, deal with increasing complexity of the problem?
- The rise of alternative crypto-currencies like Bitcoin and the dozens of alternatives make it easy for supporters of terrorist groups to send money securely and secretly, but also make transactions all but impossible for authorities to trace. The enormous scale of private investment in crypto-currencies makes it impossible to stop them outright. Further complicating the issue, many countries—especially in Europe and Latin America—have a right to privacy which protects individuals and facilitates such transactions. How can the huge investment in crypto-currencies be protected without undermining the credibility of counterterror regulation?
- A major challenge to counter terror is the shift among terrorist organizations from large, formal groups like al Qaeda or the Ku Klux Klan to small, amorphous and informal

associations of like-minded people. The Paris terror attacks of 2015-16 were the work of a small group of people. Islamic State, for example, often relies on actions it approves, but does not actually control. Terrorists ‘identify’ with Islamic State, but often do not belong to it. White racist terrorist like Anders Breivik might engage on-line with dozens or hundreds of like-minded individuals, but be formally associated with none.

- What is the preferred role of the Security Council? Should it stress universal principles, or specific actions? Can specific groups or UN Member States be isolated for special treatment, or should Security Council action focus on universal standards applicable to all members of the global community?

Country and Bloc Positions

China: From Beijing’s perspective, the most important terrorist threats are domestic. The ruling Chinese Community Party seeks to strengthen its control over Chinese society, suppressing independent political actors and potential threats. After a series of knifing attacks, it directed its attention most forcefully again ethnic Uighurs, an Islamic ethnic group most common in China’s western provinces. Over a million Uighurs are thought to be imprisoned in large camps through the country. While China seeks to strengthen counter-terrorism, it also wants to preserve its freedom of action, and hesitates before approving specific international action. It is more comfortable with general or vague but universal principles on the subject.

European Union: The EU is a leading force for greater international cooperation to suppress terrorist activity, including measures to stop terrorism-related financial transfers. Working with INETRPOL and central banks, the



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European Union and its Member States aggressively support international cooperation in this field. Above all, they stress the need for agreement on universal principles to guide all counter-terrorist initiatives, measures that enlist the cooperation of the entire international community. The EU and its Member States will support measures directed at specific terrorist groups, but greatly prefers strengthening normative principles guiding states and banks in any situation.

Non-Aligned Movement (NAM): Member States from the UN's largest voting bloc are most interested in consolidating the authority of their governments, especially important since many emerged as independent states in recent decades, and often have only weak influence over much of their territory. They generally support measures to suppress international terrorism and groups that threaten their rule. Many NAM states expect financial assistance to implement United Nations policies. However, some NAM Member States also have government beholden to particular financial interests, and hesitate before supporting measures designed for counter-terror, but that also limit the financial freedom of those interests.

Russia: Russia plays a leading role in the Security Council, where China and sometimes the United States turn to it support against common enemies. Russia supports the FATF, but is suspicious of cooperation that could be used against its own financial supporters, wealthy businessmen whose transaction often appear to skirt or violate the law. Overall, Russia has seemed to take a careful, neutral or sometimes skeptical stance on international cooperation to counter the financing of terrorism. It prefers measures that enhance Moscow's national sovereign control, without international guidance or oversight.

United States: President Donald Trump released a *National Strategy for Counterterrorism* which aims to halt terrorist radicalization and recruitment, as well as sources of support and upgrading counterterrorism tools.¹³ The major Trump Administration policy in this field is building a southern border wall to stop illegal migrants and refugees crossing from Mexico. Another preference of the Trump Administration is focusing major Internet tech firms like Facebook and Google, stressing their responsibility to do more about Islamic terrorism and left-wing extremism. The Trump Administration believes these companies unfairly target The President's supporters on the political right, under the guise of controlling hate speech. President Trump is especially focused on Islamic terrorism, which he regards as a major national security threat. He is less concerned with domestic terrorism, such as white nationalists.

Proposals for Action

As the Security Council debates the best way to barriers to terrorist finance, to impede terrorism and other illicit actors, several basic questions must be resolved. Major questions to faced concern the role of the UN versus the FATF, and the universal problem of UN action, the problem of how to pay for any innovations. Major proposals to be considered include:

- *Reaffirm previous action:* The easiest thing for the sharply divided Security Council often is to simply reaffirm previous resolutions. This send a message of commitment, without asking governments to change their positions, accept compromises, or find additional money.

¹³ The White House. *National Strategy for Counterterrorism*, October 2018,

<https://www.whitehouse.gov/wp-content/uploads/2018/10/NSCT.pdf>



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- *Higher standards:* Urge the Financial Action Task Force to encourage higher standards for its 37 members. One way to achieve this is to standardize the most rigorous standards of any members, creating a highest-common denominator standard. If one country raises the requirements for reporting financial transfers, all would be expected to meet that standard. This would make it much harder for terrorists and other illicit actors to shop for the loosest standards. The FATF also could be encouraged to bring all possible pressure on the other 160 UN Member States and other states and autonomous territories to meet those standards.
- *Increase resources* available for oversight and investigation of suspected financial crimes. Even the best laws do not mean much without investment in enforcement. As terrorist activity becomes smaller in scale, often involving tiny groups or even just individuals, the problems of tracking financial support rise. Identifying and tracking suspected financial crimes becomes much more difficult and requires greater number of personnel and more support. The problem is especially serious for smaller countries which can be sued by terrorists as bases for operations or transfer stations in their financing. Getting resources where they are needed is difficult, especially when resources often must be taken from other law enforcement priorities.
- *Set international standards in the UN itself:* Instead of letting the independent FATF and Member States do much of the most important work of coordination, the UN can enhance its own role. Instead of leaving standard setting to an elite group of 37 states, maybe it is time for the 193 Member States of the UN to take actual leadership. Without providing actual resources, though, such standards can only be guidelines. They still may be valuable, as benchmarks for Member States to judge their preparedness.
- *Tighten restrictions* on all financial affairs under a mandate from the UN General Assembly, making all financial transactions public and fully accountable. It also would aid other financial issues such as taxation and tax payment, other forms of money laundering and financial crime. This would greatly aid law enforcement, but at the expense of suppressing much legal financial activity, including legal but speculative investments. It would require transforming banking laws in most countries, where discretion and privacy remain important principles. And it would require eroding privacy rights in many countries. Such reforms would be most effective, but also extremely controversial everywhere.
- *Finance greater counterterrorism financial law enforcement:* More ambitiously, the UN may agree to provide resources, especially for smaller Member States likely to be sued for third-party banking and financial services. Where the money would come from would have to be specified, and could arouse opposition from Member States asked to give more or sacrifice support for other activity.
- *Act against specific terrorist threats.* Especially if the Security Council cannot agree on general principles, it might find agreement easier on targeting specific terrorist actors or their sponsors.



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Based on the precedent of UN Security Council resolution 1617 (2005), which called for action against al Qaeda and the Taliban, the UN could specific other groups for similar treatment. The difficulty is most groups have important protectors in the UN. Palestinian groups, for example, will be defended by Arab and other sympathetic countries, sometimes by Russia. Similarly, countries suspected of supporting or tolerating terrorist groups, like Iran, North Korea and Pakistan also can count on important protectors, in those two cases, Russia and China, respectively.

Other countries and autonomous territories often spotlighted for special attention are colonial territories like the British Virgin Islands or Netherlands, Caribbean islands of Aruba, Curaçao and St Maarten, and Gulf States and countries like Panama. Some are independent UN Member States. Others are autonomous territories, responsible for their own domestic law, including banking and finance law. And all are economically dependent on secretive financial systems to encourage global investment, but also make them targets for misuse.

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