

**hpg**

Humanitarian  
Policy Group

# **Counter-terrorism and humanitarian action**

**Tensions, impact and ways forward**



# Counter Terrorism Legislation: Operational Impact

## 1. **Decrease in funding levels:**

- Islamic charities (private donations)
- Volatile environments with designated groups/individuals

## 2. **Administration:** CT legislation affecting timeliness and efficiency of humanitarian aid

- delays in transfer of funds
- cumbersome administrative requirements by donors (vetting procedures, etc.)

# Counter Terrorism Legislation: Operational Impact (2)

3. **Relations with local communities:** undermined by vetting requirements (seen as invasive and accusatory)
4. **Decreased transparency** (cluster meetings not minuted, donor advice on non-headed paper, Islamic charitable giving in cash, etc.)
5. **Coordination:** risk of criminalisation and potential prosecution of staff causing reluctance to even discuss the issue

# Case study: Somalia

- Sanctions regime in Somalia: key resolutions
- Requirements by far exceeding what is considered acceptable in other contexts
- Cost of these far reaching measures (financially, loss of flexibility, risk to staff)
- Current famine response and ambiguity in relaxation of OFAC regulations

# Conclusions

- Preventing material support to terrorist acts is an important objective, but is having an unnecessary adverse impact on life-saving assistance to victims of conflict and challenging principled humanitarian action
- Greater clarity is needed on the interpretation and application of CT laws to humanitarian action
- Dialogue should be pursued by humanitarian organisation with parts of government beyond aid depts (but first more info sharing ad transparency b/w humanitarian organisations is needed)
- Aim to reframe the legitimate goals of CT laws in terms of IHL