

# 'Vague' anti-terror laws might lead to charities withdrawing from activities

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Charities may withdraw from worthwhile activities because laws designed to stop terrorism are often too vague, experts have warned.

Many countries have introduced new counterterrorism legislation or reformed existing laws since September 11, 2001 due to concerns that charities might be particularly vulnerable to abuse by terrorists.

But laws could lead to organisations committing offences without realising because they are not clear enough.

An analysis of counterterrorism legislation and its long-term evolution in the UK, US, Australia, New Zealand, Canada and Ireland has found that these laws might motivate charities to change the ways they operate. Legal changes were made because of concerns that terrorist organisations may pose as charities to have a legitimate front for their activities, for example, to collect donations, for which they get tax relief, and to channel funding abroad. Funding from humanitarian groups could also be given to terrorist supporters abroad without these organisations being aware that their support has been exploited.

The research was carried out by Nicole Bolleyer, from the University of Exeter, and Anika Gauja, from the University of Sydney. They found legislative constraints on charities were broadest in the US. Canada, Australia and the UK take a middle position, while Ireland and New Zealand impose relatively fewer legislative constraints on their charitable organisations.

Problematically, the description of what constitutes terrorist activities tends to be vague. Consequently, what is meant by support for terrorism could be interpreted in different ways, which creates uncertainty in charities' everyday operations. Furthermore, in Australia, the UK, Canada and USA charities are monitored to assure they comply with counterterrorism legislation. In the US Anti-Terrorism Certification requires charities to vet staff and other organisations they work with in order to get government financial support.

Legislation in many of the countries is insufficiently clear about what constitutes membership of, and association with, terrorist organisations. As a consequence, in the US and Canada charities might commit an offence without knowing. The UK and Australia require charities to act 'without negligence'. Hence, [legislation](#) puts a burden of proof on charities to demonstrate to make reasonable efforts to know who they are dealing with. Only New Zealand and Ireland have sustained knowledge requirements and thus a relatively clear-cut threshold for when charities and their members are in danger of committing criminal offences.

Professor Bolleyer said: "It is understandable that lawmakers may want to place obligations on organisations to encourage vigilance and stop carelessness. But our analysis suggests that the day to day activities of charities risk being affected by vagueness in the law. This might generate unintended consequences and discourage worthwhile charitable activities."

"A counterbalance could be provided by more explicitly excluding legitimate and legal activities from broad concepts and provisions such as 'facilitating terrorist [activity](#)'. This is found in New Zealand and Ireland and would enable charities to more easily assess when they operate on legal grounds and when not."

Combating Terrorism by Constraining Charities? Charity and Counterterrorism Legislation Before and After 9/11 is published in the journal *Public Administration*.

**More information:** Nicole Bolleyer et al, Combating terrorism by constraining charities? Charity and counter-terrorism legislation before and after 9/11, *Public Administration* (2017). [DOI: 10.1111/padm.12322](https://doi.org/10.1111/padm.12322)

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