
INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM

Adopted: 9 December 1999.

Opened for Signature: 10 January 2000.

Entered into Force: 10 April 2002.

Number of Parties: 173

Signatories that have not ratified: 4

Depositary: UN Secretary-General.

Treaty Text

Background: On 23 September 1998, at the UN General Assembly (UNGA), France proposed a convention for the suppression of terrorist financing in order to further fill in the gaps in the international law against terrorism.

On 8 December 1998, the UNGA, in [Resolution 53/108](#), empowered the Ad Hoc Committee to elaborate a draft International Convention for the Suppression of Terrorist Financing to supplement related existing international instruments.

The Convention was adopted by the UNGA in [Resolution 54/109](#) of 9 December 1999.

Obligations: The Convention prohibits any person(s) from directly or indirectly, unlawfully, and willfully providing or collecting funds with the intention that they should be used, or in the knowledge that they are to be used, to carry out an act that constitutes an offense under one of the nine treaties listed in the annex.¹ It shall not be necessary that the funds were actually used to carry out an offense. It also prohibits any act intended to cause death or serious bodily in-

jury to a civilian, or to any other person not actively involved in a situation of armed conflict, when the purpose of such act is to intimidate a population, or to compel a government or an international organization to either do, or to abstain from doing a specific act. Persons are prohibited from attempting, participating in, organizing, contributing to, having knowledge of, or directing others to commit such offenses.² Under no circumstances are the above offenses justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature.

Compliance and Enforcement: The Convention obligates each State Party to establish the aforementioned offenses as criminal offenses under its domestic law, thus making them punishable by appropriate penalties, including prosecution or extradition. Each State Party shall take necessary measures to establish its jurisdiction over the offenses if such offenses are committed in the territory of that State, on board a vessel flying the flag of that State, an aircraft registered under the laws of that State or operated by the government of that State, by a national of that State, in the territory of or against a national of that State, against a government facility of that State abroad, in an attempt to compel that State to do or abstain from doing an act, by a stateless person who has his or her habitual residence in the territory of that state, or if an offender is within its territory and there are no other Parties whom have claimed jurisdiction.

The Parties commit to prohibiting illegal activities of persons and organizations that knowingly encourage, instigate, organize, or engage in the commission of such offences in their territories. The Parties also commit to requiring financial institutions and other professions involved in financial transactions to maintain, for at least five years, all necessary records on transactions, both domestic and international, utilizing the most efficient measures available for the identification and verification of customers' legal

¹ (1) These treaties are the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft; (2) The 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; (3) The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons; (4) The 1979 International Convention against the Taking of Hostages; (5) The 1980 Convention on the Physical Protection of Nuclear Material; (6) The 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; (7) The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; (8) The 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf; and (9) The 1997 International Convention for the Suppression of Terrorist Bombings.

² The Convention does not apply to offenses that are committed within a single State, the alleged offender is a national of that State, when the alleged offender is present in the territory of that State and no other State has basis under certain provisions of the Convention to exercise jurisdiction.

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existence; reporting suspect or unusually large transactions; prohibiting the opening of accounts of which the holders or beneficiaries are unidentifiable; detecting and freezing, or seizing any funds used or allocated for the purpose of committing such offenses, as well as proceeds and/or forfeitures derived from such offenses. States agree to give consideration to concluding agreements on the sharing funds with other State Parties, as well as compensating the victims of offenses with funds derived from the forfeitures, and by maintaining and facilitating communication between the appropriate agencies. Parties also agree to supervise the licensing of all money-transmission agencies and monitor the physical cross-border transportation of cash and bearer negotiable instruments.

States agree to take their measures as may be necessary under its domestic law to investigate the facts regarding an offense, and must ensure that the person(s) who committed the offense are taken into custody to be prosecuted or extradited. In either case, the State shall notify the Secretary-General of the [United Nations](#) of its intent. The Convention provides for the inclusion of such offenses as extraditable offenses, and, in case there is no extradition treaty between the Parties, entitles them to consider the Convention as a legal basis for extradition with respect to the offenses. If a Party does not extradite the person(s), it is obliged, without exception whatsoever, to prosecute him or her. The Parties also commit to afford one another the greatest measure of assistance, and not to refuse a request for extradition or for mutual legal assistance on the sole ground that it concerns bank secrecy, a fiscal offense, or a political offense. The Parties are entitled to refuse to extradite a person or afford legal assistance required under the Convention if they have substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on the grounds of race, religion, nationality, ethnic origin, or political opinion.

The Convention provides for all disputes between Parties that cannot be settled through negotiation within a reasonable time to be submitted to arbitration, and, if needed, to the International Court of Justice.

Developments:

2002: The International Convention for the Suppression of the Financing of Terrorism entered into force on 10 April, 30 days after the 22nd ratification was deposited with the Secretary-General of the United Nations.

2001: On 28 September, the UN Security Council adopted [Resolution 1373](#), in which it decided that all States should prevent and suppress the financing of terrorism, as well as criminalize the willful provision or collection of funds for such acts. The Council decided that States should prohibit their nationals, persons, or entities in their territories from making funds, financial assets, economic resources, financial, or other related services available to persons who commit or attempt to commit, facilitate, or participate in the commission of terrorist acts. States should also refrain from providing any form of support to entities or persons involved in terrorist acts; take the necessary steps to prevent the commission of terrorist acts; deny safe haven to those who finance, plan, support, or commit terrorist acts, and provide safe havens as well. States should also ensure that anyone who has participated in the financing, planning, preparation, or perpetration of terrorist acts, or in supporting terrorist acts, is brought to justice. In addition, States should ensure that terrorist acts are established as serious criminal offenses in domestic laws and regulations and that the seriousness of such acts is duly reflected in sentences served.

1999: On 9 December, the Convention was adopted by the UNGA in [Resolution 54/109](#).

After the adoption of the Convention, the Ad Hoc Committee and the UN Sixth Committee continued their work on elaboration of a comprehensive legal regime to combat international terrorism. The UNGA [Resolution 54/110](#) of 9 December extended the mandate of the Ad Hoc Committee to continue elaboration of the draft Convention for the Suppression of Act of Nuclear Terrorism, and begin consideration with a view to start negotiation of a [Comprehensive International Convention for the Suppression of International Terrorism](#).

In March, the Ad Hoc Committee began substantive discussion of a draft text submitted by France. It noted that the existing international anti-terrorism instruments did not provide for the adequate response against those who finance or organize terrorist activities and that the main goal of the proposed convention was to fill in this gap. The draft text was largely based on the provisions of existing conventions, especially the [1997 Terrorist Bombings Convention](#), and its “prosecute or extradite” principle. States generally supported the draft text, but introduced a number of amendments. Some States voiced their concerns that the broad character of proposed definitions might criminalize innocent behavior; they were also concerned about overlaps with other anti-terrorism

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international legal instruments, and the difference between terrorism and legitimate anti-colonial and liberation activities.

Formal discussion and informal consultations continued during the September 1999 session of the UN Sixth Committee's Working Group and the November 1999 meeting of the UN Sixth Committee, during which general support was expressed for the adoption of the Convention at the UNGA. Although some reservations were expressed, most participants believed the draft represented a balanced text complementing existing instruments and its adoption would help cut the sources of financing for terrorism. Some of the limitations of the treaty were discussed, and a delegation expressed a strong preference for postponing consideration of the Convention until future discussions could allow its adoption by consensus.