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INTERNATIONAL LEGAL FRAMEWORK FOR COMBATINGTHE FINANCING OF TERRORISM

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Abstract. ***Countering the financing of terrorism has become a central element of international security policy in the 21st century. This article analyzes the international legal framework regulating this field, tracing its evolution from the adoption of the 1999 International Convention for the Suppression of the Financing of Terrorism and subsequent UN Security Council resolutions, including 1373 (2001) and 2462 (2019), to the development of universal standards by the Financial Action Task Force (FATF). At the regional level, attention is given to the European Union's directives, the Council of Europe's Warsaw Convention of 2005, and the OSCE's initiatives. The article shows how these mechanisms complement each other and strengthen cooperation between states. A separate focus is placed on the Republic of Moldova, which has aligned its legislation with FATF recommendations and EU directives through Law No. 308/2017 and the creation of a Financial Intelligence Unit. The study concludes that an effective response requires combining global, regional, and national approaches. The article argues that only a multi-level approach, global, regional, and national, can ensure an effective response to evolving threats.***

Keywords: *terrorist financing, international law, FATF, UN, EU directives, Council of Europe, OSCE, Republic of Moldova.*

Terrorism, viewed as a socio-political and financial-economic threat, remains one of the most complex problems of the modern era faced by states around the world. The activities of terrorist organizations rely heavily on financial support, the sources of which are diverse and constantly evolving. At the same time, the development of terrorism and its various forms is accompanied by a continual search for new channels of financing, which makes the study of issues related to strengthening state control, as well as measures to prevent money laundering and suppress the financing of terrorist activities, particularly relevant. Combating the financing of terrorism is one of the key priorities on the agenda of international counterterrorism cooperation.

It should be noted that the official direction of combating the financing of terrorism in international politics emerged relatively recently. Although the first international initiatives to combat terrorism began to take shape as early as 1963, official measures to counter its financing started only in 1999 with the adoption of the International Convention for the Suppression of the Financing of Terrorism.

At the same time, it is important to note that even before the official codification of international norms in this area, the issue of terrorist financing was first addressed in the Declaration on Measures to Eliminate International Terrorism, adopted by UN General

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Assembly Resolution 49/60 of 9 December 1994. This document imposed on states the obligation to "refrain from organizing, instigating, assisting or participating in terrorist acts, from financing, encouraging or tolerating them, and to take appropriate practical measures to ensure that their respective territories are not used for the establishment of terrorist bases or training camps, or for the preparation or organization of terrorist acts directed against other states or their citizens." (United Nations. Declaration on Measures to Eliminate International Terrorism, 9 December 1994).

In 1996, at a meeting of the G8 ministers, recommendations were developed instructing countries to carry out continuous monitoring and control of money transfers and the procedures for lifting banking secrecy; to intensify the exchange of information regarding the international movement of capital sent or received by organizations or groups suspected of engaging in or supporting terrorist activities; and to adopt measures to prevent the transfer of funds suspected of being intended for terrorist organizations.

In 1997, the United Nations General Assembly, through Resolution 51/210, Article 3(f), called upon states to take measures to counter the financing of terrorism (United Nations General Assembly. *Resolution 51/210: Measures to eliminate international terrorism*, 16 January 1997).

In 1999, at a session of the United Nations General Assembly, the International Convention for the Suppression of the Financing of Terrorism was adopted, laying the foundation for the legal regulation of this issue at the international level. The Convention, signed by 132 states, classified the financing of terrorism as a criminal offense and defined the obligations of states to prevent it. In particular, the signatory states undertook to establish in their criminal legislation the criminal nature of the financing of terrorism, to participate in broad international cooperation with other state parties, and to implement specific requirements regarding the role of financial institutions in identifying and reporting activities indicative of the financing of terrorist acts (United Nations General Assembly. *International Convention for the Suppression of the Financing of Terrorism,* adopted by resolution 54/109 of 9 December 1999).

It was in this Convention that the financing of terrorism was first formulated and recognized as an independent international crime, establishing the international legal framework for a system to counter the financing of terrorism. The Convention contains three main obligations for the states parties: the criminalization of the financing of terrorism; international cooperation on issues related to the financing of terrorism; and the introduction of requirements for financial institutions to identify and report facts indicating the financing of terrorist acts. A key advantage of the Convention is the formal establishment of the term "financing of terrorism."

Immediately after the terrorist attacks of September 11, the United Nations Security Council adopted Resolution 1373 (2001), which obligated states to prevent and suppress the financing of terrorism, as well as to freeze the assets of individuals and organizations involved in terrorist activities. This document became the foundation of the international legal framework for combating terrorism and set the course for the further development of regulatory measures in this field.

Subsequently, taking into account new forms of threats, Resolution 2199 (2015) was adopted, which prohibits trade with terrorist organizations in oil, cultural property, and

other resources used by them as sources of financing. This document played a key role in limiting the economic base of extremist structures.

The next important resolution, 2253 (2015), strengthened the sanctions regime against ISIL (Daesh), Al-Qaeda, and individuals and organizations associated with them. It significantly expanded the range of measures aimed at freezing assets, monitoring financial flows, and preventing any form of material support for terrorist groups.

Resolution 2462 (2019) is of particular importance, as it reaffirmed the need to freeze the assets of terrorists and related organizations while drawing states' attention to the identification of the most vulnerable economic sectors. In particular, it emphasized the necessity of monitoring non-financial sectors – such as construction, raw materials, and pharmaceuticals – which may be used to finance terrorist activities.

One of the most important milestones in the international fight against the financing of terrorism was the adoption on October 6, 2001, of the Action Plan to Combat the Financing of Terrorism, approved by the finance ministers of the G7 countries (G7 Finance Ministers and Central Bank Governors. *Action Plan to Combat the Financing of Terrorism*, 6 October 2001). Within the framework of this document, the Financial Action Task Force (FATF) was assigned a coordinating role in developing and implementing international standards aimed at detecting and disrupting financial flows associated with terrorist activities.

The significance of the FATF can hardly be overstated: this organization plays a fundamental role in shaping and promoting standards for combating the financing of terrorism. An important feature of its work is the involvement of a wide range of actors in world politics – both traditional and non-traditional – and coverage of all levels of interaction: national, regional, and global. Moreover, the standards developed by the FATF have been recognized by other international organizations and are of a universal nature, which ensures their global application.

Shortly after the events of September 2001, on October 31, the FATF – established in 1989 on the initiative of the G7 countries and the European Commission to combat money laundering – officially expanded its scope of activity to include issues related to the financing of terrorism. In an emergency procedure, the organization developed and published the Special Recommendations, which supplemented the existing list of 40 core Recommendations, thereby forming a comprehensive system of international standards in the field of anti-money laundering and countering the financing of terrorism (AML/CFT) (Financial Action Task Force (FATF). *Special Recommendations on Terrorist Financing.* Paris: FATF/OECD, 2001).

Thus, the financing of terrorism was recognized as a distinct area requiring systematic legal and organizational regulation at the international level. At the same time, this issue was closely integrated into the existing regulatory framework for combating money laundering, which became the foundation for the formation of a comprehensive regime – the Anti-Money Laundering and Countering the Financing of Terrorism system (Melkumyan, 2019: 107).

Today, 205 states participate in the activities of the FATF. These states not only officially recognize the seriousness of the threats posed by the financing of terrorism but also actively implement the international standards developed by the organization within

their national systems of financial control and monitoring. This ensures a coordinated international approach to preventing the use of financial infrastructure for the support of terrorist activities.

An important confirmation of the legitimacy and significance of the FATF Recommendations came from the documents of the UN Security Council. In particular, Resolution No. 1526 of January 30, 2004 (United Nations Security Council. *Resolution 1526. 2004*), calls upon states to strengthen measures to combat the financing of terrorism through the implementation of recognized international codes and standards, including measures to control the activities of non-profit organizations and informal money transfer mechanisms. Although the FATF is not mentioned directly in this resolution, it is clear from the context that it refers specifically to its Special Recommendations VI and VIII (Financial Action Task Force. *Special Recommendations on Terrorist Financing.* Paris: FATF/OECD, 2001), which address both alternative remittance systems and risks within the non-profit sector.

A year later, in UN Security Council Resolution 1617 of July 29, 2005 (United Nations Security Council. *Resolution 1617 2005*), the FATF Recommendations were explicitly designated as international standards mandatory for implementation by UN member states. Their strategic importance was further confirmed in the UN Global Counter-Terrorism Strategy of September 8, 2006, in which these recommendations were identified as key instruments in the fight against terrorism (Section 2, paragraph 10) (United Nations General Assembly. *UN Global Counter-Terrorism Strategy: Resolution A/RES/60/288,* 8 September 2006).

The key characteristics of an effective system for combating money laundering and terrorist financing are set out in the Recommendations of the Financial Action Task Force (FATF) and can be summarized as follows:

1. Criminalization of acts related to money laundering and terrorist financing;
2. Establishment of mechanisms for the freezing, seizure, and confiscation of proceeds and other assets connected to money laundering and terrorist financing;
3. Implementation of requirements for financial and non-financial institutions, as well as certain professional sectors (such as lawyers, notaries, and accountants), to comply with anti-money laundering and counter-terrorist financing regulations;
4. Creation of a financial intelligence unit authorized to detect and analyze suspicious financial transactions;
5. Development of an effective system for monitoring compliance with legislation in this area;
6. Strengthening domestic and international cooperation channels to facilitate information exchange and coordination of efforts to combat money laundering and terrorist financing.

Thus, one can speak of the completion of an important stage in the formation of the international normative architecture for combating money laundering and the financing of terrorism (AML/CFT). The FATF has been institutionally recognized as the central actor in developing standards and technologies aimed at blocking the financing of terrorist structures. Its activities have received confirmation and support from other international organizations, while the standards it has developed have acquired a universal

character, applicable at the national, regional, and global levels. Moreover, the collective approach, embracing both traditional (states and international institutions) and non-traditional participants in international politics, has become the foundation of the stability and effectiveness of the measures implemented (FATF. *International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation: The FATF Recommendations.* Paris: FATF/OECD, 2012).

According to FATF experts, terrorists and the organizations that support them use the same methods as criminal groups to launder money. Some of these methods include smuggling cash (both by couriers and in large shipments); structuring, depositing, or withdrawing funds from bank accounts; purchasing various types of monetary instruments (such as traveler's checks, bank drafts, or money orders); and using credit or debit cards and wire (or postal) transfers. Members of terrorist groups and organizations exploit the financial and banking systems of a country in the same way as other criminal entities, in order to make it more difficult for financial intelligence units to trace the origins of the resources being used. Therefore, the international community is developing similar countermeasures against both money laundering and the financing of terrorism.

At the same time, alongside the universal mechanisms developed by the UN and FATF, the European Union has made a significant contribution to the institutionalization of efforts to combat the financing of terrorism, embedding the relevant norms in its own legal acts. Multilateral efforts to counter terrorism within the European Union began under the framework of European Political Cooperation, initiated in the 1970s. At this stage, the activities of member states were primarily focused on forming a unified position within the "third pillar" to reduce the activity of domestic terrorist organizations. However, at that time, the issue of terrorist financing had not yet received adequate attention.

The starting point for the actual legal regulation of issues related to undermining the economic foundations of terrorism at the level of the European Union can be considered October 26, 2005, when the Council of the EU, together with the European Parliament, adopted Directive 2005/60/EC "On the prevention of the use of the financial system for the purpose of money laundering and terrorist financing" (the so-called "Third Directive").

The Directive reflected a trend toward clarifying the concepts of "money laundering" and "terrorist financing" based on an expanded list of predicate offenses preceding the process of income legalization. It was believed that a broader range of criminally punishable acts included among the predicate offenses would make it possible to detect suspicious transactions more effectively and ensure more productive cooperation between EU member states and institutions in this field (Rodríguez Izquierdo Serrano, 2010: 531-550).

This made it possible to uncover the financial architecture of terrorist activity, identify the sources of incoming funds, and emphasize that financing can be carried out not only through illicit proceeds but also via entirely legitimate channels – such as charitable foundations, commercial operations, the gambling industry, and other forms of economic activity (Ridley & Alexander, 2012: p. 40-51).

In parallel with this regulatory development, a new anti–money laundering regulation was adopted in 2005, which for the first time included a definition of terrorist financing as "the provision or collection of funds by any means, directly or indirectly, with the intention that they be used, or in the knowledge that they will be used, to commit one

of the offenses listed in Framework Decision 2002/475/JHA" (Council of the European Union. *Council Framework Decision 2002/475/JHA on combating terrorism*).

In the following years, this regulatory framework was supplemented and modernized. For example, Directive (EU) 2015/849 not only updated financial thresholds and included online gambling within its scope, but also introduced a mandatory risk assessment (Article 7), which EU member states must take into account when developing national financial control mechanisms (European Parliament and Council. *Directive (EU) 2015/849* of 20 May 2015 on the prevention of the use of the financial system for money laundering or terrorist financing). The Directive also established obligations for credit and financial institutions, as well as for certain professional categories – auditors, accountants, tax advisors, notaries, lawyers, and real estate agents – to detect and report suspicious transactions related to terrorist financing. The regulatory scope was further extended to include traders in goods for transactions exceeding €10,000 and providers of gambling services.

Another significant step was the adoption of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 "on combating terrorism", which replaced Framework Decision 2002/475/JHA. The Directive expanded criminal liability for acts such as encouragement, training, and financing of terrorism, and established the criminalization of "traveling for terrorist purposes." It also strengthened measures for information exchange and inter-state cooperation, while establishing special safeguards for the protection and support of victims of terrorism.

Subsequent changes were reflected in Directive (EU) 2018/843, which expanded the range of obliged entities to include providers of exchanges between virtual and fiat currencies, custodial wallet providers, as well as participants in the art market for transactions exceeding €10,000, including those conducted through free ports. The Directive also established the requirement for public access to information on the beneficial owners of companies, maintained in national registers, and tightened rules on the use of anonymous prepaid cards by lowering transaction limits and restricting the use of cards issued outside the EU.

Overall, European regulation in this area emphasizes two key elements: the necessity of information exchange between institutions and inter-agency cooperation at both the national and international levels.

Despite significant efforts, Europol, in its Terrorism Situation and Trend Report (2018), notes that the use of cryptocurrencies by terrorist organizations remains at a low level (Europol. *European Union Terrorism Situation and Trend Report (TE-SAT 2018)*).

However, the following year, the IOCTA 2019 report highlighted a trend toward the convergence of cybercrime and terrorism, including the potential use of cryptocurrencies and digital platforms for propaganda, recruitment, and the financial support of terrorist activities (Europol. *Internet Organised Crime Threat Assessment*).

In addition to the European Union's efforts in legal regulation, the Council of Europe has emerged as a significant regional actor in combating the financing of terrorism, having developed its own comprehensive treaty-based framework.

The main legal instrument of the Council of Europe in the field of combating the financing of terrorism is the 2005 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Council of

Europe. *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism*). At the Council of Europe Ministerial Conference held on 16 May 2005 in Warsaw, Poland, a new version of the Strasbourg Convention was adopted and opened for signature. This document became the first multilateral international treaty covering not only the prevention of money laundering but also aspects related to the suppression of terrorist financing.

The Convention established a number of key provisions, including the ability to suspend suspicious financial transactions related to terrorist financing and money laundering; the strengthening of information exchange between national financial intelligence units; and the expansion of international cooperation in responding to requests from foreign competent authorities to block transactions.

Combating the financing of terrorism occupies a significant place in the work of the Council of Europe, which considers this aspect an integral part of protecting human rights and upholding the rule of law. Within this framework, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) was established to monitor states' compliance with their obligations and to develop recommendations for improving national systems. MONEYVAL operates in close coordination with the FATF, the UN, and other international bodies, ensuring the consistency and universality of the standards applied.

In addition, the Council of Europe develops practical guides, methodological recommendations, and conducts mutual evaluations of member states. Special attention is given to vulnerable economic sectors, the implementation of mechanisms for financial transaction transparency, and the strengthening of the capacity of national financial intelligence units. All of this makes the Council of Europe one of the leading regional actors in the field of international efforts to combat the financing of terrorism.

Alongside the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) plays an important role in shaping international standards for combating the financing of terrorism. Unlike the Council of Europe, which focuses primarily on the development of treaty-based and legal instruments, the OSCE serves as a unique platform for dialogue, experience sharing, and the coordination of practical measures among participating states in this field.

The fight against the financing of terrorism is considered one of the strategic priorities of the Organization and is enshrined in the OSCE Consolidated Conceptual Framework for Combating Terrorism, adopted by the Permanent Council on 7 December 2012 (PC.DEC/1063) and approved on the same day by Decision No. 4/12 of the 19th Meeting of the OSCE Council of Ministers (OSCE Permanent Council. *Decision No. 1063: OSCE Consolidated Framework for the Fight against Terrorism,* 7 December 2012). These documents emphasize that "international terrorist acts depend on the financial resources that may fall into the hands of terrorists" and express the conviction of the "urgent necessity to strengthen international cooperation among states in developing and adopting effective measures to prevent the financing of terrorism and to suppress it through the prosecution and punishment of those involved."

It should be noted that the OSCE focuses not only on general political commitments but also on the development of practical tools for participating states. Within its frame-

work, specialized seminars and training sessions are regularly conducted to strengthen the capacities of national financial supervisory authorities, financial intelligence units, and law enforcement agencies. In addition, the OSCE actively cooperates with the FATF, the Council of Europe (through MONEYVAL), and the UN, ensuring the alignment of regional and global efforts (Lyzhenkov: 2021).

The OSCE's work on identifying and addressing vulnerabilities in financial systems is of particular importance. The Organization emphasizes the risks associated with the use of alternative remittance systems, electronic payments, and virtual currencies, as well as the importance of enhancing the transparency of non-profit organizations, which may be used as channels for financing terrorist activities.

Thus, the OSCE functions not only as a political platform for harmonizing approaches but also as a practical mechanism supporting participating states in establishing a resilient system to combat the financing of terrorism, combining efforts at both regional and global levels.

In recent years, the international community has continued to deepen legal and institutional measures in the field of combating the financing of terrorism. Since 2020, under the auspices of the FATF, approaches to assessing risks related to the use of virtual assets have been significantly updated, and requirements for ensuring the transparency of ultimate beneficiaries have been strengthened. Particular attention has been paid to combating terrorist financing through new digital channels, including cryptocurrency platforms, decentralized finance (DeFi) technologies, as well as crowdfunding and dark web operations.

To enhance the effectiveness of financial monitoring, international standards have been implemented for the transmission of information on virtual asset transactions (the so-called "Travel Rule"), and information exchange between countries has been expanded through mechanisms such as the FATF, the Egmont Group, Europol, and Interpol. FATF reports published in 2022 and 2024 emphasize the need to adapt national AML/CFT systems to rapidly evolving technological realities, as well as to the threats posed by the involvement of informal and alternative payment systems in terrorist financing.

Mutual evaluations of states' compliance with AML/CFT standards have also continued, resulting in certain jurisdictions being listed as high-risk countries. The efforts of international bodies have been aimed not only at improving the regulatory framework but also at providing practical support to states in developing and implementing effective mechanisms for identifying, tracking, and disrupting terrorist financing channels.

Turning from the analysis of universal and regional norms to the national level, it is important to note the efforts of the Republic of Moldova, which has adapted international standards for combating money laundering and the financing of terrorism into its national legislation. In complement to the international legal framework, the Republic of Moldova has strengthened a coherent and adaptable legislative system for preventing and combating the financing of terrorism, reflecting its commitments to FATF and European Union standards. Although the risks are considered relatively low, given its status as a transit country and the absence of perception as a terrorist target, Moldovan authorities actively support global efforts to combat terrorism.

The national legal framework is primarily represented by Law No. 308/2017 on the Prevention and Combating of Money Laundering and the Financing of Terrorism, which

transposes Directive (EU) 2015/849 and provides for the establishment of the Office for Prevention and Fight against Money Laundering, an independent public authority responsible for collecting, analyzing, and reporting suspicious transactions. Other relevant legal acts include the Law on Financial Institutions No. 550-XIII/1995, regulations of the National Bank of Moldova, and those concerning the non-bank financial market. Supporting these measures, in 2017 a National Risk Assessment Report on Money Laundering and Terrorist Financing was developed with the support of the World Bank, later used by reporting entities to assess risks and implement appropriate precautionary measures.

Currently, liability for the financing of terrorism is an integral part of both international and national criminal law. Moldova's national legislation is continuously updated and improved to address emerging challenges, particularly changes in the methods used to finance terrorist organizations, including the use of cryptocurrencies and other innovative financial instruments.

CONCLUSIONS

Thus, the development of the international legal framework for combating the financing of terrorism demonstrates a progressive strengthening of normative and institutional capacity at both global and regional levels. At the universal level, the key elements are the standards of the Financial Action Task Force (FATF), as well as UN conventions and resolutions, which have established the foundation of legal regulation amid evolving threats and digitalization.

Regional organizations have complemented this foundation with their own normative and institutional practices. The European Union, for instance, has developed directives aimed at harmonizing the legislation of member states and introducing a risk-based approach to identifying and disrupting terrorist financing channels. The Council of Europe, in turn, initiated the adoption of the 2005 Strasbourg Convention, which established a comprehensive mechanism for combating money laundering and the financing of terrorism and provided a basis for international cooperation through the MONEYVAL mechanism. The OSCE has served as an important political and institutional platform for coordinating the approaches of participating states, supporting the strengthening of national authorities' capacities, enhancing the transparency of financial operations, and developing practical tools to counter terrorist financing.

In this context, the Republic of Moldova demonstrates a commitment to implementing international and regional standards into national legislation. The adoption of Law No. 308/2017 on the Prevention and Combating of Money Laundering and the Financing of Terrorism, which transposes the provisions of EU Directive 2015/849, the establishment of the Office for Prevention and Fight against Money Laundering, and the conduct of a national risk assessment with the participation of international partners all reflect the state's consistent policy aimed at enhancing the effectiveness of measures to detect, disrupt, and prevent channels of terrorist financing.

Overall, the modern system for countering terrorist financing represents a multilevel structure in which the universal mechanisms of the UN and FATF, regional efforts by the EU, the Council of Europe, and the OSCE, as well as the national strategies of

individual states, complement each other, forming a coordinated and comprehensive model of global security.

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