This Issue Brief is part of a project undertaken by The Soufan Center, with the support of the Airey Neave Trust in London, United Kingdom, to deepen understanding about the impact of sanctions and proscriptions on terrorist groups, with a focus on violent far-right actors. Through research, interviews, and consultations with key stakeholders, TSC considered whether the measures taken by several states – in particular, the U.K., Canada, and other “Five Eyes” members – have had the desired impacts, whether on a legal, political, or operational level. Throughout the process, the team has had the opportunity to speak with government officials representing several countries, both “Five Eyes” states and others, who have grappled with the challenge of far-right terrorism, as well as UN officials, experts, and practitioners. To facilitate some discussions, TSC organized two roundtables, one in Washington D.C. and one engaging participants from the United Kingdom, and benefitted greatly from the insights shared. We are grateful to all these interlocutors for their time and feedback.

The Issue Briefs developed for this project each consider different aspects of the challenge – lessons learned from the sanctions measures developed to address Al-Qaeda and ISIS; how the violent far-right movement has evolved and what, if any elements may be amendable to sanctions; and lessons learned from proscriptions and designations taken to date in several states to designate violent far-right extremist groups as terrorists. Each contributes to informing a wider question on whether sanctions are an appropriate tool for the transnational dimensions of far-right terrorist groups, and whether there is a role for international actors like the U.N. in responding to these developments. We hope that the findings and policy recommendations will provide a useful basis for policymakers and practitioners as they consider how to address an increasingly diverse and complex terrorist threat.

Naureen Chowdhury Fink
Among the “Five-Eye” (FVEY) countries, Canada and the United Kingdom have most frequently used their terrorist designation tools to label violent far-right actors as terrorists.

The United States, the most prolific country in the world in dispensing terrorist designations against transnational terrorist actors, has used its legal authorities very sparingly against violent far-right terrorists. Largely, this has been due to U.S. laws, such as the First Amendment, and the lack of domestic terrorist designation legal authorities.

The lack of consonance between the approaches of Australia, Canada, New Zealand, and the United Kingdom on the one side and the United States on the other is unlikely to be bridged when it comes to using terrorist designation authorities against violent far-right groups.

FVEY countries should measure the effectiveness of their designation regimes by examining how terrorist listings are being operationalized in each of their states – and as a collective group. Only the U.S. Department of the Treasury produces a yearly report that examines financial impacts imposed against U.S. designated terrorists. FVEY countries should publish all statistics related to the efficacy of the terrorist designation regimes.

Recommendations include: establishing common metrics for assessing the impacts of sanctions; consider designating foreign based affiliates or supporters of US REMVE actors; investing in greater information collection to develop listings; making greater use of multilateral tools; and ensuring that counterterrorism sanctions do not adversely impact civil society space, financial inclusion, or the delivery of principled humanitarian assistance.
This paper seeks to examine the array of terrorist designations undertaken by “Five-Eye” (FVEY) countries (i.e. Australia, Canada, New Zealand, the United Kingdom, and the United States) against violent far-right terrorists, often also referred as racially and ethnically motivated violent extremist (REMLE) actors. While not a focus of the papers, non-FVEY countries, most notably Germany, have also implemented measures to restrict the activities of violent far-right actors. Thus, this paper will evaluate whether non-FVEY measures can help inform broader policy determinations related to violent far-right terrorism designations. What lessons learned, if any, can the FVEY countries draw from other national experiences? Furthermore, are there multilateral regimes, such as the United Nations Security Council Resolution (UNSCR) 1267 counterterrorism sanctions regime (henceforth, 1267 regime), that can inform FVEY policies within the field of terrorist designations?

The brief will also explore which actors, entities, and individuals have been proscribed and what overlap, if any, exists between the FVEY listing regimes. Most importantly, the paper seeks to explore what impacts violent far-right listings have had, if any. For instance, what are the consequences and impacts of a proscription/designation carried out pursuant to the legal authorities of the FVEY countries? In other words, have designations resulted in asset freezes, prosecutions, or any immigration related consequences for violent far-right groups? Finally, are there any normative or symbolic benefits to the designations of violent far-right actors? If so, what may those benefits look like and how do they contribute to countering violent far-right threats? And, how do targeted designations of violent far-right actors contribute to international peace and security while also balancing important human and civil rights considerations?

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1 For the purposes of this paper, the terms designations, terrorist listings, and proscriptions will be used interchangeably.

2 This brief uses both the terminology of violent far-right extremists to address a broader scope of the threat across national jurisdictions, as well as racially and ethnically motivated violent extremist (REMLE) actors, which is often used in the United States. Within this milieu, the bulk of the focus of this paper will be on white supremacists.


As this brief will illuminate, the answers to these questions are not straightforward. Important legal differences, particularly related to the United States First Amendment, will complicate cooperation between FVEY terrorist designation regimes. To date, there is minimal overlap between the terrorist designations deployed by FVEY countries.

Before examining the various proscription measures adopted against violent far-right actors, it is important to take a step back to discuss the brief history of terrorism-related sanctions and how they have been chiefly deployed by FVEY countries.

Prior to the al-Qaeda attacks of September 11, 2001 (9/11) in the United States, the international community, for the most part, used terrorism designations sparingly; however, there are a few notable exceptions. For example, the U.S. Department of State use of terrorism sanctions pre-dates 9/11. In 1996, the U.S. Congress passed a law that provided the U.S. Department of State the legal authorities to designate Foreign Terrorist Organizations (FTOs), with the U.S. Department of State first utilizing this legal tool when it sanctioned 30 groups in 1997.

Likewise, the United Kingdom wielded proscription authorities prior to 9/11. In 2000, the Terrorism Act determined that the Home Secretary may “proscribe an organization if they believe it is concerned in terrorism.” It is noteworthy, however, that the U.K. has outlawed, first in 1931, various iterations of the Irish Republican Army long before the adoption of the Terrorism Act of 2000. Despite these examples, and a handful of others, the international community made more officious use of sanctions as a tool of statecraft in the months following 9/11. Here, the

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5 The First Amendment specifies, among other things, that the U.S. Congress shall not pass laws that abridge the freedom of speech. See U.S. Const. amend. I, available from https://constitution.congress.gov/constitution/amendment-1/.

6 This issue brief uses the terminology and spelling of al-Qaeda and Islamic State (IS), or Islamic State in Iraq and Syria (ISIS) more specifically; please note that the official UN names for the groups are Al-Qaida and Islamic State in Iraq and the Levant and/or Da’esh.

7 Speakers at a virtual roundtable organized by The Soufan Center with the Airey Neave Trust highlighted the importance of the different implications of designations and proscriptions, with the latter making mere membership in the group a criminal offense; many designations processes, such as that under 1267, for example, did not make mere membership in Al-Qaeda or ISIS illegal. For more see: https://thesoufancenter.org/projects/deterrence-and-denial-the-impact-of-sanctions-and-designations-on-violent-far-right-groups/.

two specific resolutions bear noting. While UNSCR 1267 was adopted several years prior to 9/11, the regime expressed concern regarding the Taliban’s provision of sanctuary to Osama bin Laden. Indeed, it wasn’t until October 6, 2001, when al-Qaeda was first sanctioned by the UN for its terrorist activity. Over time, the 1267 regime would incorporate hundreds of terrorist groups and individuals who have acted for or on behalf of al-Qaeda or Islamic State (IS). While many countries simply adopt the UN’s 1267 list and use it as their own domestic version of a terrorist list, other nation-states, like the FVEY countries, have gone a step—or several—further.

There can be little doubt, though, that the passage of UNSCR 1373 in 2001 provided the impetus for governments to establish more robust measures to tackle terrorism financing. UNSCR 1373, adopted on September 28, 2001, requires, among other things, that UN member states criminalize terrorist financing and freeze without delay the financial assets of individuals and organizations involved in the financing of terrorism. These key elements of UNSCR 1373 became the foundation from which many countries established their own domestic designations regimes, resulting in criminal prosecutions of terrorist financiers and the blocking of assets associated with designated domestic actors. While UNSCR 1373 did not result in the direct creation of a world-wide UN list of sanctioned terrorists, it did provide the impetus from which future domestic designation regimes would be hatched.

The timing of the adoption of UNSCR 1373 and rapid expansion of the 1267 sanctions regime is striking; both were informed by the events of September 11, 2001. In fact, as this paper will demonstrate, the bulk of the FVEY focus in using terrorist designations as a tool to counter terrorists has focused on violent transnational Islamist groups like IS and al-Qaeda. Moreover, the UN has not provided a legally viable sanctions regime that allows for the international community to sanction entities and individuals associated with groups unless there is a clear link to these two groups. As a consequence of the international community’s response to 9/11 and the prolific rise of Islamic State in Iraq and Syria (ISIS) in 2014, policies and actions, such as sanctions, have primarily focused on violent Islamist groups which were perceived as the most immediate threat to international peace and security.

As a consequence of this astigmatic world view of the threat, violent far-right actors have been able to largely operate outside of

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states’ counterterrorism efforts. As detailed below, few violent far-right groups have been designated as terrorist entities. Fewer still are the number of individuals in such groups who have been proscribed by FVEY countries.

The United Kingdom was the first FVEY country to proscribe a violent far-right group. In 2016, the U.K.’s Home Secretary, using legal authorities pursuant to the Terrorism Act of 2000,\(^\text{11}\) proscribed the group National Action, widely associated with the individual who killed Member of Parliament (MP) Jo Cox. According to the U.K. Home Office, the group was listed because it “conducted provocative street activities and stunts aimed at intimidating local communities.”\(^\text{12}\) The Home Office narrative also highlighted the group’s social media presence as a mechanism to recruit and radicalize young individuals by promoting virulently racist content.\(^\text{13}\) In an effort to circumscribe the proscriptions, National Action has changed its name on multiple occasions. In 2017, the Home Office issued an order that added Scottish Dawn and National Socialist Anti-Capitalist Action as alternative names to National Action’s listing. Later, in February 2020, the U.K. Home Office added System Resistance Network as an alias to National Action’s listing. National Action would not be the last violent far-right group proscribed by the U.K. Home Office. In fact, the U.K. would go on to actively list multiple violent far-right groups as terrorist organizations throughout 2020 and 2021, listing the Atomwaffen Division, Feuerkrieg Division, Sonnenkrieg Division, and The Base, all pursuant to the Terrorism Act of 2000. In describing these groups, the U.K. Home Office noted their racist, neo-Nazi, and anti-Semitic tendencies.

Canada is now the most prolific among FVEY countries in its use of underlying legal authorities to list violent far-right groups as terrorist entities. The Canadian Government uses the 2001 Anti-Terrorism Act (ATA)\(^\text{14}\) to designate terrorist organizations, and the Governor in Council makes final terrorist listing determinations based on the recommendations sent forward by the Minister of Public Safety.\(^\text{15}\) The Canadian Government began wielding its terrorist listing authorities against REMVE actors in 2019, when Blood & Honour and Combat 18 were designated. In describing the groups, the Canadian Government underscored their adherence to neo-Nazi ideology, members’ violent activities, including murder, and firebombing of a building primarily inhabited by ethnic minorities.\(^\text{16}\) In 2021, the Canadian Government designated multiple violent far-

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\(^{12}\) Ibid.

\(^{13}\) Ibid.


right actors, to include the Aryan Strikeforce, the Atomwaffen Division, Proud Boys, Russian Imperial Movement, and The Base. In describing the rationale for listing these entities, the Canadian Government highlighted the groups’ racist tendencies, violent actions, and in the case of the Proud Boys, its involvement in the January 6, 2021 insurrection.  

Notably, Canada also listed in 2021 the U.S.-based anti-government militia group, the Three Percenters. In describing the basis for listing the Three Percenters, the Canadian Government noted that, “[The] Three Percenters have been linked to bomb plots targeting... Muslim communities... and a Three Percenter was arrested and eventually convicted of shooting and wounding five men at a Black Lives Matter demonstration.”

Thus, Canada’s listing of the Three Percenters underscores the group’s racist tendencies—something the group holds in common with the other violent far-right actors on Canada’s terrorist list. In listing eight violent far-right organizations out of 76 groups on Canada’s overall terrorist list, 10.5% of its list consists of such organizations. In contrast, the U.K. Government has listed five violent far-right groups out of 78, or just over 6% of its list. In contrast to the U.K. and Canada, Australia’s list of designated groups consists of only 29 organizations. Australia’s underlying legal authority for listing terrorist groups stems from Division 102 of the Criminal Code Act of 1995, which was amended in 2002 by passage of the Security Legislation Amendment (Terrorism) Act. Within the Australian Government, the Ministry of Home Affairs, led by the Home Minister, has the lead in listing terrorist groups. Of the 29 groups listed by the Australian Government, three can be categorized as violent far-right organizations—the Nationalist Socialist Order (listed in 2022), Sonnenkrieg Division (listed in 2021), and The Base (also listed in 2021)—constituting approximately 10% of Australia’s terrorist list.

In contrast to the early efforts by the U.K., Canada, and Australia to designate violent far-right groups, the Government of New

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17 Ibid.
18 Ibid.
19 This list of 76 does not include James Mason, the only REMVE individual appearing on Canada’s terrorist list.
21 Ibid.
24 The Nationalist Socialist Order (NSO) is an alternative name for the Atomwaffen Division; however, unlike the U.K. and Canada, the Australian Government lists NSO as the primary operating name.
Zealand carried out its first designations of such organizations (i.e. The Base and the American Proud Boys) in late June 2022. As will be briefly discussed later, New Zealand has also listed one violent far-right individual as a terrorist pursuant to New Zealand law. The legal authority for New Zealand to list individuals and entities as terrorists derives from the Terrorism Suppression Act (TSA) of 2002. The TSA provides the Prime Minister with authority to list terrorists; however, the process to designate terrorists is led by New Zealand’s Police Agency, resulting in, as of June 2022, 21 groups and one individual being listed as terrorists. Unlike the other FVEY countries, New Zealand provides the

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full statement of case related to the entity or individual listed as a terrorist and primarily uses open source information to construct the underlying basis for the actor’s designation as a terrorist.28

Unlike New Zealand, the United States uses all-source information, including classified information, to designate terrorist entities pursuant to U.S. law.29 The United States leverages two legal tools to designate terrorists. First, the U.S. Secretary of State can designate “Foreign Terrorist Organizations” (FTOs) pursuant to section 219 of the Immigration and Nationality Act (INA).30 Second, the U.S. Departments of State and Treasury share authority to designate foreign entities and individuals as terrorists pursuant to Executive Order (E.O.) 13224.31 As of May 2022, the U.S. Department of State’s list of Foreign Terrorist Organizations had 68 groups on it; however, none are REMVE groups.32 On April 7, 2020, the U.S. Secretary of State designated the Russian Imperial Movement (RIM) pursuant to E.O. 13224 and placed them on the Specially Designated Nationals (SDN) List. In announcing the RIM’s designation, the Secretary of State at that time, Michael R. Pompeo, explained in a press statement that it was, “the first time in history the department has designated a white supremacist group.”33

A review of the U.S. Department of Treasury’s Office of Foreign Assets Control (OFAC) SDN list makes apparent that no government has designated more individuals as terrorists than the United States.34 Among those designated, the State Department in 2020 added three REMVE SDNs to OFAC’s SDN list. Those designated by the U.S. Department of State were three senior RIM members,

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31 Ibid.


Comparing Violent Far-Right Terrorist Designations Among Five Eyes Countries

VIOLENT FAR-RIGHT INDIVIDUALS DESIGNATED AS TERRORISTS AMONG FVEY COUNTRIES

Stanislav Anatolyevich Vorobyev, Denis Valiullovich Gariyev, and Nikolay Nikolayevich Trushchalov, for “providing training for acts of terrorism that threaten the national security and foreign policy of the United States.” More than two years later after the initial RIM designation, on June 15, 2022, the U.S. Departments of State and Treasury designated three more REMVE-linked individuals. Yet, despite the hundreds of groups and individuals designated by the U.S. Departments of State and Treasury, RIM (and RIM-linked individuals) remains alone in the realm of REMVE actors among U.S. designations.

With only two exceptions, the U.S. Department of State’s and Treasury’s designations of RIM-linked individuals represent the only REMVE-related direct designations of individuals among FVEY countries. One exception is New Zealand’s listing of Brenton Tarrant pursuant to the TSA. Tarrant was listed as a terrorist following his 2019 attack that resulted in the deaths of 51 individuals who were worshipping at the al Noor Mosque and Linwood Islamic Centre. Canada has also designated one individual linked with the violent far-right,

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James Mason. Mason is an American neo-Nazi associated with the Atomwaffen Division and designated by the Canadian government for providing ideological and tactical instructions on how to form a terrorist group. Australia and the United Kingdom have not designated any REMVE individuals pursuant to their legal authorities. Thus, the United States has been the most prolific country in designating individuals—but not groups—with REMVE connections.

In sum, FVEY countries have used their terrorist listing authorities sparingly against REMVE actors. Few violent far-right groups and individuals have been categorized formally as terrorists. Inherently, the infrequency of use will limit the impact terrorist listings have on violent far-right threats. Nonetheless, reviewing the efficacy of violent far-right designations is crucial.

MEASURING EFFECTIVENESS AND OUTCOMES

Measuring the effectiveness of counterterrorism efforts is notoriously difficult. This truism holds for the assessment of the impact terrorist proscriptions have had on influencing the behavior of violent far-right actors. With one exception, FVEY countries do not publish any statistics or figures related to the impact of designations. Moreover, most state actors remain wary of publicly discussing limitations or challenges with the sanctions regimes, or with the impacts of counterterrorism efforts more broadly. As is explained in more detail below, the exception pertains to the U.S. Department of the Treasury’s Terrorist Assets Report (TAR), which details the assets of designated terrorist groups that have been blocked by financial institutions. The lack of publicly available information related to the impact of terrorist designations is problematic, making it nearly impossible to determine whether the government funding and bureaucratic labor that go into designating terrorists is worth the return on investment.

The sanctioning of terrorists, by design, is meant to serve as a preventative tool, but also a deterrent to stop the flow of funds and support that can be used in a terrorist attack. In limiting the public’s understanding of the impact of designations, it is difficult to determine whether sanctions are being deployed in a preventative or punitive manner. Without such visibility, it is difficult to hold executive branches to account for the resources they devote to sanctioning terrorist proclivities.


COMPARING VIOLENT FAR-RIGHT TERRORIST DESIGNATIONS AMONG FIVE EYES COUNTRIES

terrorists. Yet, despite the inability to determine holistically the impacts terrorist
designations are having on violent far-right actors, discernable results can be traced back
to the deployment of a violent far-right sanction elicited from anecdotal information.

In Canada, pursuant to the 2001 ATA, the consequences of a terrorist listing mean that
for designated individuals or groups, property, including finance, can become
blocked and ultimately subject to seizure. Additionally, Canada has made it an offense
for an individual to knowingly participate in or contribute to, directly or indirectly, any
activity of a terrorist group. Among FVEY countries, Canada’s twin approach of linking
terrorist listings to asset blocks/seizures and criminal penalties is typical. While Canada
does not provide any data related to asset blocks, seizures, or criminal prosecutions that
can be linked to an individual’s support to a listed entity, Canada’s terrorist listings of
violent far-right actors have nonetheless had impact. Recently, in May 2022, a 19-year-old
Canadian man was charged for participating in activities that enhanced the capabilities of
a listed terrorist entity, the Atomwaffen Division. The individual was charged with
“hate crimes,” and the culprit reportedly attacked a trans support center. According
to terrorism financing expert and author, Jessica Davis, Canada’s listing of the Proud
Boys has possibly resulted in financial institutions deciding to close accounts
associated with Proud Boys members. Davis has also noted that, if the individuals were
excluded from the financial sector, such action would likely prompt court challenges.
Financial institutions’ decisions to sever relationships with clients that have links to
violent far-right actors would represent a clear example of impact. The Proud Boys case
in Canada raises an interesting theoretical constitutional question: how can individuals
associated with listed entities, like the Proud Boys, who have not been charged with a
crime, function in societies, like Canada, which emphasize use of the formal financial
system? Moreover, when financial institutions derisk from violent far-right actors, this could push them towards carrying out financial activities outside of the formal
financial sector, such as using cryptocurrency, making it more difficult for law enforcement
and regulators to track financial flows.

Despite these very few tangible legal impacts related to a listing, Canadian listings have
also resulted in non-legal impacts. For example, the Canadian 2019 decision to list
Blood & Honour and Combat 18 had the

41 Royal Canadian Mounted Police, “One Individual Charged With Contributing To Terrorist Activity Following An
contributing-terrorist-activity-an-rcmp-investigation.
42 Ibid.
43 Mack Lamoureux, “Man Accused of Attack a Trans Centre Charged With Terrorism Connections,” Vice News, May
44 Remarks by Jessica Davis at The Soufan Center Roundtable, “Deterrence and Denial: The Impact of Sanctions and
45 Ibid. There are no pending legal challenges in the Canadian court system at this time.
46 For more on this topic, see the other Issue Briefs in this series, and in particular: Jessica M. Davis, “Lessons
learned from Listing Violent Far-Right Extremist Groups in Canada,” The Soufan Center, July 28, 2022, https://
thesoufancenter.org/projects/deterrence-and-denial-the-impact-of-sanctions-and-designations-on-violent-far-
right-groups/.
concrete effect of Facebook removing their Facebook Group pages, which were an important tool for recruitment and the dissemination of virulent neo-Nazi propaganda.\textsuperscript{47} Simply put, the Canadian listing of these neo-Nazi groups had the impact of curtailing the group’s access to the world’s largest social media platform, thus removing an important portal into the lives of prospective recruits.

Like Canada, there are anecdotal reports that the United Kingdom’s proscription of REMVE actors has had an impact. Like Canada, the U.K. does not provide comprehensive statistics regarding the impact its proscription regime has had in countering terrorist actors. The U.K.’s 2000 Terrorism Act outlines a severe set of offenses for those who violate it. First, unlike Canada, the U.K.’s Terrorism Act of 2000 criminalizes mere membership in a proscribed organization. Second, the Act criminalizes support, such as financing, to proscribed organizations. Third, and perhaps most controversially, the U.K. criminalizes the publication (and wearing) of images and public support for propaganda associated with a proscribed organization.\textsuperscript{48} Since the U.K. designated its first violent far-right organization, National Action, three years prior to any other FVEY country designation, the government has had ample opportunity to operationalize the proscription. On May 17, 2022, U.K. courts convicted Alex Davies, the cofounder of National Action, for being a member of the group and for recruiting on its behalf. Specifically, the press release detailing Davies’ conviction noted that National Action is determined to incite a “race war.” The U.K. counterterrorism policing press release also noted that Davies represented the 19th individual connected to National Action to be successfully prosecuted because of links to a proscribed organization.\textsuperscript{49} In 2019, the U.K. successfully prosecuted two teenagers who were members of the proscribed group known as the Sonnenkrieg Division for threatening violence against British royal, Prince Harry. Again, like Davies, the individuals were motivated by race, saying that violence against Harry was justified because he was a “race traitor,” reflecting the vitriolic commentary against his marriage to Meghan Markle.\textsuperscript{50} The marriage between a British royal and a woman of color has been a flashpoint for white supremacist groups like National Action.

The U.K.’s ability to prosecute individuals for membership, incitement of violence, or mere advocacy on behalf of proscribed organizations raises questions about how far the U.K. system of proscription could go to imposing limitations on free speech. Other governments, most notably the United


States, would not be able to replicate the U.K.’s ability to prosecute members of REMVE groups. Specifically, in a response to inquiries by The Soufan Center, U.S. officials explained, “It is important to stress that U.S. counterterrorism sanctions authorities can only be applied to foreign persons or organizations and cannot be used to designate individuals or organizations that are predominantly based in the United States, and that the United States cannot designate groups based solely on protected speech.” This lack of consonance between FVEY regimes’ use of designations or proscriptions to include (but not limited to) violent far-right actors, is no more acutely apparent than the political differences between the U.K. and the United States.

While the U.K. has successfully prosecuted numerous individuals associated with violent far-right groups, the United States has not. Despite this, the United States has had some successful prosecutions of individuals associated with REMVE groups. U.S. officials have noted the consequences of its FTO designations as follows: “All funds of the organization under the control of U.S. institutions are frozen”; “Aliens who are members or representatives of, provide material support to, solicit funds for, or recruit members for the FTO are ineligible for U.S. visas and other immigration-related benefits”; and “It is illegal for persons subject to the jurisdiction of the United States to knowingly provide material support or resources to the organization, and violators are subject to significant civil and criminal penalties, including lengthy terms of imprisonment.”

U.S. officials explained the consequences associated with an E.O. 13224 designation as, “all property and interests in property of the designated individuals and entities that are subject to U.S. jurisdiction are blocked, and U.S. persons are generally prohibited from engaging in any transactions with them. Foreign financial institutions that knowingly conduct or facilitate any significant transaction on behalf of SDGTs could also be subject to U.S. sanctions.”

In terms of measuring the effectiveness of the U.S. regime, as noted earlier, the United States does maintain publicly available information regarding blocked assets associated with FTO and SDGT designations. According to the U.S. Department of Treasury’s Terrorist Assets Report (TAR), 65 groups have had assets blocked, of which the most significant impact has been on Hizballah, which has close to $23 million in assets currently blocked. The TAR is the world’s gold standard when it comes to measuring the financial impact of terrorist

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designations. While the U.S. government does not make data related to the prosecution of individuals for providing support to FTOs publicly available, a 2015 U.S. Government Accountability Office study that reviewed the State Department’s implementation of the FTO regime noted, “between January 1, 2009 and December 31, 2013, over 80 individuals were convicted of terrorism or terrorism-related crimes, that included providing material support or resources to an FTO.”\(^56\) While the U.S. Government does not provide publicly available information regarding determinations to reject visa requests of individuals who are linked to designated FTOs, the 2015 Government Accountability Office (GAO) report uncovered useful data regarding the immigration impact of FTO designations. The report explained, “according to State Bureau of Consular Affairs data, between fiscal years 2009-2013… 187 individuals were denied immigrant visas on the basis of involvement in terrorist activities and associations with terrorist organizations.”\(^57\)

Between the 2021 TAR and the 2015 GAO report, the United States designations regime is having an impact on countering the activities of individuals associated with designated terrorist groups. While the metrics are incomplete, there are numerous Department of Justice press releases that indicate that the U.S. government routinely prosecutes individuals for providing material support to designated FTOs. This was particularly the case during the rise of the Islamic State (2014-2016) and Jabhat al-Nusrah in Iraq and Syria when a number of American foreign terrorist fighters and would-be terrorist fighters were arrested and prosecuted for material support.

Nonetheless, the U.S. has not been able to replicate this success on the REMOVE front because designations, simply put, have only been deployed against RIM. In part, this is because of a concern regarding the use of designations tools that could infringe First Amendment rights and because the United States does not have the legal framework in place to designate domestic terrorist groups. Despite this, the U.S. Government on September 4, 2020, creatively charged two far-right individuals associated with the Boogaloo Bois\(^58\) (undesignated pursuant to U.S. law) for trying to provide material support to Hamas, a U.S. Department of State designated FTO.\(^59\) While this represents an imaginative way to leverage terrorist

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\(^{57}\) Ibid.

\(^{58}\) While the Boogaloo Bois is traditionally seen as an anti-government group, the organization has distinct REMOVE qualities to it. See Alex Newhouse and Nate Gunesch, “The Boogaloo Movement Wants To Be Seen as Anti-Racist, But It Has a White Supremacist Fringe,” Middlebury Institute of International Studies at Monterey’s Center on Terrorism, Extremism, and Counterterrorism, May 30, 2020, https://www.middlebury.edu/institute/academics/centers-initiatives/ctec/ctec-publications/boogaloo-movement-wants-be-seen-anti-racist-it.

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designations, it is not a sustainable way to tackle the significant REMVE and anti-government challenge in the United States; it is highly unlikely that other anti-government or white supremacist groups would work with an Islamist organization like Hamas. Nonetheless, in a survey response to The Soufan Center, representatives from the U.S. Government noted, “In addition to terrorism designations, the United States also relies on other tools to counter terrorism and violent extremism, including REMVE, such as information sharing, counter-messaging, watchlisting and screening, engaging with technology companies, and building partner capacity to protect soft targets including synagogues and mosques.”

Additionally, the U.S. Government has been able to prosecute, albeit not for terrorism-related offenses, a number of REMVE and anti-government linked individuals, most notably members of the Proud Boys, Oath Keepers and Three Percenters—all of whom played notable roles in the January 6, 2021 insurrection. The United States has not pursued terrorism related charges against the January 6th insurrectionists because U.S. laws that aim to prosecute terrorists are primarily oriented towards activities that are conducted on behalf of foreign-based groups.

There is very little information regarding the impact Australian and New Zealand terrorist listings have had against individuals linked to violent far-right groups. Between the two countries, they have only designated five groups and one individual. However, there is evidence that Australia has arrested individuals, such as Thomas Sewell who is associated with the Australian neo-Nazi group known as the National Socialist Network. Sewell was charged in May 2021 for armed robbery amongst other alleged crimes. New Zealand’s designation of Tarrant, a high-profile violent far-right actor, has had little preventative effect on him since he is in prison. In an interview with The Soufan Center, a representative of the New Zealand Government clarified that Tarrant’s designation has had an important practical effect; specifically, Tarrant’s manifesto is ostensibly outlawed, making it more difficult for his outlandish theories to spread.

As demonstrated, comprehensively measuring the effectiveness of terrorist designations deployed against violent far-right actors has been difficult. While there is limited


63 This organization is not currently listed as a terrorist group by the Government of Australia and is distinct from Australia’s listing of the Nationalist Socialist Order which has three aliases (Atomwaffen Division, AWD, and Nuclear Weapons Division) under Australia’s listing.


65 TSC Interview with senior counterterrorism and sanctions officials, Government of New Zealand, June 2022.
anecdotal evidence that the U.K. and Canada have operationalized their violent far-right proscriptions, neither country provides public evidence regarding the impact of its listings. Moreover, since the United States, Australia, and New Zealand have selectively used their terrorism designation authorities against violent far-right actors, there are insufficient or no metrics of success, or failure, that can be evaluated. The lack of evidence, however, does not mean that these countries cannot tackle the violent far-right challenge, or that sanctions are the only, necessary tool to such ends.

In fact, one non-FVEY country, Germany, which does not have a domestic terrorism listing regime, has been able to prosecute several individuals associated with neo-Nazi groups. Terrorism expert Anna Meier has explained that Germany has been able to do so because its laws have deemed neo-Nazi groups as unconstitutional, since they are predisposed to being against “German values.” The German constitutional ban of neo-Nazis, and the proscription approaches taken by governments like the U.K. and Canada, are unlikely models for the United States because its legal system makes it impossible to designate domestic groups, such as the Proud Boys and Atomwaffen Division. One possible exception could be some flexibility the United States may have in designating foreign-based affiliates of REMVE groups, like the Proud Boys or Atomwaffen Division. Despite the lack of terrorist designations, the United States has been able to prosecute REMVE actors successfully. Moreover, shortly after the U.S. designation of the RIM, Facebook was quick to take down the group’s page, and YouTube removed its channel. These actions highlight that technology companies take U.S. designations seriously and that government applied sanctions drive content removal decisions.

Nonetheless, unlike its Canadian and U.K. counterparts, the United States has been deprived of the powerful signaling and normative benefits often associated with the deployment of designations against REMVE actors. In this sense, heretofore, the United States has missed the chance to unequivocally state that it holds the threat posed by REMVE actors at the same level posed as Salafi-jihadist and ethno-nationalist terrorist groups which dominate the State Department’s FTO list. This glaring discrepancy has prompted multiple initiatives by the legislative branch and broader public to call upon the U.S. Government to designate more REMVE actors as terrorists. As will be discussed in the following section, the United States’ ability to heed these calls or emulate the U.K. or Canadian approaches will be difficult unless other practical matters are first addressed.

It is also important to consider what role the multilateral community, especially the United Nations, can play in complementing FVEY country terrorist designation programs designed to counter the financial activities of REMVE actors. The UN has played a vital role, by adopting UNSCR 1373, in creating the underlying basis for governments to use domestic designations as a tool to counter terrorist financing. The UN’s importance in the area of sanctions has been underscored by the Financial Action Task Force and specifically its recommendation (recommendation 6) that calls on “countries to implement targeted financial sanctions regimes to comply with the United Nations Security Council Resolutions relating to the prevention and suppression of terrorism and

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toward terrorist financing.” Moreover, there are bodies within the United Nations that are able to assist states, to include FVEY countries, in countering REMVE financing. As Naureen Chowdhury Fink and Jason M. Blazakis have observed, “states could work through CTED to develop a stronger monitoring capacity on international far-right financing and develop more tailored legal and policy responses, as they are already doing on broader counterterrorism compliance.” The UN’s capacity building, research, and expertise and convening authority could help operationalize the use of terrorist designations as a tool to counter REMVE financing. While UN1267 listings of REMVE actors are not likely, they may not be necessary if domestic terrorist listing capacities are augmented. The UN could also, with appropriate state-based funding, potentially develop metrics that can measure state success in countering REMVE financing.

The challenge of violent far-right extremism must be met by a whole-of-community approach. Sanctions alone will not stop the financial or operational activities of violent far-right actors. Nonetheless, there are terrorist-designation related steps that FVEY countries can take to meet the challenge.

<table>
<thead>
<tr>
<th>Counterterrorism Sanctions</th>
<th>Australia</th>
<th>Canada</th>
<th>United States</th>
<th>United Kingdom</th>
<th>New Zealand</th>
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<tr>
<td>• Criminal Code Act of 1995 (5.3, 5.5, Division 104 &amp; 105)</td>
<td>• Criminal Code of Canada (consolidated); Counter-terrorism provisions added in the Anti-Terrorism Act of 2000</td>
<td>• Section 219 of the Immigration and Nationality Act (INA); Executive Order 13224; Section 6(j) of the Export Administration Act; Section 40 of the Arms Export Control Act; Section 620A of the Foreign Assistance Act; Section 411 of the USA Patriot Act of 2001 (8 U.S.C. § 1182)</td>
<td>• Terrorism Act 2000 (Section 4; Section 3(6)); Counter-Terrorism and Sentencing Act 2021</td>
<td>• Terrorism Suppression Act 2002 (TSA) (Section 22)</td>
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<td>Listings and Sanctions</td>
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<td>Proscription</td>
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COMPARING VIOLENT FAR-RIGHT TERRORIST DESIGNATIONS AMONG FIVE EYES COUNTRIES

RECOMMENDATIONS

1. **Establish common metrics for assessing the impacts of sanctions**: FVEY countries should establish metrics for measuring the successful implementation of terrorist designations. It will otherwise remain difficult to determine the amount of financial and bureaucratic capital that should be expended in developing terrorist listings. The United States TAR should be replicated in the other FVEY countries since it illuminates the financial impact of U.S. terrorist designations.

2. **Consider designating foreign based affiliates or supporters of U.S. REMVE actors**: The United States is the world’s leader in the deployment of terrorist designations, but it has never labeled a REMVE actor as an FTO and has only listed one group, RIM, as a terrorist entity pursuant to E.O. 13224. In this regard, the United States should determine whether any non-U.S. based individuals or groups on the U.K., Canadian, or Australian terrorist lists can be sanctioned under either its FTO or E.O. 13224 designation authorities. While there is little doubt that the U.S. has requested additional information from these countries regarding the underlying bases for their own proscription of REMVE actors, the engagement on these issues should be iterative and regularly occurring.

3. **Invest in greater information collection to develop listings**: If the United States is unable to receive sufficient information from U.K., Canadian, or Australian counterparts regarding the bases for their own proscriptions of REMVE groups, the United States should invest more resources into collecting intelligence on foreign-based REMVE actors. This is an area the Department of State’s Deputy Coordinator for Counterterrorism recently identified as a deficiency, noting that the department “would love to be able deploy this tool everywhere, [but] we just don’t have the resources and staff and the information.”

The U.S. Congress should review whether the Counterterrorism Finance and Designations Office in the Department of State’s Counterterrorism Bureau has sufficient staff resources to pursue REMVE designations. Because intelligence information is highly relevant to the State Department’s terrorist designations process, the U.S. Congress should identify what level of prioritization the U.S. Intelligence Community has given to the overseas collection of information of REMVE actors.

4. **Make greater use of multilateral tools**: Multilateralism, such as the sanctioning of terrorists under UNSCR 1267 and the adoption of UNSCR 1373, has been a key feature in demonstrating international resolve in the fight against terrorism financing. While emulating the UN 1267 regime in the REMVE-space is unlikely due to the lack of consonance (including differences between FVEYE countries that stem from vastly different legal traditions) amongst countries in how they define terrorism, the United Nations, especially the UN Counter-Terrorism Executive Directorate (CTED) can play a pivotal role in defining the REMVE threat. In this regard, CTED could build upon its April

2020 report that documented a 320% increase in attacks by far-right individuals over the past five years. Information collected by CTED and its analysis could be leveraged by countries that are interested in sanctioning REMVE actors.

5. **Ensure that counterterrorism sanctions do not adversely impact civil society space, financial inclusion, or the delivery of principled humanitarian assistance:** With the global rise of far-right violence, there will be increasing pressure on governments to counter the REMVE threat. Avoiding the temptation to designate REMVE actors without thinking through the secondary or third-order effects will be a mistake. Thus, considering past civil society and human rights concerns can make for a more effective targeted designations regime. To do that, engaging with civil society and legal organizations in advance of rapid expansion of sanctions will be paramount. If FVEY countries continue to use terrorist designations as a tool against REMVE entities and individuals or consider some form of an international or regional regime, it will be important to ensure that civil society prevention and rehabilitation work is not stifled, and that sanctions do not become a politicized tool. Sanctions can have unintended consequences, as demonstrated in Somalia and Yemen where delivery of important services were perceived as being jeopardized by the U.S. designations of groups like al-Shabaab (Somalia) and the Houthis (Yemen). In places like Afghanistan, U.N. designations of groups and individuals relating to al-Qaida, ISIS or the Taliban have prompted concern among humanitarian agencies about the potential risks or interacting with designated groups. Verdicts like the *Kadi* case in Europe highlight also the importance of integrating a due process mechanism into any sanctions regime in order to boost compliance and effectiveness.

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Comparing Violent Far-Right Terrorist Designations among Five Eyes Countries

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Project Resources, Publications, and Events

For all materials relating to this project, including events summaries, publications, and related resources, please visit the TSC website at www.soufancenter.org:
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