# The Overreaction against Islamic Charities

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# The Overreaction against Islamic Charities

JONATHAN BENTHALL

**The title of this article may be tempting fate. The British counter-terrorist services have reported that the financial trail leading to the 7 July 2005 attacks on London included direct or indirect links to eight unspecified charities. A single major terrorist outrage anywhere in the world, clearly funded through abuse of an established Muslim charity, would decisively blacken the reputation of the whole sector. However, from the evidence available at the time of writing, one of the repercussions of 9/11 has been hyper scrutinization of Islamic charities by the United States government that uncomfortably recalls the McCarthy period.**

Islamic charity already has a bad image in much of the non-Muslim world, even among the generally well informed. Certainly during the 1980s Afghan conflict and the early 1990s Bosnian conflict, a number of Islamic charities, especially those founded in the petro-dollar states, engaged in activities that pursued a mixture of humanitarian, religious, political, and sometimes military aims. It is less often remembered that the United States government actively supported the mujahidin in Afghanistan until 1989, and closed its eyes to some arms shipments to their successors in Bosnia, until in both cases the honourable "combatant" was transformed into the hostile "terrorist." As regards the years immediately preceding 9/11, evidence of support by some Islamic charity managers for the Chechen mujahidin is fairly strong. Direct support for Al-Qaida type activities by charities as such has been strongly suspected by the U.S. authorities, but seldom, if ever, proved to the standard required by Western criminal courts. As regards the period since 9/11, evidence of the activities of controversial Islamic charities is equivocal as to mixed aims, and always needs to be treated with caution because of the risk of observer bias.

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Charities are always vulnerable to abuse because they rely on trust. Moreover, many Muslims involved with charity still subscribe to a "seamless" view of jihad, according to which humanitarian, religious, political, and even military aims are fused. Their defence—in which there is more than a grain of truth—is that the Western devotion to a pure domain of charitable altruism is hypocritical. For the Western aid system is deeply connected to national foreign policies and security concerns: humanitarian action often provides a fig-leaf for military intervention, Christian missions proselytize in many parts of the world, some unfortunate populations are reduced to "exporting" images of their misery through the Western-controlled media and thus becoming aid economies—and so on. In any case, a strong tradition may also be identified within Islam that admires and enjoins selfless charitable giving for the benefit of the disadvantaged. Moreover, a general trend is observable among Islamic charities towards accepting that the charitable sector ought to accept strict disciplines in return for the privileges that it enjoys, which include tax exemptions and the relatively free mobility of both funds and employees. Yet politically sophisticated Muslims wonder whether the present U.S. and Israel administrations actually want to allow a healthy Islamic charitable sector to realize its potential.

The rise of Islamic NGOs is the result of a confluence of two historical movements both of which date back to the 1970s. One was the rise of NGOs in general. The second was the Islamic resurgence, which we may trace back to the time of the Arab defeat by Israel in 1967. Islamic charities all have a family resemblance: for instance in their drawing on the potent religious idioms of zakat (mandatory alms) and waqf (the Islamic charitable foundation), in their references to the religious calendar and quotations from the Quran and Hadith, and in their special concern for orphans and refugees.

The association of Islamic charities with transnational mujahidin, despite its wide geographical spread, will probably be looked back on as a short-lived historical episode. Of course, violent movements will continue to find ways in the future to equip themselves with weapons. But the charity sector is under increasing scrutiny by watchdog organizations such as the international Financial Action Task Force (FATF), by national regulators, and by banking compliance officers. Many alternative channels exist whereby clandestine funds may be transferred: trade, tourism, labour migration, *hawala*, cash couriers, and bank remittances between individual account holders. The attack on Islamic charities since 9/11 has had the unintended consequence of driving money underground where regulators have no control over it.

## Dubious scholarship

One manifestation of this overreaction is the growth of a new discipline, counter-terrorist studies. Anyone who travels by air or train must be grateful that police and counter-terrorist professionals are continuously trying to protect us by piecing together networks of suspicious activity through analysis of financial transfers, personal meetings, electronic communications and the like. This is a sad sign of the times. But is it necessary to dignify the publication of such analysis, fortified by extracts from heavily biased intelligence websites, with the authority of major university presses?[1] Such books disrespect the normal requirement that serious social researchers should check their information from different sources, make allowances for their own prejudices and those of informants, and situate their findings in a broad political context. Two recently published books of this kind on Islamic charities allow no voice whatever to the charity workers themselves or their beneficiaries. Smearing of a bona fide charity's reputation can seriously wrong its trustees and staff, and destroy their ability to help the people for whom it was set up.

Dubious scholarship of this kind also supplies the expert testimony to support the U.S. government's assault on Islamic charities through the law. Whereas in Britain a number of Islamic charities operate successfully under the regulation of the Charity Commission, virtually all major Islamic charities in the United States have been closed down. Some of these cases are the subject of civil and criminal trials still in process, and it would be premature to comment here. (Likewise, one British Islamic charity set up to bring aid to Palestinians, Interpal, has been designated as a terrorist entity by the U.S. government. Though highly regarded by most aid professionals in Britain and already twice cleared of wrongdoing by the Charity Commission, it is currently being reinvestigated by the Commission.) However, it is hard not to see the way the U.S. government treats Islamic charities in general as of a piece with two other blots on the reputation of the most legalistic country in the world: Guantánamo and extraordinary rendition.

Take the case of the refusal of the USA to grant a visa to Tariq Ramadan, the well-known Swiss Muslim intellectual. The root of the problem may be that he is regarded in some circles as a radical. However, he has consistently condemned terrorism and is accepted as an interlocutor by many prestigious academic institutions, and as an important voice for moderation by some political leaders. The grounds for excluding him from the USA seem skimpy. He was refused a non-immigrant visa in September 2006 by the American consulate in Bern, on the grounds that he had made donations to a Swiss charity set up to help Palestinians, the Association de Secours Palestinien (ASP). These donations, amounting only to some 1,700 Swiss francs in all, were made between 1998 and 2002, whereas it was not until August 2003 that the U.S. Treasury designated ASP as terrorist entity. The government's position is that Ramadan ought to have known that it was a terrorist entity.


PHOTO BY RAFIQUAR RAHMAN / © REUTERS, 2007

**An Islamic charity delivers relief to flood victims in Matuail, Bangladesh.**

### Strengths of Islamic NGOs

Under Swiss law, ASP was operating, and is still permitted to operate today, as a charitable organization, which Ramadan says he had no reason to suspect in any way. The U.S. government's assumption in black-listing it, unsupported by evidence, seems to have been that ASP was supplying material support to Hamas; and this raises a vital legal point. The USA regards Hamas as an indivisible entity. It would seem to ignore evidence which suggests that, if ASP was sending funds to zakat committees and similar organizations in the Palestinian Territories, these were, in turn, distributing funds in the normal way of charities: on the basis of need. All these charities are regulated by the Palestinian Authority, and the zakat committees in particular by the Ministry of Religious Affairs. Survey evidence suggests that they enjoy a high degree of popular trust and approval, being run with minimal administrative costs and having unrivalled grass-roots knowledge about the needs of the most vulnerable.

But even supplying funds to a zakat committee for life-saving medical technology, or emergency food aid, is considered equivalent to an act of terrorism by the U.S. government, if it is satisfied that there is a personal connection of some kind with Hamas. This seems a strange position. Many observers infer that, unwilling to appreciate the distinction between a nationalist movement and internationalist extremism of the Al-Qaida type, the U.S. government is determined to impose a kind of martial law extending even to efforts to alleviate the miseries of Palestinian non-combatants. But America boasts a strong tradition of civil rights advocacy, which is providing a legal counterbalance. The mainstream American non-Muslim charities initially failed to react to the closing down of most of the big American Muslim charities after 9/11, but are now realizing that the steps taken against the latter have implications for the whole charitable sector.

It seems likely that the scapegoating of Islamic charities originates from a very high level in the U.S. administration, and will not continue forever. Islamic charities in many countries, though sceptical as to whether any actions they take will change the American political position, are coming to accept that they have much to gain from improving their standards of professionalism and accountability. The Montreux Initiative, a project sponsored by the Swiss government in 2005 but carried forward by Muslim as well as non-Muslim experts, is attempting to help *bona fide* Islamic charities dissolve the obstacles facing them. The solution proposed is voluntary self-regulation at the technical level, overseen by a board of eminent persons acceptable to all parties. Involvement in this process makes it more likely that such charities will move towards embracing principles such as transparency and non-discrimination when they have not done so already. The Montreux Initiative does not, however, suggest that those Islamic charities which combine religious with humanitarian aims should be disqualified for that reason from admission to collegial relations with the international aid community, any more than Christian evangelical charities such as World Vision or Tearfund should be so excluded. With so much suffering and distress in Muslim countries it is inevitable that Islamic charities should focus on alleviating it. However, widely accepted international codes of conduct insist that, within a given community of aid beneficiaries, there should be no discrimination in favour of co-religionists.

A successful organization such as Islamic Relief Worldwide, founded in Birmingham, England, in 1984 and now the largest Islamic charity in the world (widely respected even in the USA) is able to channel the generosity of Muslim donors into worthwhile aid programmes, and also benefits from a certain degree of special access in majority Muslim communities. I have been able to verify this by observing Islamic Relief's development work in a remote district of northern Mali, where the Tuareg local coordinator and an all-Malian staff have established an impressive rapport in their mission to help the most vulnerable. It is well established that international Christian NGOs can work effectively in Christian parts of Africa through local church networks, and there is surely considerable potential for international Islamic charities to work in a similar way among Muslims.

Moreover, back in Britain, Islamic Relief offers an excellent example of practical integration with the mainstream non-Muslim aid and development agencies. This has been called "dialogue on the ground." Islamic Relief has also launched an ambitious project called the Humanitarian Forum, which sets out to build bridges between different humanitarian cultures. Obviously there is a considerable difference between a British charity—Muslim or other—and, say, a Saudi charity: for instance, on issues relating to gender. However, politicians and diplomats should not fall back on the easier option of talking only with people who already agree with them. This is the trap into which fall too many well-meaning organizers of conferences devoted to dialogue and toleration.

Because of political turbulence, the immediate outlook for projects such as the Montreux Initiative and the Humanitarian Forum is not unclouded. It is significant that even in Saudi-Arabia and Kuwait, with all their wealth derived from oil, private charities are now tightly restricted in sending funds overseas for relief aid—apparently because of fear of contravening U.S. foreign policy. All charities have difficulty in remitting funds to the Palestinian Territories through the banking system. However, if we look further ahead it is clear both that faith-based organizations in general are gaining more attention in development circles, because of their access to vast civil society networks, and that private philanthropy is becoming a recognized adjunct to the international aid system. There is no good reason why Islamic charities should not play a valuable role, not only at the local and national level, but also in due course on a par with the major international NGOs—which are likely to be so important to our future as a counterbalance to the power of nation-states and multi-national corporations.

**Note**

1. For example, Matthew Levitt, *Politics, Charity, and Terrorism in the Service of Jihad* (Yale U.P., 2006) and J. Millard Burr and Robert O. Collins, *Alms for Jihad* (Cambridge: Cambridge U.P., 2006).

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