PAVED WITH GOOD INTENTIONS?
THE AFRICAN UNION COUNTER TERRRORISM AGENDA

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS OF THE
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BY

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PLAGIARISM DECLARATION

I, IBRAHIM OLAMIDE NURUDEEN, do hereby declare that this research is my original work and that, to the best of my knowledge and belief, it has not been previously, in its entirety or in part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.

Signed……………………………………….

Date……………………………………….

DEDICATION

To my heavenly Father, for divine inspiration and help.

To my spouse, Oyindamola, for unswerving love and sacrifice.

To my earthly father, for childhood encouragements.

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LIST OF ABBREVIATIONS

ACSRT - African Centre for the Study and Research on Terrorism

ANC - African National Congress

AU - African Union

AUC - African Union Commission

AQIM - Al-Qa'ida in the Islamic Maghreb

CT-CEWS - Counter-Terrorism Continental Early Warning System

CSSDCA - Conference on Security, Stability, Development and Cooperation in Africa

CTED - UN Security Council Counter-Terrorism Executive Directorate

CTC - UN Counter-Terrorism Committee

CTITF - Counter-Terrorism Implementation Task Force

GCTF - Global Counterterrorism Forum

GWOT - Global War on Terrorism

ICAO - International Civil Aviation Organization

LRA - Lord Resistance Army

LURD - Liberians United for Democracy and Reconciliation

MODEL - Movement for Democracy in Liberia

MRTD - Machine Readable Travel Document

OAU - Organisation of African Unity

OLC/AUC - Office of the Legal Counsel African Union Commission

PSC - Peace and Security Council

PSCS - Peace and Security Council Secretariat

PSDAUC - Peace and Security Department in the African Union Commission

RECs - Regional Economic Communities

UNGA - United Nations General Assembly

UNGCTS - UN Global Counter-Terrorism Strategy

UNOSAA - United States Office of the Special Adviser on Africa

UNITA - União Nocional para a Independência Total de Angola

UTA - Union des Transports Aériens

UN - United Nations

UNODC - United Nations Office on Drugs and Crime

UNICRI - United Nations Interregional Crime and Justice Research Institute

UNODC/TPB - United Nations Office on Drugs and Crime/Terrorism Prevention Branch

UNSC - United Nations Security Council

TABLE OF CONTENTS

CHAPTER THREE: PAVED WITH GOOD INTENTIONS? AN EVALUATION OF AFRICAN UNION'S COUNTER TERRORISM AGENDA

CHAPTER FOUR: THE ARICAN UNION (AU) COUNTER TERRORISM AGENDA AND THE UNITED NATIONS (UN) GLOBAL COUNTER TERRORISM STRATEGY: ANY LINKAGES?

CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

ABSTRACT

Africa has for a long time been embattled by differing acts of terrorism, with divergent manifestations such as suicide bombing, killings and hijacking. Accordingly, the Organisation of African Unity and subsequently the African Union took up the responsibility of developing strategies to counter the menacing trend of terrorism on the continent. To this end, several counter terrorism interventions were created. The first of Africa's interventions was developed as early as 1992, when the Organisation of African Unity (OAU) member states adopted a Resolution to strengthen cooperation and coordination among African states against different manifestations of extremism.

Although, there is abundance of scholarly literature on the subject of understanding of terrorism and its human rights implications and also on the impact of terrorism on political pluralism, there is a dearth of scholarly writings on the activities of the African Union in relation to terrorism in Africa, particularly on whether the Union is responding positively to its counter terrorism agenda. Yet, the role of the African Union in this regard on the continent cannot be over emphasised. This study is therefore carried out to scrutinise the counter terrorism agenda of the African Union and explore its counter terrorism activities from inception till date.

In ascertaining the necessity for the African Union to develop ways to adequately implement its counter terrorism agenda, the study carries out an assessment of the agenda and established its link with the United Nations counter terrorism framework. Recommendations about how best the agenda can be realised concludes the study. Specifically, the research explores the activities of the African Union with the aim of determining whether the agenda was merely paved with good intentions.

While many weaknesses of the agenda were discovered and discussed in depth, the research concludes, that despite the gap that exists between the agenda and its implementation and the problem of resources bedevilling the implementation of the agenda, it will be unfair to describe the African Union counter terrorism agenda as merely paved with good intentions in the lights of numerous positive steps that have been taken towards translating the agenda into full implementation.

CHAPTER ONE:

INTRODUCTION

1. Background to study

Terrorism continues to ravage the continent of Africa, in spite of the abundance of normative frameworks of counter terrorism that have been developed by the African Union. Until recently, the general belief in Africa was that terrorism is not an African problem, and this was cited by many African nations as an excuse for not building capacity in counter terrorism.[1] Although many acts of terrorism in Africa have been targeted at non-Africans, many Africans have also been victims of this dangerous scourge. [2]

In Africa, terrorism is multi-dimensional and of a domestic kind that is being used to destroy, kill, maim and affect a sizeable number of people.[3] Modern terrorists are not only in possession of traditional small arms and explosives in their armoury, they are also capable of accessing nuclear, chemical and biological weapons.[4] The continent is replete with prevalence of rebellious movements and government forces that have adopted practices that rely heavily on the use of fear and terror.[5]

In the colonial African state, which frequently engaged the use of force to curb the activities of interest groups against repressive programmes of government,[6] the

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[1] UNOSAA 'Africa and International Counterterrorism Imperatives' Expert paper prepared by the United Nations Office of the Special Adviser on Africa, 12 November 2010, 11, para 1, http://www.un.org/africa/osaa/reports/new-reports/OSAA-TerrorismPaper-12Nov2010.pdf, 27 accessed 16 September, 2012.

[2] UNOSAA, as above, 27, para 1.

[3] G Diallo, 'African Renaissance For Global Security', www.publikon.hu/htmls/tanulmanyok.html?ID=48&essayID accessed 17 October, 2012 quoting J Cilliers, 'Terrorism And Africa' Institute For Security Studies,www.issafrica.org/pubs/ASR/12No4/Cilliers.pdf, accessed 17 October 2012.

[4] Conference on Science and World Affairs Advancing Human Security: The Role of Technology and Politics Halifax and Pugwash, Nova Scotia, Canada 17-21 July 2003 Report on Working Group 4 Terrorism, Abstract.

[5] A Cilliers, 'Human Security in Africa: A conceptual framework for review' A Monograph for the African Human Security Initiative, 22.

[6] BA Oyeniyi. 'A Historical Overview of Domestic Terrorism in Nigeria', paper presented at the International Conference on Understanding Domestic Terrorism in Africa, Institute of Security Studies, Pretoria, South Africa, November 2007.

occasionally aggressive actions of the nationalists in their efforts against colonisation, especially in the southern African countries such as , South Africa's African National Congress (ANC) party were labeled as terrorism.[7]

All acts of terrorism have politically inclined objectives, although the proponents may use religious tactics to gain attention of an expansive audience, and evoke a reaction by way of violence to drive home their point.[8] In contemporary African states, it appears the initiation of a series of acute acts of terrorism was recorded in 1973, when the United States Deputy Chief of Mission, George Curtis Moore, and a diplomat from Belgium, Guy Eid, were assassinated by the Palestinian terrorist group Black September in Khartoum, Sudan.[9]

The post-independence era in Africa brought about an increase in the activities of terrorist groups. There were many instances of hijacked planes and bombings in the 1970s and 1980s.[10] These included the bombing of the Norfolk Hotel in Nairobi, killing several people in December 1980. In October 1977, a Lufthansa flight to Mogadishu was hijacked. There was also the mid-flight bombing of a French airliner, Union des Transports Aériens (UTA), over Niger in 1989, which killed 171 people.[11]

The shooting down of the aeroplane carrying Juvenal Habyarimana of Rwanda and Burundi's Cyprian Ntayamira, the Presidents of Rwanda and Burundi in 1994 still goes down in history as one of the most awful cases of internal terrorism in Africa.[12] In 1995, the Egyptian President Hosni Mubarak was attacked by Gama'at al-Islamiyya, an Egyptian terrorist group, in Addis Ababa, Ethiopia.[13]

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[7] SM Makinda, 'History and Causes of Terrorism in Africa' in J Omotola 'Assessing counter-terrorism measures in Africa: Implications for human rights and national security' *The African Centre for the Constructive Resolution of Disputes (ACCORD)* Issue 2, 1999,43.

[8] http://www.123helpme.com/the-nature-of-terrorism-view.asp?id=192228 accessed 3 September 2012; more discussions on the definition of terrorism adopted for this research in the segment on the definition of terms below.

[9] C Pomoni, 'A brief History of Terrorism in Africa' http://voices.yahoo.com/a-brief-history-terrorism-africa-5125181.html, accessed 3 September 2012

[10] Makinda, n 7 above, 43.

[11] As above.

[12] BBC News, 1994: Rwanda presidents' plane 'shot down' reported 4 April 1994, http://news.bbc.co.uk /onthisday/hi/dates/stories/april/6/newsid_2472000/2472195.stm, accessed 27 October 2012.

[13] Pomoni, n 9 above.

Africa has experienced an upturn in the incidents of terrorist attacks since 1995. Most of these arose from domestic civil discontent and aftermath of regional wars, as African rebel movements and opposition groups resorted to terrorism to further their political, social or economic objectives.[14] Terrorist groups' activities have continued to threaten the peace and stability in a number of African countries, in particular in North Africa, East Africa and West Africa, particularly in the West African countries of the Sahel region,[15] particularly with manifestations and activities of groups like Harakat al-Shabaab al- Mujahideen, Al-Qa'ida in the Islamic Maghreb (AQIM), Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad (Boko Haram), and the Lord Resistance Army (LRA).[16]

In 1998, al-Qaeda bombarded the US embassies in Dar Es Salaam, Tanzania, and Nairobi, Kenya, where about 258 people lost their lives, and more than 5000 were injured,[17] while in 2002 al-Qaeda again bombarded simultaneously an Israel-owned hotel and airliner in Mombasa, Kenya.[18] Other examples of 'international' or 'transnational' terrorism include the attacks on the Israeli Arkia jetliner and the spate of suicide bombings in the Moroccan city of Casablanca in 2003 coupled with the bombings at Egyptian Sinai resort of Taba.[19] Therefore, Africa may not have witnessed many incidents of international terrorism, but domestic or sub-national terrorism and state terrorism have a long history on the continent.

It is against this backdrop that the African Union has developed a number of interventions aimed at addressing this menacing trend. The first of such interventions was recorded in 1992 when the Organization of African Unity (OAU), at its 28th ordinary session, held in Dakar, Senegal, adopted a Resolution on the Strengthening of

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[14] A Botha, 'Terrorism in *Africa*' www.cips.up.ac.za/files/.../TERRORISM%2520IN%2520AFRIC*A* .pdf, 26, accessed 3 October 2012.
[15] UNOSAA expert paper, n 1 above, para 1.
[16] Report of the chairperson of the African Union Commission On Terrorism in Africa and the AU's efforts to address the scourge of Terrorism, PSC/PR (CCCIII) 8 December 2011, Para 3.
[17] African Terrorism Bulletin, Institute for Security Studies, December 2004 Issue 001, editorial, para 1.
[18] African Bulletin, as above, para 1.
[19] As above.

Cooperation and Coordination among African states,[20] in which the Union pledged against programmes or crusades that make use of religion, race or other societal or traditional disparity to indulge in aggressive undertakings against members of the Union. Several other instruments have since been adopted by the Organization of African Unity OAU and its successor, the African Union. Twenty years after the first adoption, it is both timely and important to carry out an assessment of African counter-terrorism responses from inception till date.

1.1. Definition of terms

1.1.1 Terrorism

The war on terror seems to encourage a moral rigidity that all terrorism is automatically normatively wrong. Yet conceivable counter-examples, such as terrorism against Nazi wartime installations or African National Congress (ANC) behavior in the apartheid struggle, suggest otherwise.[21] This seeming confusion about the nature of terrorism is probably the best explanation for its lack of a globally agreed definition. The closest to a universally accepted definition is perhaps the one offered by the United Nations General Assembly in 1999,[22] which states that terrorism comprises 'criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes.'

The African Continent has had its fair share of the difficulty in defining terrorism. Rather than defining terrorism, most legal drafters would preferably describe an 'act of terror' or 'terrorist activity.'[23] The 35th ordinary session of the Heads of State and Government adopted the Organisation of African Unity Convention on the Prevention and Combating of Terrorism (Algiers Convention) in July 1999. Like many other legislations on terrorism, the Algiers Convention never considered state terrorism in its definition of a terrorist act. In truth, the addition of state terrorism was a major concern

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[20] OAU, Assembly of Heads Of State & Government Twenty-Eighth Ordinary Session, 29 June – 1 July 1992, AHG/RES.213 (XXVIII)

[21] RE Kelly, 'Is terrorism always wrong?' *Perspectives on terrorism*' Vol 1, issue 1, 1.

[22] United Nations General Assembly Resolution 54/110 of 9 December 1999.

[23] A Hübschle, 'Terrorist financing in Southern Africa: Are we making a mountain out of a molehill?' ISS Paper 132, January 2007, 2.

to some OAU members at the time of drafting the convention .[24] This study relates to the acts of terrorism perpetrated on the African Continent, hence, the definition of 'terrorist act' as contained in the OAU Convention on the Prevention and Combating of Terrorism (Algiers Convention) shall be the working definition for this study.[25]

1.1.2 'Paved with good intentions'

Paved with good intentions is a short form of an aphorism, idiom or a proverb which says the road to hell is paved with good intentions. The origin of the saying has been attributed to Saint Bernard of Clairvaux who wrote, '*L'enfer est plein de bonnes volontés et désirs*' (hell is full of good wishes and desires).[26] In today's contemporary world, the term is used to point out the fact that good intentions are worthless unless there are positive actions to accompany them.

This research is premised on the assumption that the numerous counter terrorism interventions of the African Union are not self actualising. Consequently, the study uses the term 'paved with good intention' as a model to assess the actions of the African Union as it relates to steps taken by the Union to translate its counter terrorism agenda into full actualisation. This is done with the ultimate aim of discovering whether the counter terrorism agenda of the African Union merely exists in the realm of 'good intentions' or 'wishes' with no clear or positive actions to drive its implementation.

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[24] African Bulletin, n 16 above, para 4.

[25] Under the Convention, 'terrorist act' relates to:
(a) Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
(i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
(ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
(iii) create general insurrection in a State.
(b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to(iii).
[26] 'The road to hell is paved with good intentions' http://www.samueljohnson.com/road.html, accessed 28 October 2012.

1.2 Statement of the problem

Terrorism is an increasing multinational threat,[27] a universal menace with unpredictable mediums of manifestations and justification and with differing strategic *modus operandi*, taking on diverse methods such as religious terrorism, biochemical-terrorism, , state terrorism, narcotic-terrorism, transnational terrorism and faction terrorism. Additionally, terrorism employs different means of expression, namely assassinations, abduction, hostage taking, hijacking, different manners of bombings ranging from suicide to car bombs, deliberate disruption of government activities and public peace and wanton destruction of public and private properties.[28]

Terrorism is not a recent development in Africa.[29] In actual fact, the determination to enhance regional cooperation in Africa to counter terrorism existed before the 9/11 attacks and the 1998 bombings of the American embassies in Kenya and Tanzania. Since July 1992, the Organisation of African Unity (OAU) Heads of State and Government meeting in Dakar adopted Resolution 213, which objective was to fortify collaboration and coordination among African states to boost the efficiency of initiatives against the first actual expressions of extremism on the continent.[30] To further solidify the resolve against terrorism, the AU Convention on the Prevention and Combating of Terrorism (1999) came into force on 6 December 2002 after obtaining 23 ratifications.[31]

It became apparent to African leaders after 9/11, that the Algiers Convention was inadequate to bring about a far reaching counter-terrorism strategy in Africa and this led to the introduction of the Plan of Action of the African Union High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, Peace

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[27] M Berkouk 'Terrorism an etymo-epistemological analysis' in Understanding terrorism in Africa: building bridges and overcoming the gaps. Institute for Securities Studies (ISS) 2008.

[28] Berkouk, as above.

[29] A Botha 'challenges in Understanding Terrorism in Africa' in Institute for Security Studies, kms1.isn.ethz.ch/serviceengine/Files/ISN/...9f95.../Chapter3.pdf, accessed 4 October 2012.

[30] Botha, as above.

[31] The following 40 countries have since ratified the convention including the 23 that ratified before coming into force: Algeria, Angola, Benin, Burkina Faso, Burundi, Cape Verde, Chad, Comoros, Congo, Djibouti, Egypt, Equatorial, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Libya, Lesotho, Madagascar, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Seychelles, Sudan, Tanzania, Togo, Tunisia, Uganda.

and Security Council (PSC), and African Centre for the Study and Research on Terrorism (ACSRT).

Although the Peace and Security Council (PSC) is, among other responsibilities, in charge of formulation of counter terrorism policies in Africa,[32] in practical terms, however, the Peace & Security Department of the African Union Commission is the body carrying out day to day activities of counter terrorism in Africa; while African Centre for the Study and Research on Terrorism (ACSRT), set up in Algiers in October 2004, is the agency of the African Union responsible for 'strengthening the capability of African countries in the domain of the prevention of terrorism.'

In spite of the feelings of necessity experienced by a number of African countries that were confronted by the overwhelming effect of different demonstrations of terrorism, it was not until 9/11 that the need to carry out the dictates of the Algiers Convention was emphasized by the African Union. Furthermore, the urgency with which the counter-terrorism call was received in Africa after 9/11 appears to be linked to the possibilities for adopting counter-terrorism instruments for the continued existence of state power, and for the progression of the interests of incumbent African leaders.[33] This raises a question of legitimacy about the counter terrorism agenda of the African Union. It is against the background of the foregoing that it becomes pertinent to ask the question - Whether the African Union counter terrorism agenda is merely paved with good intentions? or better still, how has the African Union counter terrorism interventions helped to address the increasingly growing trend of terrorism on the African continent? This is what forms the fulcrum of this research.

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[32] Article 7(i) of the Protocol Relating to the Establishment of the PSC gives the organ the power to 'ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions and instruments and harmonize and coordinate efforts at the regional and continental levels to combat international terrorism'. Paragraph 16 of the Plan of Action and Article 4 of the Protocol further provide for a detailed role for the PSC.

[33] J Omotola 'Assessing counter-terrorism measures in Africa: Implications for human rights and national security' *The African Centre for the Constructive Resolution of Disputes (ACCORD)* Issue 2, 1999.

1.3 Research questions

With a background focused on discovering what counter-terrorism measures exist on the African continent, the overall research question this research seeks to evaluate is whether and how the African Union counter terrorism agenda is adequate to combat terrorism in Africa. The specific questions to be addressed under this broad agenda are:

➢ What counter terrorism measures are in place within the African Union System?

➢ To what extent have those measures been helpful in combating terrorism in Africa?

➢ Are there overlaps or linkages between the global and African regional counter terrorism framework and how relevant are those overlaps or linkages within the African context?

➢ How can the African Union become more responsive in combating terrorism in Africa?

1.4 Methodology

In examining the African Union agenda on counter terrorism, the study will mainly utilize an analytical approach. In addition to this approach, a descriptive approach will be used whenever necessary to expound the analysis. A comparative approach will be used to relate the counter terrorism of the African Union to the United Nations system. The existing international and regional counter-terrorism frameworks will be analyzed through analysis of the documents containing these frameworks and literature review on the topic. A prescriptive approach will be used in the concluding chapter which will mainly provide proposals and recommendations geared towards a more proactive approach to counter terrorism in Africa. It appears from available data on the subject that certain phenomena will not be accessible to the researcher's direct observation; therefore the thesis will be based on desk research and interviews. Desk research will involve examining a variety of sources, including publications, reports and official documents issued by the African Union Commission (AUC), Peace & Security Council (PSC), the United Nations, non-governmental organizations and think-tanks as well as relevant academic literatures. The researcher will also conduct interviews with officials from the concerned organs of the African Union Commission and in particular the

Peace and Security Council Secretariat (PSCS) and the office of the Legal Counsel (OLC).

1.5 Significance of the study

Although counter-terrorism measure is a term that is usually used in terms of global or internationally linked terrorists, the fact that Africans face security threats of equal or greater significance cannot be over emphasised, thereby posing a question of focus on African counter-terrorism efforts. There are several organized rebellions or insurgencies in Africa, though not always classified as terrorists, which wreak terrible havoc on African people and threaten national stability. These include various militias in Eastern Congo, the insurgents of Boko Haram in the northern part of Nigeria, the rebellion of Alshabab in Somalia and Ethiopia and the Janjaweed militia in the Darfur region of Sudan, to mention just a few. This development has brought about the need to measure how the African Union has responded so far to its responsibility. In the light of the above, it is worthy to examine the role played by Africa's highest security body in combating terrorism and that is what forms the basis of this research.

1.6 Limitations of study

This study is an investigation into the counter terrorism agenda of the African Union. The emphasis is on the general counter terrorism activities of the African Union through the Peace and Security Council (PSC), African Centre on the Study and Research on Terrorism (ACSRT) and the Peace and Security Department of the African Union Commission (PSDAUC), being the institutions responsible for implementing the counter terrorism agenda of the African Union. Although, as noted above, there is a dearth of academic writing on this subject, there is abundance of resolutions of the Peace and Security Council coupled with other relevant official documents of the African Union and reports of the activities of the Peace and Security Council by the Institute for Security Studies. Furthermore, there is also a comprehensive academic literature on the United Nations Security Council which is found very relevant to this study.

Due to the limitation of this research in space and scope, it cannot be an exhaustive or comprehensive analysis or examination of the activities of the African Union, neither can it purport to do so on activities of the Peace and Security Council (PSC), African Centre on the Study and Research on Terrorism (ACSRT) nor the Peace and Security Department of the African Union Commission (PSDAUC). A detailed study of the roles of these institutions is also outside the scope of this work, in fact, from the facts gathered so far, this topic is very wide and grey and therefore recommended as a subject for further research. The subject of terrorism especially in the African context is equally very wide and it is an evolving one, therefore this study cannot purport to do an exhaustive work on the subject.

1.7 Literature review

In a press statement released by the United Nations department of public information,[34] it was noted that despite Africa's resource and other constraints, Africa was the earliest continent in the world to respond to the scourge of terrorism by creating continental counter-terrorism framework. The framework included the 1999 Convention on the Prevention and Combating of Terrorism of the previous Organization of African Unity, followed by the African Union's 2002 Plan of Action on the Prevention and Combating of Terrorism in Africa and a 2004 African Union Protocol to the Organization of African Unity Convention. The Algiers Centre for the Study and Research on Terrorism which was established to help foster regional approaches to countering terrorism was also mentioned. It was further stressed that, in order to make the most of the United Nations Global Strategy in Africa, implementation be done with due recognition to national and subregional circumstances, with African establishments and other interested parties taking on crucial responsibilities..

According to an expert paper prepared by the Office of the Special Adviser on Africa, it was reported that from the African perspective, by virtue of the launch of a legal and operational framework, it is not in doubt that Africa is ready to apply the global counter-terrorism standards and practices as well as those contained in the United

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[34] Press release AFR/1862 'Africa, United Nations should improve strategies for countering terrorism' 15 June 2009.

Nations Global Counter-Terrorism Strategy. The paper, however, revealed that there is a gap between the stated political will and the resources – internal and external – that are needed to implement counter-terrorism measures effectively. And that, while the AU wants to be an effective partner in global counterterrorism, its member states do not have the financial, technical and human resources to enable the organization to meet expectations.[35] As for Wani the position is that 'the AU currently lacks the capacity to implement many of the initiatives [from the Plan of Action], and so they remain at the level of ideas.'[36]

Paul D. Williams expresses concern about the scarcity of writings on the African Union counter terrorism activities, stating that 'the neglect is unfortunate because the PSC is a relatively new international institution with a remit dedicated to promoting peace, security and stability on the African continent, which can shed significant light on several important debates, not least the limits of conflict management in contemporary Africa, the processes of norm diffusion and socialisation within African international society, and how regional arrangements operate and relate to the foreign policies of their member states.'[37]

There is abundance of literature on the subject of understanding of terrorism and its human rights implications. The available literatures focus on the need for states to observe their human rights obligation in their fight against terrorism. There is also available literature the impact of terrorism on political pluralism, particularly, on the use of counter terrorism measure by states to counter political dissents thereby hampering democratic governance. Notwithstanding the above, it is regrettable that there is a dearth of scholarly writings on the activities of the African Union in relation to terrorism in Africa.

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[35] UNOSAA expert paper, n 1 above, 32.
[36] I Wani, The African Union role in global counterterrorism, in Le Sage(ed), African Counterterrorism Cooperation, 2007.
[37] PD Williams 'The Peace and Security Council of The African Union: evaluating an embryonic international institution' *Journal of Modern African Studies*, 47, 4 (2009), 604.

There are however reports, communiqués and other policy and official documents of the African Union, directly addressing the issue of terrorism in Africa. There is also a lot of writings on the United Nations counter terrorism measures and strategies; this is good for a comparative analysis of the global and African regional measures.

1.8 Overview of chapters

Chapter one provides a general background to the study, detailing different acts of terrorism on the African continent. The chapter also plays host to the significance and limitation of the study, statement of the research problem, methodology, literature review and overview of chapters.

Chapter two gives an insight into a plethora of interventions to terrorism in Africa from the days of the Organisation of Africa Unity (OAU) to the African Union (AU).

Chapter three provides an assessment of the African Union Counter terrorism agenda. With a question in mind about whether the African Union counter terrorism agenda is paved with good intentions, the chapter evaluates the various interventions and programmes of the African Union on counter terrorism from inception (from OAU) till date. Specifically, the significance of the African Union's responses to terrorism; its efficiency and productivity; and the extent to which African Union should be considered the best placed institution to deal with terrorism is assessed.

Chapter four which deals with global partnership evaluates the African Union's counter terrorism agenda in the light of framework for assessing the counter terrorism activities within the United Nations system. The chapter deals with the specific question of whether there are overlaps or linkages between the global and African regional counter terrorism framework and how relevant those overlaps or linkages are within the African context.

Chapter five finalises the work with conclusions and recommendations on better ways of implementing the African Union counter terrorism agenda.

CHAPTER TWO:

FROM THE ORGANISATION OF AFRICAN UNITY (OAU) TO THE AFRICAN UNION (AU): A CATALOG OF AFRICA'S COUNTER TERRORISM INTERVENTIONS

2.0 The Organisation of African Unity

The adoption of a comprehensive agreement to outlaw international terrorism has been on the agenda of the international community for over seventy years[38] and Africa has had its own fair share of the history. The genesis of African continental interventions in preventing and combating terrorism efforts was recorded in 1992 when the Organization of African Unity (OAU), at its 28th ordinary session, held in Dakar, Senegal, adopted a Resolution on the strengthening of cooperation and coordination among African States,[39] in which the Union pledged not to allow any movement using religion, ethnic or other social or cultural differences to indulge in hostile activities against member states as well as to refrain from lending any support to any group that could disrupt the stability and the territorial integrity of member states by violent means, and to fight against the phenomena of extremism and terrorism.[40]

The intervention next to the above was at the 30th ordinary session of the OAU held in Tunis, Tunisia, in June 1994, where the OAU recognizing that the time has come for Africans to take their destiny into our own hands by seeking African solutions to the problems besetting the continent,[41] further adopted a Declaration premised on need to assert human and moral values based on tolerance and the rejection of all forms of

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[38] J Dugard, *International Law: a South African Experience*, 4th edition, 2011, 163.

[39] OAU, Assembly of Heads Of State & Government Twenty-Eighth Ordinary Session, 29 June – 1 July 1992, AHG/RES.213 (XXVIII)

[40] OAU-AHG/RES.213 (XXVIII), Para 2.

[41] OAU, Assembly of Heads Of State & Government Thirtieth ordinary session 13 – 15 June, 1994 Tunis, Tunisia, Declaration on A Code of Conduct for Inter-African Relations, AHG/Decl.2 (XXX), Preamble, Para 15.

discrimination, injustice, extremism and terrorism.[42] The Declaration emphasised members' commitment to abide by the obligation incumbent on them by virtue of international law, to refrain from organizing, instigating, facilitating, financing, encouraging or tolerating activities that are terrorist in nature.[43] The declaration also rejected all forms of extremism and terrorism, whether under the pretext of sectarianism, tribalism, ethnicity or religion[44] and condemned, as criminal, all terrorist acts, methods and practices, and expressed its resolve to enhance cooperation to combat such acts as well as acts which pose as much threat to Africans as arms racketeering and drug peddling.[45]

The combined effects of these interventions climaxed in the OAU Convention on the Prevention and Combating of Terrorism (Algiers Convention) adopted by the 35th ordinary session of the OAU Summit, held in Algiers, Algeria, in July 1999.[46] The convention requires that member states criminalize terrorist acts under their national laws as defined in the convention and make such acts punishable by appropriate penalties that take into account the grave nature of such offences,[47] and to make as top priority the signing or ratification of, or accession to, the international instruments some of which relate to terrorism[48] which they have not yet signed, ratified or acceded to.[49]

Furthermore, the convention which defines areas of cooperation among member states, establishes state jurisdiction over terrorist acts and also provides a legal framework for extradition[50] as well as extra-territorial investigations and mutual legal assistance[51]

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[42] OAU Declaration, AHG/Decl.2 (XXX), Preamble, Para 12.
[43] OAU Declaration, AHG/Decl.2 (XXX), Para 15.
[44] OAU Declaration, AHG/Decl.2 (XXX), Preamble, Para 20.
[45] OAU Declaration, AHG/Decl.2 (XXX), Para 10.
[46] OAU Convention on the Prevention & Combating of Terrorism, Algiers Convention is the most robust African Intervention to terrorism till date. It entered into force in December 2002 and as at 03/02/2010, 40 Member States have ratified it. It covers almost all aspects of counter terrorism and was adopted in July 1999 by the 35th ordinary session of the Assembly of Heads of State and Government pursuant to the devastating consequences of domestic terrorism in North Africa and the emerging threat of transnational terrorism occasioned when terrorists bombed the American embassies in Dar es Salaam and Nairobi in 1998. The car bombs caused many casualties among local residents and American officials.
[47] OAU Convention on the Prevention & Combating of Terrorism, Algiers Convention, Art 2(a)(c).
[48] The international Instruments were listed in the annexure to the Convention.
[49] Algiers Convention, Art 2(b).
[50] Algiers Convention, Part IV, Art 8-13.

while at the same time calling on member states not to justify terrorism under any circumstances, whatever the origins, causes and objectives. For the first time in Africa, Article 1 (3)(a) described the very controversial concept of terrorism.[52]

Of interest, however is Article 3 of the Convention which provides as follows:

> Notwithstanding the provisions of Article 1, the struggle waged by peoples in accordance with the principles   of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts.[53]

Of similar interest is also the provision of Article 22 which states:

> Nothing in this Convention shall be interpreted as derogating from the general principles of international law, in particular the principles of international humanitarian law, as well as the African Charter on Human and Peoples' Rights.[54]

The next intervention was the Solemn Declaration of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) adopted by the Lomé Summit in July 2000,[55] which though not entirely on terrorism contains a dual reference to terrorism. The first reference is under the principle on the stability in Paragraph 11(e) and it states that: We (Assembly of Heads Of State & Government) affirm that 'terrorism, in all its manifestations, is inimical to stability development'; while the second is contained in the Plan of Action, intended to translate the principles governing the CSSDCA process into concrete actions, which Paragraph 14(d) provides among other things that the Member States agreed on the need to 'adopt....security concerns of States and non-interference in their internal affairs, as the bedrock of inter-state relations and exchange information and cooperation, at the Sub-regional level, on security matters, especially on issues relating to terrorism.

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[51] Algiers Convention, Part V, Art 14-18.

[52] The provision of the Convention which describes terrorism is found in n 25 above.

[53] It is doubtful if this provision cannot be used to justify terrorism.

[54] This provision is particularly interesting in the light of the apparent conflict between counter terrorism and protection of human rights of those accused of terrorism. Most African Countries have not only adopted an overly broad definition of terrorism in their legislations but also have also used counter terrorism legislations promulgated pursuant to the Algiers Convention to erode the human rights and political consciousness of the so called terrorists. Examples are found in the counter terrorism Legislations of Swaziland, Nigeria etc.

[55] OAU, Assembly of Heads Of State & Government, Thirty-Sixth ordinary session/ Fourth ordinary ession of the African Economic Community 10-12 July, 2000, Lome, Togo.

2.1 African Union

The transformation of the Organisation of African Unity (OAU) into the African Union (AU) was not a change in form only. It actually constituted regime change involving substantive normative and institutional changes that were totally unthinkable under the OAU.[56] Recognizing the need to take joint action and concerted efforts at the inter-governmental level to tackle the scourge of terrorism, the Constitutive Act of the African Union listed among its principles governing the activities of the Union and guiding its core values the respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities.[57]

To further solidify the commitments and obligations of member states under the 1999 Convention and the other international Counter Terrorism instruments, the African Union High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, was held in Algiers in September 2002 and adopted the African Union Plan of Action on the Prevention and Combating of Terrorism.

The primary aim of the Plan of Action, as could be gleaned from its preamble, is 'to give concrete expression to commitments and obligations (presented in the Declarations and Conventions preceding the Plan of Action), to enhance and promote African countries' access to appropriate counter-terrorism resources through a range of measures establishing a counter-terrorism cooperation framework in Africa'.[58]

The Plan of Action adopts practical counter terrorism measures that substantially address Africa's security challenges, it clearly sets out a series of general and specific measures and actions member states are required to comply with while countering

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[56] SA Dersso , 'The African Standby Force : Its role and potential as one of the AU's response mechanisms' The state of human security in Africa An assessment of institutional preparedness, ISS Monograph Number 185, 116. According to Dersso, 'Transformation in this context is used to refer to fundamental changes in norms and values and connotes regime change as understood in institutional theory'. He stated further and I agree with him that the OAU operated within the framework of and in strict adherence to its state-centric principles of sovereignty of states and non intervention, therefore, changes of the nature as we see today could not be accommodated without the OAU's transformation to the AU'.
[57] Art 4(o), Constitutive Act of the African Union.
[58] AU Plan of Action on the Prevention and Combating of Terrorism, Preamble Para 9.

terrorism with the inclusion of measures in areas such as police and border control, legislative and judicial measures, financing of terrorism and exchange of information.

Under the general measures, member states are expected to:[59]

- Sign, ratify and implement the Algiers Convention and other international counter-terrorism instruments and where necessary, seek the assistance of other member states or the international community to amend national legislation so as to align such legislation with the provisions of the Convention.[60]
- Enhance interaction and coordination amongst the various institutions engaged in the fight against terrorism namely legislative, judicial and financial authorities, security forces, the army, civil protection services, investigative authorities, police, border surveillance and customs authorities.[61]
- Address the root causes of terrorism, in particular poverty, deprivation and marginalisation.[62]
- Take into account the intimate relationships and links between terrorism and other forms of crime such as drug trafficking, illicit proliferation, trafficking of small arms, light weapons, corruption, money laundering and collection of money destined to be used in the financing of terrorist activities because of the acknowledgement of the influence in Africa of transnational organised crime in creating a suitable atmosphere for terrorism.[63]

The specific measures on the other hand, in addition to providing for the Role of the Peace and Security Council, Role of the Commission and the establishment of the African Centre for the Study and Research on Terrorism requires Member States to be committed to the police and border control, legislative and legal measures, suppressing the financing of terrorism, exchange of information and coordination at regional, continental and international Levels.

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[59]AU Plan of Action, para 10(a)-(e).
[60] AU Plan of Action, para 10(a&b).
[61] AU Plan of Action, para 10(c).
[62] AU Plan of Action, para 10(e).
[63] AU Plan of Action, para 10(d).

An additional Protocol to the 1999 Convention on the Prevention and Combating of Terrorism was adopted by the 3rd ordinary session of the Assembly of the Union, held in Addis Ababa in July 2004. The proposal for the adoption of the Protocol was made by 28 heads of states meeting in Dakar, on 17 October 2001. The Protocol, which also contains provisions on the role of the African Union Commission and the regional mechanisms for conflict prevention, among other things, provides for adequate measures for the suppression of terrorist financing, human rights protection safeguards, as well as addresses the risks of terrorists acquiring weapons of mass destruction. Recognising the growing threat of terrorism and its growing connection with drug trafficking, transnational organized crimes, money laundering, and the illicit proliferation of small arms and light weapons, the Protocol aims to give effect to Article 3(d) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union. The Protocol which enters into force following the deposit of the 15th instrument of ratification, has so far been ratified by 12 States.[64]

As a follow up to the decision of the Assembly of the African Union on the prevention and combating of terrorism adopted at its 15th ordinary session,[65] the Chairperson of the Commission appointed, on 7 October 2010, Mr. Francisco Caetano Jose Madeira of Mozambique, as his special representative in charge of counter-terrorism cooperation and, concurrently, as the director of the African Centre for the Study and Research on Terrorism.[66]

2.2 The Peace & Security Council (PSC)

The Solemn launching of the Peace and Security Council (PSC) of the African Union took place at the African Union conference hall on Tuesday, 25 May 2004, months after the Protocol relating to the Establishment of the Peace and Security Council of the African Union (The Protocol) entered into force on 26 December 2003, after being

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[64] List of Ratifications, http://www.au.int/en/sites/default/files/Protocol%20on%20terrorism.pdf accessed 30 September, 2012.
[65] Assembly/AU/Dec.311(XV)
[66] AU Press Release, 7 October, 2010 Press Release 'AU Appoints Special Representative in charge of Counter-Terrorism Cooperation'.

ratified by the required majority of member states of the African Union.[67] Under Article 7 of the Protocol, the Peace and Security Council is charged among other things, with the responsibilities of ensuring the implementation of the Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions and instruments, and harmonize and coordinate efforts at regional and continental levels to combat international terrorism.[68]

2.2.1 Peace and Security Council Sub-Committee on Counter-Terrorism

The Peace and Security Council of the African Union at its 249th meeting decided in accordance with Article 8(5) of its Protocol, to establish, as a subsidiary organ, a sub-committee on counter-terrorism to ensure the implementation of relevant African Union and international instruments, prepare, publicize and regularly review a list of persons, groups and entities involved in terrorist acts, in line with the 2002 Plan of Action on the Prevention and Combating of Terrorism, and undertake other related tasks. According to the African Union Chairperson's report on terrorism in Africa and the African Union's efforts to address the scourge,[69] the Commission circulated to the members of Council a proposal on the establishment of the said sub-committee on 30 November 2011, it is however doubtful if any further action on the establishment of the committee has been taken ever since.

2.3 African Centre for the Study and Research on Terrorism

The African Centre for the Study and Research on Terrorism (ACRST) was established in accordance with the provisions contained in Section H, paragraphs 19 to 21, of the African Union Plan of Action on the Prevention and Combating of Terrorism in Africa, as well as the relevant decisions of the political organs of the Union.[70] With its headquarters in Algiers, the ACSRT was established in 2004 to serve as a structure for centralizing information, studies and analyses on terrorism and terrorist groups and to

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[67] PSC Website, http://www.africa- union.org/root/au/organs/The_Peace_%20and_Security_Council _en.htm, accessed 30 September, 2012.
[68] Art 7, Protocol relating to the Establishment of the Peace and Security Council of the African Union; the role of the PSC in Counter Terrorism is also restated in paragraph 16 of the AU Plan of Action.
[69] PSC 303rd meeting, Addis Ababa, PSC/PR (CCCIII).
[70] Assembly/AU/Dec.15 (II); EX.CL/Dec.13 (II); EX / CL/Dec.82 (IV) and EX/CL/Dec.126 (V).

develop counter-terrorism capacity building programmes for the continent.[71] The ACSRT which plays an important role in guiding the African Union's counter terrorism efforts also provides a forum for interaction and cooperation among member states and regional mechanisms to prevent and combat terrorism.[72]

2.4 The African model law on counter terrorism

Moving towards the implementation of the 2002 AU Plan of Action on the Prevention and Combating of Terrorism , which places the responsibilities on the Commission to advise on matters pertaining to counter-terrorism action, including preparation of model legislation and guidelines to assist member states, the African model law on counter terrorism was presented to the member states' experts in a meeting held in Algiers from 15 to 16 December 2010. The model law was endorsed by the decision adopted by the 17th ordinary session of the Assembly of the Union, held in Malabo, in July 2011.[73] The main purpose of the African model law is to promote national implementation of the continental and international instruments for the prevention and combating of terrorism. The law will serve as a template that would guide member states in developing, strengthening and/or updating their existing national laws, to meet their international and regional obligations.

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[71] AU Plan of Action, para 20.
[72] ACSRT website, http://www.caert.org.dz/an/apropos.php, accessed 30 September 2012.
[73] Assembly/AU/Dec.369(XVII).

CHAPTER THREE:

PAVED WITH GOOD INTENTIONS? AN EVALUATION OF AFRICAN UNION'S COUNTER TERRORISM AGENDA

3.0 Introduction

Since its transformation from the Organisation of African Unity (OAU), the African Union's (AU) major concern has been to reinforce and implement existing counter-terror instruments and to promote coordination between member states and the regional organisations i.e. the Regional Economic Communities (RECs).[74] The African Union has also sought to serve as an interface between the continent and the international community, especially the United Nations.[75] Terrorism therefore formed a large part of the immediate global challenge to the new African Union, whose foremost guiding principles include respect for the sanctity of human life, rejection of impunity, political assassination and acts of terrorism, as enshrined in its Constitutive Act.[76]

Africa's approach to terrorism in all its various forms, whether domestic, international, transnational or nuclear, has been reflective of the security priorities of the continent. With limited resources and numerous other priorities, it is important for African states to deal with particular incidents and to focus on the root causes of all forms of terrorism as well as to develop appropriate strategies to address these challenges. African states have shown various levels of commitment to international and regional agreements that aim to counter terrorist acts.[77] This chapter examines levels of compliance with the counter-terrorism agenda of the Africa Union and raises questions about the effectiveness of its counter-terrorism regime.

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[74] H Solomon, 'The Achilles' heel of AU counter-terror efforts remains the African State', International Centre for the Study of Radicalism, http://www.icsr.info/blog/The-Achilles-heel-of-AU-counter-terror-efforts-remains-the-African-State, accessed 1 October, 2012.

[75] Solomon, as above, para 3.

[76] The AU Constitutive Act, Art 4(o).

[77] A Broodryk & N Stott, 'Progress towards increasing Africa's nuclear resources' an updated version of an ISS publication on the same subject in 2011, 27.

3.1. Preliminaries

Ewi and Aning[78] pontificate that 'a systemic viewpoint conceptualises the fight against terrorism at four levels namely: national, regional, international and global and that the primacy of the state remains unchallenged and, indeed, central in combating terrorism at all four levels. Therefore, whatever role intergovernmental organisations play in the fight against terrorism is what has been relegated to them by states based on the calculus of comparative advantage.' If the above assertion is anything to go by, then the role the African Union plays in countering terrorism, which is principally to provide guidelines and strategies for collective and individual state action against terrorism, can at best be only complementary to those of member states.

This dependence on member states, though logical, due to the concept of sovereignty, may also constitute the millstone of African counter-terror efforts. This is because there have been instances where governments have made use of counter-terror legislation to consolidate their draconian rule thereby undermining the democratic aspirations of their citizens.[79] As noted by Solomon, indeed, the resultant popular alienation makes the populace vulnerable to the propaganda of extremist elements and renders genuine counter-terror efforts illegitimate.[80]

There have also been instances, where states either exaggerate or play down the seriousness of terrorism in their territories for their own selfish reasons, especially to gain favours from the western world, particularly the United States, being at the vanguard of global anti-terror campaign.[81] The fact being established therefore is that if the African Union counter terrorism agenda is based on the information and statistics proceeding from state actors which are not always accurate, and even in some cases

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[78] Ewi & Aning, 33, para 3.

[79] Solomon, para 4. There are numerous examples of counter terror legislations which have been used by African countries to silence political dissents and the media, e.g Swaziland Suppression of Terrorism Act 2008, the Ethiopian Anti-Terrorism Law of 1954, The Penal Code No 85 of the Arab Republic of Egypt, developed in 1937, also contained anti-terrorism provisions in Articles 86–102.

[80] Solomon, para 4.

[81] Solomon, para 4. For example, Uganda's President Yoweri Museveni, struggled to establish the linkages between Al-Qaeda and domestic terror groups like the West Nile Bank Front and the Lord's Resistance Army so as to attract the attention of the West.

deliberately tainted by narrower political considerations, then any strategy formulated on such erroneous information will be ineffective, if not absolutely counter-productive.[82]

3.2 Evaluating the African Union's counter terrorism agenda

On paper, and as clearly demonstrated in the preceding chapter, the African Union is blessed with one of the best frameworks for counter terrorism the world over. This is manifest in the plethora of interventions the Union has employed to address the scourge of terrorism on the Continent since the days of the Organisation of African Unity. What has become an albatross, however, is the translation of the agenda into positive actions.[83] Cognizance must of course be taken of the geo-political and economic contexts of Africa and the fact that the degree to which the African Union could represent member states or even act independently depends on a number of factors such as the level of integration on the continent and the amount of sovereignty or power that member states agreed to concede to the AU.[84]

Flowing from the above, it is evident that the difficulty of Africa to effectively combat terrorism is not as a result of its magnitude on the continent, but rather from the lack of capacity of African states and organizations to respond quickly and effectively to terrorism. In the words of Kayode Fayemi,[85] some of Africa's core security challenges are:

(a) the legacy of historic notions of state sovereignty;

(b) the rise of regionalism in the absence of common regional values;

(c) the difficulty of managing hegemonic regionalism;

(d) elitism in the form of regional integration occurring only at the level of leaders without permeating the consciousness of the people;

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[82] Solomon, as above, para 4.

[83] The experience of the AU in preventing and combating terrorism in Africa has shown a limitation in its role to overcome a legacy of the OAU, such as a tendency to adopt landmark decisions and make pronouncements without ensuring effective and appropriate follow-up. Therefore, the main challenge remains the full implemetation of the counter-terrorism instruments and relevant decisions of the AU policy organs.

[84] Ewi & Aning, 34, para 1.

[85] K Fayemi, 'Framework for Cooperative Security in a Region in Transition: Challenges and Prospects', paper presented at an ACSS Workshop in Maputo, Mozambique, December 2004 in K Aning, '*Africa: Confronting Complex Threats*' Coping with Crisis working paper series, February 2007, 1.

(e) the creation of institutions with little or no capacity to manage them, resulting in a merely formal regionalism; and finally;

(f) the perception of regionalism as an externally driven project.

A critical examination of the implementation of the African Union counter terrorism agenda will reveal that it is being bedeviled by at least one, if not all of the above challenges.

Since its transformation in July 2002, the African Union, as far as terrorism is concerned has been legally preoccupied with coordination and harmonisation of the activities of states and of the RECs, as well as to promote interstate cooperation in Africa in the area of counter-terrorism, through the Peace and Security Council(PSC).[86]

As discussed in the previous chapter, the AU Plan of Action provided a framework and a roadmap for African States to implement international counterterrorism measures as provided in the OAU Convention, as wells as the measures mandated by Security Council resolution 1373 (2001). The Protocol also established and clarified the mission of the African Centre for the Study and Research on Terrorism as a structure of the AU Commission. The ACSRT operates as the operational arm of the AU Commission for counterterrorism implementation in Africa.

In performing this role the Union has been organising meetings of intergovernmental experts and senior government officials, such as the serialised High-Level Intergovernmental Meeting.[87] The Chairperson of the Commission has also taken advantage of his regular reports to the policy organs of the African Union to inform the Union on the status of terrorism in Africa, and to seek policy directions for the AU counterterrorism programme.[88]

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[86] Ewi & Aning, 41, para 3; I Wani, The African Union role in global counterterrorism, in Le Sage (ed), African Counterterrorism Cooperation, 2007.

[87] The African Union High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, held in Algiers in September 2002 and adopted the African Union Plan of Action on the Prevention and Combating of Terrorism.

[88] Report of the chairperson of the commission on measures taken to strengthen cooperation in the prevention &combating of terrorism, PSC 249th meeting, 22 November 2010, Addis Ababa, Ethiopia PSC/PR/2(CCXLIX).

Within the structure of the African Union Commission, the Defence and Security Division of the Peace and Security Department(DSD/PSD) has primary responsibility for developing AU counterterrorism policies and ensuring political consensus is reached on AU counter-terrorism programmes.[89] The DSD/PSD also ensures there is a coordination between its activities and those of the ACRST and ensures that the ACSRT has the necessary political mandate for its work.[90] The Peace and Security Department, operating within this context, also has primary responsibility for development of legal instruments and policies for AU action against terrorism. Effectively, there is a division of labour between the PSD and the ACSRT, the former's important role in marshalling the political will of AU member States, while the latter concentrates on programming and facilitating technical assistance for member States and collaborating with relevant RECs on their counter-terrorism programmes.[91]

Notwithstanding this enviable structure of the African counter terrorism set-up, the reality on the ground shows that there is a gap between the political will demonstrated by the adoption of the counter terrorism agenda and the resources – internal and external – that are needed to implement counter-terrorism measures effectively. For instance, the counter terrorism unit of the DSD/PSD is a one man affair, manned by only one staff, and who is saddled with the responsibility of performing the impossibly huge task of coordinating the activities of the DSD/PSD and ACRST, thereby constituting a great clog on the progress of the agenda.[92] And, while the AU wants to be an effective partner in global counterterrorism, its Member States are either unable or unwilling to supply the financial, technical and human resources needed to enable the organization to meet expectations.[93] This may not be unconnected with the debate as to

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[89] Discussion with Dr Norman Mlambo of the Peace and Security Department, AUC, 8 August, 2012; UN Office of the Special Adviser on Africa 'Africa and International Counterterrorism Imperatives' Expert paper prepared by the Office of the Special Adviser on Africa, 31.

[90] Discussion with Mlambo above; UNOSAA Expert Paper, 32.

[91] Discussion with Mlambo above; UNOSAA Expert Paper, 32.

[92] The issue of funding has been felt more by the ACSRT, which has been unable to carry out many of its programmes due to insufficient budget allocation. For the fi rst two years, the centre operated on a US$2 million donated by the Algerian government, a sum which was far less than what was budgeted to initiate the centre.

[93] UNOSAA expert paper, 32.

whether terrorism, in its current state and manifestations, constitutes a serious threat to the continent on the same scale as poverty, the health crisis and internal conflicts. Those who argue that terrorism does not constitute such a threat often claim that the 'real' terrorists in Africa are poverty, hunger and pandemic diseases such as HIV/AIDS, malaria and tuberculosis, which kill Africans *en masse*.[94]

One of the major challenges encountered by the African Union in implementing its counterterrorism agenda is the lack of adequate human and financial resources. While this problem is not peculiar to counter-terrorism, it is, however, a severe stumbling-block to fully and timely realising the AU's counter-terrorism objectives, especially if the Union is to be proactive in its response to terrorism.[95]

Subsequent to 9/11, the AU was imbued with the idea of setting up a counter terrorism unit at its headquarters in Addis Ababa. The unit had great expectations that foreign funds and assistance would be available to help it build its capacity to provide the assistance needed by AU member States to implement UN counter-terrorism mandates, in particular UN Security Council mandates.[96] It was with this confidence that the AU Commission reached out to the UN system and other bilateral partners. Among other avenues established to achieve this aim was a meeting convened for this purpose with UN bodies and other partners at its headquarters in Addis Ababa in 2003 to seek guidance and assistance in establishing a viable counter-terrorism unit within the Commission. The Commission's hopes and expectations were however not met, as UN and other international partners, in particular bilateral donors, expressed satisfaction and willingness to continue with the assistance they were providing directly to AU member States.[97]

Thus the AU's reliance on technical assistance from international partners and donors, both at the AU headquarters and the ACSRT, to build its own counter-terrorism

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[94] Ewi & Aning, 33, para 4.
[95] Report of the Chairperson of the AU Commission on the Implementation of the 1999 OAU Convention and the Plan of Action on the Prevention and Combating of Terrorism in Africa, AU document Mtg/HLIG/Conv Terror/ 2(II), submitted to the Second High-Level Meeting.
[96] Ewi & Aning, 42-43.
[97] UNOSAA expert Paper, 32, para 3.

capacity and effectiveness constitutes an Achilles heels to its counter terrorism agenda and has been circumscribed from the very outset by the level of available external assistance. Regrettably, the entire set up of the African Union Commission is till this day, is to a great degree dependent on external partners.

Although, there are efforts and indeed some progress, especially through the ACSRT, to build AU capacity to deliver technical assistance to AU member States directly,[98] carrying out the UN counter-terrorism mandates has proven to be quite challenging to the AU Commission and most African States. Limited financial, human and technical resources, as well as other pressing priorities on the continent, are cited often as reasons for lack of full and effective implementation.[99]

3.2.1 African Centre for the Study and Research on Terrorism: An operational analysis

The limitations of the African Union counter terrorism agenda highlighted above, notwithstanding, the establishment of the African Centre for the Study and Research on Terrorism (ACSRT) has been a milestone of the AU with respect to the concrete implementation of its counter-terrorism regimes. The ACSRT gives the AU a technical capacity to implement its regimes. With its research capacity if given full implementation, the ACSRT can be proactive in preventing terrorism in Africa. A testament to this assertion is manifest in the number of capacity building activities that ACSRT has organised for member states.

As discussed in the last chapter above, the operative features of the African Union Commission's counter-terrorism activities, including strengthening the capacity, provision of expertise, facilitation and delivery of counter-terrorism technical assistance to AU member States, are entrusted to the African Centre for the Study and Research on

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[98] Most recently, PSD in collaboration with ACSRT and with the support of the UNODC and external consultants has finalized a draft African Model Law for Combating Terrorist Financing (African Model Law). The ACSRT will have primary responsibility to assist AU member States to draft appropriate legislation to incorporate and reconcile the African Model Law with their existing Criminal Codes, bearing in mind the different legal systems existing in Africa. This will require a well-resourced ACSRT

[99] UNOSAA expert Paper, 33, para 1.

Terrorism which is sited in Algiers, Algeria.[100] By way of carrying out this task, the ACSRT has provided a forum for interaction and cooperation among Member States and the Regional Mechanisms, through their Focal Points. The Focal Points held their 5th annual meeting in Algiers, from 30 October to 1 November 2011, to assess the extent of progress on the implementation of their Plan of Activity for the period 2010-2013.[101] The ACSRT has also taken steps to provide technical assistance to member states by developing technical expertise in a number of counterterrorism areas, through training courses and seminars.[102]

ACSRT endeavoured to boost its Counter-Terrorism Continental Early Warning System (CT-CEWS), in cooperation with the Peace and Security Department of the Commission and this has resulted in improving the Centre's information collection and analysis capability. The ACSRT has also established a counter terrorism database and is in the process of concluding efforts on information exchange templates and the development of its secured information exchange portal.[103]

The Centre has convened several meetings of national and regional Focal Points where a number of important decisions have been adopted. These include a Code of Conduct regulating the relationship between the Centre and the Focal Points[104] the threat Assessment Template and, in terms of capacity building, the 2010-2013 Strategic Plan of Activities.[105]

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[100] African Centre for the Study and Research on Terrorism (ACSRT), Strategic Plan of Activities, 2010-2013, page 2.

[101] Report of the chairperson on the activities of the Commission covering the period July to December 2011, Executive Council Twentieth Ordinary Session 23 - 27 January 2012 Addis Ababa, Ethiopia EX. CL/688(XX), 4; Report of the Chairperson of the Commission on Terrorism in Africa and the AU's efforts to address this scourge, PSC/PR (CCCIII), para 26.

[102] UNOSAA expert Paper, 33, para 3.

[103] Chairperson's Report, EX. CL/688(XX), para 163.

[104] This document was considered by the UN Security Council resolution 1267 Monitoring Team as an example of best practice, which should be shared with other stakeholders.

[105] Chairperson's Report, , EX. CL/688(XX),6, para 22.

Additionally, to further execute of the Plan of Action, the Centre has launched the African Journal for the Prevention and Combating of Terrorism,[106] in addition to the Counterterrorism news-briefs received daily by its Focal Points through the ACSRT-tounter terrorism situation-room. Likewise, the Centre also plays an effective role in the monitoring missions conducted by the United Nations Security Council Counter-Terrorism Executive Directorate (CTED), contributing to the reports submitted to the UN Security Council. These visits are conducted to monitor the implementation of the provisions of Security Council resolution 1373 that was introduced in year 2001.[107]

In a report submitted by the Chairperson,[108] African Union Commission, to the Peace and Security Council, it was emphasised that the Commission, at the level of the headquarters,   has continued its cooperation with the relevant international organizations dealing with counter-terrorism issues. The Commission was stated to have, through the ACSRT, organized a number of capacity building activities in partnership and collaboration with a number of International Organizations such as the UN Counter-Terrorism Committee (CTC) and the United Nations Office on Drugs and Crime (UNODC). Furthermore, the African Commission was reported to have participated in the First Round-Table meeting to launch the Knowledge Management System on Chemical, Biological, Radiological and Nuclear (CBRN) Trafficking in North Africa, in June 2010, organized by United Nations Interregional Crime and Justice Research Institute (UNICRI).

The Chairperson of the African Union Commission further noted with pleasure, the fact that the cooperation between the ACSRT and PSD has made it possible to establish, at the level of the ACSRT, some key early warning tools, enabling the Centre to commence the dissemination of an improved and user-friendly version of its Terrorism Daily News Highlight and to launch the Terrorism Bi-Weekly Press Review, which compiles articles

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[106] The Centre has so far published two editions of the Journals, the first being in June 2010 and the second in December 2011.
[107] Chairperson's Report, , EX. CL/688(XX),6, para 22.
[108] Chairperson's Report, PSC 249th meeting, PSC/PR/2(CCXLIX), 23.

on terrorist incidents that took place every fortnight. In addition, the ACSRT launched the Terrorism Incident Preliminary Analysis Report.[109]

As a follow-up to the decision adopted in Malabo, the Commission disseminated the African model law on counter-terrorism, elaborated to assist Member States to strengthen and update their national legislations, in order to meet their continental and international obligations. Steps are being taken to put in place a team of experts to provide technical assistance to member states on best ways of incorporating the Model Law into their national legislations.**[110]**

Further to the above, the ACSRT has also carried out a threat assessment in Africa which helps to guide its counterterrorism programmes. The necessary tools for dissemination to achieve high visibility of its assessments and programmes are however lacked by the ACRST. Therefore, an increased level of assistance to the ACSRT should help to enable the African Union Commission to deliver on counter-terrorism capacity building programmes.[111]

3.2.2 Ratification of counter terrorism instruments by AU member states

Ratification of a wide range of African regional instruments on counterterrorism is a very important component of the agenda; it provides a legal foundation for entrenching and adapting counter terrorism efforts to meet local needs. Furthermore, developing national laws on international instruments minimises the risk of overly broad definitions of terrorism that can have negative human rights and political consequences,[112]   as we now have in many terrorism acts of most African States.[113] Above all, of what benefit is the African Union counter terrorism agenda, if most of its instruments are not ratified by Member States?[114]

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[109] Report of the chairperson, PSC/PR (CCCIII), para 26.

[110] Report of the chairperson, EX. CL/688(XX), 41, para 162.

[111] UNOSAA expert paper, 34, para 2.

[112] J Ford, African counter-terrorism legal frameworks a decade after 2001, ISS Monograph 177, 2011, vi.

[113] This feature is found in Swaziland Suppression of Terrorism Act of 2008 and the Nigerian Anti-terrorism Act of 2011.

[114] UN Security Council (UNSC) resolution 1373, passed shortly after the 11 September attacks, calls on all states to pass comprehensive counter-terrorism laws and measures, including by ratifying various international instruments and complying with legally binding UNSC resolutions.

As explained above, although the importance of regional efforts cannot be wished away because the AU's counter-terrorism framework is a significant element of Africa's overall counter-terrorism scheme,[115] counter terrorism is mostly effective at the national level where the government is expected to create legal measures that is targeted at reinforcing authentic, effective and coordinated actions to prevent and respond to terrorism. The international instruments can only provide a ready and legitimate template for the development of national laws and a basis for international legal cooperation.

Bemoaning the low rates of ratification in Africa, Jolyon Ford explained that the reasons are subject to considerable regional variation. He cited a range of complex, interrelated political and technical (or capacity) reasons as the basis why African states have not ratified and implemented counter-terrorism instruments more widely. He concluded that some of the reasons are not specific to counter-terrorism but affect many other legal regimes in Africa, citing key political factors such as the capacity to implement and priorities arising from perceived level of importance of counter-terrorism efforts especially when weighed against other pressing demands facing many African countries as some of the reasons for non ratification.[116]

Perhaps Ford was right in stating that ratification was insufficient and that, rather implementation of ratified instruments should be the utmost priority, since Africa is marked by relatively poor rates of conversion of ratifications into national legislation. With this kind of attitude, even when ratification is secured, it may not make much impact. In the words of Hubschle, Some officials have suggested that anti-money laundering laws are drafted to satisfy minimum international obligations, but they pay little more than lip service to the international instruments, as their implementation is put on the back burner.'[117]

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[115] J Ford, ISS Monograph 177, 2011, 16..
[116] J Ford, ISS Monograph above, v-vii.
[117] A Hubschle, 'Terrorist financing in southern Africa: are we making a mountain out of a molehill?' ISS Paper 132, Pretoria: Institute for Security Studies, 2007, 4.

This unfortunate situation was aptly described in the document titled Implementing the UN Global Counter-Terrorism Strategy in southern Africa as 'adopting laws and signing and ratifying treaties without implementing them, and participating in donor sponsored or funded training programs without applying the training'.[118] This brings to the fore the question whether ratification is really the issue? As much that ratification is desirable, our previous discussion has shown that ratification and even implementation may not be enough, without applying the laws as part of a consistent national strategy. This conforms with Ford's belief that these measures are not themselves the main objective, but only milestones on the way to reaching the objective. He deduced that 'the problem may be not that ratification levels are low, but that a focus on ratification can distort other avenues for reaching the goal of rule of law-based national responses in Africa.'

A major weakness of African Union's counter terrorism agenda is that it lacks a system for monitoring implementation of measures by states even if they do ratify.[119] This point was strengthened by Ewi and Aning when they noted that a shortcoming of the African Union has been its failure to escape the legacy of the OAU: a tendency 'to adopt landmark decisions and make pronouncements without ensuring effective and appropriate follow-up' concluding that the AU is also unable to verify which member states are complying with or actually implementing the African and global schemes.

The combined effect of this obvious weakness of the AU is that it undermines its credibility and effectiveness as a counter-terrorism body. There is therefore, no doubt that Ewi and Aning hit the nail on the head when they observed that although the AU is a relatively young organisation faced with huge challenges, the 'biggest challenge' that the organisation is confronted with is its ability to fully and effectively convert into reality the commitment and ideals of its member states vis-a-vis the continental and international instruments.[120]

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[118] CGCC, Implementing the UN Global Counter-Terrorism Strategy in southern Africa, New York: Centre on Global Counterterrorism Cooperation, 2007, 30.
[119] Rosand & Ipe, 'Enhancing counterterrorism cooperation in southern Africa', African Security Review 17.2 Institute for Security Studies, 47-8.
[120] Ewi and Aning, Assessing the AU's Counter-terrorism Role, 37.

3.2.3 African Union counter terrorism agenda and human rights

'We cannot achieve security by sacrificing human rights. To try and do so would hand the terrorists a victory beyond their dreams.'[121]

Arguments have ensued from certain quarters that the pursuit of national security and the advancement of human rights are separate discourses that exist in opposition to one another.[122] This argument is premised on the belief that counter-terrorism measures are premised on a desire to protect people and their values, including human rights. Terrorist attacks, on the other hand, do not take into account people's right to life. They undermine values that make it possible for people to enjoy their rights.[123] The above has been given as excuse by those who are of the view that human rights should be suspended when dealing with terrorism.

But this is contrary to the modern view of countering terrorism as expressed by the United Nations in its strategy as follows:

> The promotion and protection of human rights for all and the rule of law is essential to all components of the strategy, recognizing that effective counter-terrorism measures and the promotion of human rights are not conflicting goals, but complementary and mutually reinforcing.[124]

As Secretary-General Kofi Annan has stated:

> Terrorist acts . . . constitute grave violations of human rights. Our responses to terrorism, as well as our efforts to thwart it and prevent it should uphold the human rights that terrorists aim to

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[121] Koffi Annan, Press release, SG/SM/8196 HR/CN/989, 'Secretary-General to Commission on Human rights: Human rights must not be sacrificed to counter-terrorism'12/04/2002.

[122] J Kollapen, 'Human rights, terrorism and the interests of a secure society' Understanding terrorism in Africa: In search for an African Voice, ISS, Edited by Wafula Okumu and Anneli Botha, 6 & 7 November, 2006, 131.

[123] SM Makinda, 'The Impact of the War on Terror on Governance and Human Rights in Sub Saharan Africa', Understanding terrorism in Africa: building bridges & overcoming the gaps, ISS, 32.

[124] UN global counter-terrorism strategy (GA Res 60/288 annex).

destroy. Human rights, fundamental freedoms and the rule of law are essential tools in the effort to combat terrorism—not privileges to be sacrificed at a time of tension.[125]

In the same vein, the U.N. High Commissioner for Human Rights, Louise Arbour, opined that in the long run, 'a commitment to uphold respect for human rights and rule of law will be one of the keys to success in countering terrorism—not an impediment blocking our way.'[126]

That terrorism has a very direct impact on human rights, with devastating consequences for the enjoyment of the right to life, liberty and physical integrity of victims is not an understatement. Further to this is also the potential of terrorism to destabilize governments, undermine civil society, jeopardize peace and security, and threaten social and economic development.[127] Therefore, states have an obligation to ensure the human rights of their nationals and others by taking positive measures to protect them against the threat of terrorist acts and bringing the perpetrators of such acts to justice.[128]

But as stated in the factsheet compiled by the United Nations Office of the High Commissioner for Human Rights,[129]

> the measures taken on by states to counter terrorism in their territories in some cases are anti human rights and rule of law. While countering terrorism, some states have engaged in torture and other ill-treatment, while the legal and practical safeguards available to prevent torture, such as regular and independent monitoring of detention centres, have often been disregarded. Other states have returned persons suspected of engaging in terrorist activities to countries where they face a real risk of torture or other serious human rights abuse, thereby violating the international legal obligation of non-refoulement.

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[125] Press Release, The Secretary General, All Must Work Together to Counter Terrorism, Prevent Spread of Weapons of Mass Destruction, Secretary-General Says, U.N. Doc.SG/SM/8624-SC/7680 (Mar. 6, 2003).
[126] Louise Arbour, U.N. High Comm'r for Refugees, Security Under the Rule of Law, Keynote Address Before the Biennial Conference of the International Commission of Jurists (Aug. 27, 2004) in MD. KIELSGARD, 'A Human Rights Approach To Counterterrorism' *California Western International Law Journal*, Volume 36 Spring 2006 Number 2, 250.
[127] UNHCHR 'Human Rights, Terrorism and Counter-terrorism' UNHCHR Factsheet No 31, www.ohchr.org/Documents/Publications/Factsheet32EN.pdf, accessed 8 October 2012, 1.
[128] Amnesty International Briefing, 'Nigeria: Provisions Of The 'Prevention Of Terrorism Bill 2009' Are Incompatible With Nigeria's Human Rights Obligations' AI Index: AFR 44/005/2010 27 May 2010.
[129] UNHCHR Factsheet No 31 above.

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The independence of the judiciary had been undermined, in some places, while the use of exceptional courts to try civilians has had an impact on the effectiveness of regular court systems.[130] Repressive measures have been used to stifle the voices of human rights defenders, journalists, minorities, indigenous groups and civil society,[131] and resources normally allocated to social programmes and development assistance have been diverted to the security sector, affecting the economic, social and cultural rights of many. [132]All the above stated practices, which are very common in Africa, have serious implications on the enjoyment of human rights by the citizens and may also be counter-productive to national and international counter terrorism efforts. Respect for human rights and the rule of law must therefore be the bedrock of the African Union counter terrorism agenda.

Compliance with human rights standard is of course not alien to the African Union counter terrorism agenda, Article 22(1) of the OAU Convention on Prevention and Combating of Terrorism provides that nothing in the Convention shall be interpreted as derogating from the general principles of international law, in particular the principles of international humanitarian law, as well as the African Charter on Human and Peoples' Rights. But many of the member states have not taken their obligations under the AU counter terrorism agenda seriously in this regard. Conflicting priorities among AU Member States and opposing views of the menace, as well as lack of resources, have so far hindered contributions in this area.[133]

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[130] At the swearing in of the new Chief Justice of Nigeria in June 2011, the President of Nigeria with the approval of the Senate urged the new CJN to consider the creation of special court and designation of special judges to adjudicate on terrorism. Only time will tell what implication this gesture will have on the human rights of the victims, considering the label that will be attached to such a court, coupled with the impact the court will have on the trial of such a serious offence especially in a State where the Judiciary is not entirely independent, The Nigerian Voice, Boko Haram And Terrorism: Senate Demands Special Courts, http://www.thenigerianvoice.com/nvnews/93440/1/boko-haram-and-terrorism-senate-demands-special-co.html, accessed 8 October 2012.

[131] Amnesty International May 2009 Index: AFR 55/004/2009 'An atmosphere of intimidation: counter-terrorism legislation used to silence dissent in Swaziland' 6.

[132] Even at the level of the African Union, resources are rather allocated to other agenda other than counter terrorism, basically because terrorism is not a big problem in Africa.

[133] Rosand, Millar& Ipe, 'Implementing the UN Global Counter-Terrorism Strategy in East Africa' Center on Global Counterterrorism Cooperation, www.globalct.org/images/content/pdf/reports/ eastafrica. pdf, accessed 8 October, 2012, 22, Para 2.

Perhaps the way to start is for the African Union to promote implementation of its regional counterterrorism agenda, and respect for human rights in the fight against terrorism by adopting the African anti-terrorism model law which has been awaiting consideration by the AU member states for more than a year. The draft includes substantive, jurisdictional, and judicial cooperation elements designed to provide African states with a template for the implementation of both African and international counterterrorism instruments in full compliance with international human rights standards.[134]

The adoption will in no small measure reduce the unfavourable impact of non availability of human rights-compliant terrorism law on the continent. Perchance this effort will help to encourage more action in national governments and parliaments on adopting comprehensive human rights-compliant counterterrorism laws.[135]

3.3 Evaluating African Union's fresh interventions to terrorism

In an attempt to translate some of the existing African instruments and decisions, and in response to some of the challenges encountered in the fight against terrorism, the African Union has lately introduced a number of interventions, such as the introduction and subsequent exposition of a model law, the appointment of a special representative for counter- terrorism cooperation and the decision on payment of ransom to terrorist groups.

3.3.1 African anti-terrorism model law

The decision to create an African anti-terrorism model law is no doubt a commendable one. The draft model law covers areas such as: the creation as offences under domestic law of all the acts that States are required to criminalize under the relevant counter-terrorism Conventions and United Nations Security Council resolution 1373(2001); the establishment of jurisdiction of states over the crimes in question in the circumstances required by the relevant treaties; the creation of offences relating to terrorist financing and support for terrorism; and extradition and mutual legal

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[134] Rosand, Millar & Ipe, 'Implementing the UN Global Counter-Terrorism Strategy, para 3.
[135] Rosand, Millar& Ipe, as above, para 3.

assistance. It also addresses the issue of the payment of ransom to terrorist groups.[136] Since the distribution of the draft model law to Member States in 2011, steps have been on going to put in place a team of experts to provide technical assistance to member states on best ways of incorporating the model law into their national legislations.[137] This is surely a right step in the right direction.

3.3.2 Payment of ransom to terrorist groups

Africa, because of its peculiarity as an under-developed world is a ready target for terrorist groups, particularly, when it comes to raising of funds for terrorist activities. As other regions of the world tackle the roots of terrorism and assets of established terrorist organisations are frozen, terrorist groups seek alternative sources of funding and logistics in Africa. Many African states have weak institutions for law enforcement. Consequently, Africa has emerged as channels through which organised criminal groups and terrorist organisations raise fund for their activities. [138]

Perhaps to just give a brief statistics about the prevalence of this problem in Africa, heavy reliance is placed on the work of CE Jesús,[139] where he detailed the problem of terrorism in the following manner:

> In February 2008, the AQIM kidnapped two Austrian tourists who were on holidays in southern Tunisia. They were held hostage for eight months in a remote area of Mali's Sahara desert before being released after reportedly receiving Euro 2,5 million as ransom. On December 15, 2008, two Canadian diplomats who had been travelling in western Niger as part of a UN Mission were kidnapped by the same group and were released against a ransom of Euro 2 million. Three of a group of four European hostages (2 Swiss, 1 British and 1 German) who had been kidnapped in eastern Mali on January 22, 2009 were also released against a ransom of Euro 2 million and the liberation of 3 terrorists.

Without a serious war on payment of ransom, it is unlikely whether terrorism can be addressed because of the huge amount of money involved. For instance, according to

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[136] Report of the chairperson, n 137 above, EX. CL/688(XX), 41, Para 162.
[137] Chairperson's report, PSC/PR (CCCIII), para 22.
[138] CN Okereke 'The Combating Financing Of Terrorism: The African Experience' *African Journal for the Prevention and Combating of Terrorism* Vol 2 No 1 December 2011, 19.
[139] CE Jesús 'Terrorism financing: The Particular Case of Al Qaida in the Islamic Maghreb (AQMI)', *African Journal for the Prevention and Combating of Terrorism* Vol 2 No 1 December 2011,44

further statistics compiled by Dr Carlos Echeverría Jesús of Open University-UNED, Madrid, Spain, hostage taking in the Sahel region had risen 150% between 2008 and 2009. Now, the average ransom for the release of a Western hostage is $6,5 million. Since 2008, AQIM raised more than $25 million from ransom for foreign nationals in the Sahel region. This has made AQIM richer than Al Qaida Central, whose annual income was recently estimated by US officials to be between $5 million to $10 million.[140]

Recognising the dangerous trend highlighted above,[141] the Assembly of the African Union, at its 13th ordinary session, held in Sirte, Libya, from 1 to 3 July 2010, adopted a decision to address this dangerous trend. The Decision reaffirmed the determination of the Assembly to combat terrorism which is a threat to international peace and security, and curb all sources of terrorist financing,[142] strongly condemned the payment of ransom to terrorist groups as a substitute for the release of hostages,[143] further reaffirmed the urgent need to consolidate the existing legal arsenal to combat terrorism,[144] and requested the international community to consider the payment of ransom to terrorist groups as a crime.[145]

As commendable and laudable as these efforts have been they have not been able to successfully rid Africa of the menace of cross-border crimes and have not led to the suffocation of terrorist sources of funds.[146] The fact that hostage-countries and affected relatives agree to pay ransoms to terrorist groups or/and agree to meet their combined requests for the release of terrorist detainees in exchange for the release of hostages is eroding the international fight against terrorism.[147] These AU initiatives will require

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[140] CE Jesus, as above, 44, para 2.
[141] AU Assembly decision, Assembly/AU/Dec.256(XIII)**,** adopted by the 13th Ordinary Session of the Assembly in Sirte, Great Socialist People's Libyan Arab Jamahiriya on 3 July 2009, para 2.
[142] AU Decision Assembly above, para 5.
[143] AU Decision Assembly above, para 7.
[144] AU Decision Assembly above, para 6.
[145] AU Decision Assembly above, para 8.
[146] C Udeh 'Transnational organised crimes and terrorist Financing in West Africa: Challenges and Strategies' *African Journal for the Prevention and Combating of Terrorism* Vol 2 No 1 December 2011, 81.
[147] CE Jesus, 52.

strong will and commitment to enforce by both member states and affected relatives, otherwise they become mere window dressing.[148]

3.3.3 Relevance of the Special Representative on counter-terrorism cooperation

According to the Chairperson of the Afican Union Commission, since his appointment, the special representative to the Chairperson on counter-terrorism cooperation, Francisco Madeira, has undertaken consultations with various member states, regional bodies and partner countries and the consultations have provided an opportunity to discuss ways to enhance African counter-terrorism capacity building.[149] The special representative has also facilitated High-level consultations with a number of United Nations bodies and international organizations, including United Nations Counter Terrorism Committee, Counter Terrorism Executive Directorate, Counter-Terrorism Implementation Task Force and United Nations Office on Drugs and Crime/Terrorism Prevention Branch.[150]

The special representative also had consultations with the International Civil Aviation Organization (ICAO) during its Machine Readable Travel Document (MRTD) symposium, held in Montreal, from 12 to 15 September 2011. He participated in the United Nations Symposium on International Counter-Terrorism Cooperation, held in New York, on 19 September 2011. Furthermore, he held meetings with representatives of partner institutions and countries, including the European Union's counter-terrorism coordinator, the UK Prime Minister's Advisor on counter-terrorism, the Office of the Coordinator for Counter-Terrorism of the United States state department, as well as officials from the governments of Australia, Indonesia and Japan.[151]

While concluding his presentation on the activities of the special representative, the Chairperson noted that in all the above meetings and consultations, the Special Representative stressed the importance of effective international cooperation and

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[148] C Udeh, 80.
[149] Chairperson's report, PSC 303rd Meeting Addis Ababa, 8 December 2011 PSC/PR (CCCIII), para 35.
[150] Chairperson's report, para 36; chairperson's Report, EX. CL/688(XX), 41, para 165.
[151] Chairperson's report, n 145 above, Para 36; chairperson's Report, n 137 above, EX. CL/688(XX), 41, para 165.

coordination, urging the partners to extend full support to the efforts towards the implementation of the AU decisions and instruments and to join efforts towards the adoption, by the UN Security Council, a binding resolution against the payment of ransom to terrorist groups, as well as the initiation of negotiations, at the UN General Assembly, with the view to elaborating a Supplementary Protocol to the 1979 Convention Against the Taking of Hostages or the 1999 Convention for the Suppression of the Financing of Terrorism.[152]

In his capacity as special representative, Mr. Madeira is expected to coordinate efforts aimed at ensuring the effective implementation of the relevant AU instruments. His efforts should expectedly also focus on the mobilization of the international community in support of Africa's efforts towards combating terrorism.[153] As Director of the ACRST, he is anticipated to work towards the enhancement of the capacity of the Centre, including its human resources, as well as of its coordinating role and overall contribution to the efforts to prevent and combat terrorism.[154]

It appears that the role of the special epresentative to the Chairperson for counter-terrorism cooperation is merely ceremonial. Since the same person doubles as the special representative and director of the ACSRT , perhaps the two roles could be well accommodated by the Office of the Director of ACSRT. It can only be hoped that the position of special representative does not have any emolument specially attached to the office, anything falling short of that is proof of mismanagement of the resources that could be channeled into other aspects of counter terrorism within the framework of ACSRT or PSD AUC.

3.4 Conclusion

In concluding this chapter, it is worth noting that African Union Counter terrorism agenda is not merely paved with good intentions; a number of positive steps have

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[152] Chairperson's report, para 37.

[153] AU Press Release, 'AU Appoints Special Representative in charge of Counter-Terrorism Cooperation'. para 4.

[154] AU Press Release, 'AU Appoints Special Representative in charge of Counter-Terrorism Cooperation'. para 5.

Chairperson's Report, PSC/PR/2(CCXLIX), para 29.

indeed been taken to translate the agenda into full implementation. Having made this point, it is important to stress also that a lot more needs to be done, particularly in the area of allocation of resources to counter terrorism at the level of the African Union. This will ensure that counter terrorism is not placed in the hands of international organisations and member states like the Algerian government which had to provide over $6 million for the establishment of the African Centre for the Study and Research on Terrorism (ACSRT) and $2 million through the regular budget.[155] It will even guarantee the ownership of the process of the agenda by a collective interest of Africans.

Also commendable is the design by the anti terrorism unit in the Directorate of Peace and Security, African Union Commission (earlier described as a one-man affair) and the African Centre for the Study and Research on Terrorism (ACSRT) of a threat assessment template that is used by all member states, a code of conduct to guide the activities of national agencies, and a model antiterrorism law to guide member states in designing specific anti-terror legislation, which are all part of the African Union's Plan of Action[156]

Finally, it is conceded that the ACSRT needs to partner with the United Nations to facilitate and convene a meeting between African institutions and donors in order to lead up to a highly-desired high-level conference on counter-terrorism implementation in Africa.[157]

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[155] K Aning, 'African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives' (review), *African Studies Review* Volume 52, Number 1, April 2009 , 185-186.
[156] K Aning, African Counter terrorism above, 185-186.
[157] UNOSAA expert Paper, 34, Para 2.

CHAPTER FOUR:

THE AFRICAN UNION (AU) COUNTER TERRORISM AGENDA AND THE UNITED NATIONS (UN) GLOBAL COUNTER TERRORISM STRATEGY: ANY LINKAGES?

4.0 Introduction

Chapter three ended with a suggestion about the need for the African Union through ACSRT to partner with the United Nations to facilitate and convene a meeting between African institutions and donors in order to lead up to a highly-desired high-level conference on counter-terrorism implementation in Africa.

The basis for this suggestion was drawn from the position of counter terrorism experts at a meeting in Addis Ababa on Strategies for countering terrorism in Africa through a synergy between United Nations and the African Union. The experts at the meeting reasoned that:

> besides strengthening its Algiers-based Centre for the Study and Research on Terrorism, the African Union   should convene a high-level meeting on holistic approaches to terrorism... such a meeting would aim to   develop initiatives that could be taken by African stakeholders...so as to ensure that recent changes in the global counter-terrorism approach are well reflected on the African continent.[158]

The above, in lights of the capacity to United Nations strategy to bestow on Africa an opportunity to ensure the accuracy of counterterrorism efforts on the continent, therefore forms the basis for this chapter

4.1. **United Nations counter terrorism framework**

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[158] Un Press Release, AFR/1861, Africa, United Nations Should Improve Strategies For Countering Terrorism, Http://Www.Un.Org/News/Press/Docs/2009/Afr1861.Doc.Htm, accessed 11 October 2012.

The UN counter-terrorism framework has evolved over a period of time. To be more effective, restructuring and reinforcing the framework has to be a work in progress.[159] As it will be subsequently demonstrated, the United Nations counter terrorism activities have been executed through some of its principal bodies and institutions such as the General Assembly, United Nations Security Council, the Security Council Counter-Terrorism Committee, the Counter-Terrorism Implementation Task Force (CTITF), Counter-Terrorism Executive Directorate (CTC/CTED) and the United Nations Office on Drugs and Crime/Terrorism Prevention Branch (UNODC/TPB).

The General Assembly plays a significant regulatory role in setting standards for global counter terrorism. Over the years, along with adopting resolutions, the General Assembly has approved 16 universal legal instruments establishing mandates for UN members, relating to the prevention and suppression of international terrorism.[160] After 9/11, many United Nations members expressed concern that the Security Council led counterterrorism framework was usurping the authority of the General Assembly and largely limiting its focus to security measures. In response, the General Assembly voted unanimously in September 2006 to adopt the UN Global counter-terrorism strategy (the Strategy), which advances a more holistic approach than the Security Council regime.[161]

Under Article 24 of the UN Charter, the United Nations Security Council has the primary responsibility for the maintenance of international peace and security, this role undoubtedly includes adopting measures to address terrorism as a threat to international peace and security. The Council in October 1999 adopted Resolution 1267 imposing sanctions against members of al-Qaida and the Taliban. Under this regime, the Security Council requires all UN members to impose an assets freeze, a travel ban, and an arms embargo on individuals and entities who have been placed on the 1267

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[159] UNOSAA expert Paper, 12, III, para 1.

[160] For example, instrument no. 10, the 1999 International Convention for the Suppression of the Financing of Terrorism.

[161] Charity & Security Network, 'UN Counterterrorism Framework: Key Programs and Tools' http://www.charityandsecurity.org/analysis/UN_Counterterrorism_Framework_Key_Programs_and_Tools, accessed 12 October 2012.

Committee List.[162] In January 2002, Security Council Resolution 1390 expanded the authority of the 1267 Committee and imposing targeted sanctions against additional individuals and entities. To monitor and assist with implementation of the 1267 sanctions, the Security Council created the Analytical Support and Sanctions Monitoring team.[163] Just a few weeks after 9/11 Resolution 1373 was adopted the resolution imposed dozens of binding counter-terrorism obligations on all UN members. Approved pursuant to Chapter VII of the UN Charter, 1373 requires all UN members to freeze the financial assets of terrorists and their supporters, deny them travel or safe haven, prevent terrorist recruitment, and cooperate in sharing intelligence. No timeframe or end date for these sanctions was given.[164]

The Counter-Terrorism Implementation Task Force (CTITF) was established by the Secretary-General in 2005 and endorsed by the General Assembly through the United Nations Global Counter-Terrorism Strategy. The mandate of the CTITF is to enhance coordination and coherence of counter-terrorism efforts of the United Nations system. The Task Force consists of 31 international entities which by virtue of their work have a stake in multilateral counter-terrorism efforts. Each entity makes contributions consistent with its own mandate. [165]

Although the responsibility of executing the Global strategy is on member states, CTITF ensures that the UN system is awaken to what is required by member states, to provide them with the necessary policy support and spread in-depth knowledge of the Strategy, and wherever necessary, expedite delivery of technical assistance.[166] CTITF has a large mandate but limited staff and capabilities. The General Assembly has called for enhancing the role of the Task Force and strengthening its coordination.[167]

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[162] A Grossman, 'A Proper Shake or Just a Stir? Critical assessment of changes in the 1267 Sanctions Committee procedures with a focus on the mandate of the Ombudsperson in light of due process rights', http://www.e-ir.info/2012/03/03/a-critical-assessment-of-the-1267-sanctions-committee/, accessed 12 October 2012.
[163] Charity & Security Network above.
[164] As above.
[165] CTITF, http://www.un.org/en/terrorism/ctitf/index.shtml, accessed 12 October 2012.
[166] CTITF, UN website as above.
[167] Charity & Security Network above.

The Counter-Terrorism Committee (CTC) was established by Security Council resolution 1373 (2001), which was adopted unanimously on 28 September 2001 in the wake of the 11 September terrorist attacks in the United States.[168] The Committee, comprising all 15 Security Council members, was tasked with monitoring implementation of resolution 1373 (2001).[169] In September 2005, the Security Council adopted resolution 1624 (2005) on incitement to commit acts of terrorism, calling on UN member states to prohibit it by law, prevent such conduct and deny safe haven to anyone and continue international efforts to enhance dialogue and broaden understanding among civilizations. The Security Council directed the CTC to include resolution 1624 (2001) in its ongoing dialogue with countries on their efforts to counter terrorism.[170]

Under resolution 1535 (2004), the Security Council established the Counter-Terrorism Committee Executive Directorate (CTED) to assist the work of the CTC and coordinate the process of monitoring the implementation of resolution 1373 (2001).[171] The CTC works very closely with the CTED to prevent the spread of weapons to terrorists and other non-state armed groups through monitoring the implementation of resolution 1373 (2001) in the area of small arms and light weapons trafficking.[172]

The Global Counterterrorism Forum (GCTF) is an informal, multilateral counter terrorism platform with 30 founding members that focuses on identifying critical civilian counter terrorism needs, mobilizing the necessary expertise and resources to address such needs and enhance global cooperation.[173] Established in September 2011, the GCTF assists with implementation of the UN Global Counter-Terrorism Strategy, and is a leading body on non-military multilateral action against terrorism.[174] The GCTF

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[168] Counter Terrorism Committee (CTC) Website, http://www.un.org/en/sc/ctc/aboutus.html accessed 12 October, 2012.
[169] CTC website above.
[170] CTC Website above.
[171] CTC Website above.
[172] CTED, http://www.poa-iss.org/SecCASAMEMBER/MemberOfCasa.aspx?MrI=19, accessed 12 October, 2012.
[173] GCTF Website, http://www.thegctf.org/web/guest;jsessionid=3471181F1EA67C1AD8E714CCA4537 23C.w142, accessed 12 October 2012.
[174] Charity & Security Network above.

is not really a part of the UN framework but its activities are very relevant in that it serves as a mechanism for furthering the implementation of the universally-agreed UN Global Counter-Terrorism Strategy and, more broadly, complements and reinforces existing multilateral counter terrorism efforts, starting with those of the United Nations.[175]

4.2 African Union counter terrorism framework

It will be recalled that the whole of chapter two of this work is devoted to a discussion on the counter terrorism efforts of the African Union, however for the purpose of enhancing the flow of the discussion under this chapter, an attempt will be made to just mention a few of the efforts which includes the 1999 Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, the 2002 Algiers Plan of Action of the African Union on the Prevention and Combating of Terrorism in Africa and the 2004 African Union Protocol to the OAU Convention, as well as the African Union regional counter- terrorism centre, ACRST.

4.3 Linkages between the United Nations counter terrorism framework & African Union counter terrorism agenda

The relationship between the UN counter terrorism priorities and the African Union agenda cannot be over emphasized. Although, counter terrorism priorities of these institutions in terms of mandates, activities and objectives somehow interrelate, there is however a gap between their priorities and the capacities to carry them out.[176] According to experts,[177] this is due to poor communication and absence of an equally established agenda for execution of counterterrorism strategies, taking into consideration the mutual components of the separate priorities of both sides. The experts further noted that neither the United Nations nor the African Union has made any attempt to close the communication gap, concluding that bridging this gap should be a priority not only for the United Nations but also for the African Union.[178]

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[175] GCTF Website above, Relationship with the UN.
[176] UNOSAA expert Paper, 21, para 1.
[177] Report of the Expert Group Meeting on African Perspectives on International Terrorism, Addis Ababa, 3 and 4 June 2009, UNOSAA.
[178] UNOSAA expert Paper, 21, para 1.

Despite the comprehensive counter terrorism framework of the United Nations as indicated above, the success of the United Nations counter terrorism efforts in Africa has been very narrow and questions are raised frequently as to whether the United Nations system takes into account the African perspective while furthering its counter terrorism objectives, and, also, whether African states and institutions are willing and capable partners.[179]

On the part of the African Union on the other hand, the counter terrorism agenda is constantly bedeviled by lack of resources.[180] Most African states and African institutions have very limited capacity in carrying out counter terrorism mandates because such actions depend on the willingness of the UN and European system to make available counter-terrorism capacity-building assistance.[181]

As revealed by the Office of Special Adviser for Africa, there is a growing awareness in Africa about the motive of United Nations security agenda in Africa. The belief, according to the document that has been referred to frequently in this part of this work is that the United Nations system tend to define and respond to the scope of the problems based priorities of the donor governments that provide resources for United Nations programmes without taking into consideration the African perspective on what needs to be prioritized for Africa and in Africa's interest.[182]

4.4. Primacy of United Nations Counter Terrorism Strategy to Africa

Adopted unanimously by the UN General Assembly on 8 September 2006, the UN Global Counter-Terrorism Strategy marked the first time that all UN member states agreed on a common framework for addressing the terrorist threat.[183] Bringing the

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[179] UNOSAAeExpert Paper, 21, para 3.
[180] M Abdalla, Interregional challenges of Islamic extremist movements in North Africa, ISS Monograph 180, May 2011, ix.
[181] UNOSAA expert Paper, 22, para 2.
[182] UNOSAA expert Paper, 25, para 3.
[183] Ban Ki-moon, UN *Secretary-General,* United Nations Office on Drugs and Crime, forward to the document on the Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy held at the Vienna International Centre Austria 17-18 May 2007, Para 2; E Rosand,

strategy down to Africa, it is believed that in conjunction with the AU counter terrorism agenda, the strategy's four-pillar plan of action, which was described by Rosand to include measures to address the conditions conducive to the spread of terrorism, measures to prevent and combat terrorism, capacity-building, and ensuring a human rights and rule of law-based approach to countering the threat of terrorism will in no small measure enhance the AU agenda, if well implemented.[184]

Another feature of the strategy that is worthy of mention is the fact that it sets forth a holistic approach to counter terrorism by combining preventative measures with efforts to address both real and perceived grievances and underlying social, economic, and political conditions.[185] Given the modus operandi of the African Union and its relationship with its member states, it appears that translating the commitments in the Strategy into action will be a challenge and this challenge may persist for a long period of time, if relevant international, regional, and sub-regional organizations, as well as civil society, do not develop effective partnerships and programs aimed at promoting the holistic message of the Strategy.[186] This explains the significance of the partnership between the African Union and the United Nations in this regard, and by extension necessitates the need to dig into how their strategies relate to one another.

For the cooperation between the global and continental counter terrorism efforts to be productive, it must be aimed at building on what has already been achieved on the continent with emphasis on how global and African efforts could be more closely linked, and how the various initiatives at the sub-regional level could be reinforced by those at the continental level.[187] The synergy must also be targeted towards strengthening cooperation between the African Union and regional institutions within

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Implementation of The Un Global Counter-Terrorism Strategy In Africa: Opportunities and Challenges, Seminar series on understanding terrorism in Africa: Assessing effective counter-terrorism strategies and measures Sarova Panafric Hotel, Nairobi, Kenya 21-22 October 2008, para 1.

[184] Rosand, Implementation of The Un Global Counter-Terrorism Strategy, para 1.

[185] Rosand, Millar& Ipe, 'Implementing the UN Global Counter-Terrorism Strategy in East Africa' Center on Global Counterterrorism Cooperation, www.globalct.org/images/content/pdf/reports/eastafrica.pdf accessed 8 October, 2012, 7, para 1.

[186] Rosand, Millar& Ipe, 'Implementing the UN Global Counter-Terrorism Strategy in East Africa.'

[187] Report of the Expert Group Meeting on African Perspectives on International Terrorism, Addis Ababa, 3&4 June 2009, Organized by the Office of the Special Adviser on Africa, Para 3.

Africa, as well as between African institutions and the United Nations, in the context of implementing the United Nations global counter-terrorism strategy and the African Union counter-terrorism framework.[188] Although the United Nations strategy, just like the African Union agenda, has created a common understanding regarding what is needed to combat terrorism effectively on the continent, in order to be effective, its implementation must take into account local and sub-regional contexts, with African institutions and other stakeholders assuming a key role.[189]

4.5 Conclusion

In the light of the above discussion, there is therefore an existing relationship between the United Nations counter terrorism strategy and the African Union agenda, what is in doubt though is the question of how much impact and benefit the relationship has been to Africa. It has also been revealed that, due to the peculiar nature of African states, the United Nations system alone does not have the capacity and resources to provide all the solutions and respond to the counter terrorism needs of Africa. However, the United Nations system can provide the necessary catalyst through facilitation and furthering its partnership with African states and institutions. The UN system, working closely with African institutions, such as the African Union Commission, particularly the Peace and Security Department and the African Centre for the Study and Research on Terrorism relevant organs of African Regional Economic Communities, will not only help to develop a framework for implementation of the United Nations Counter Terrorism Strategy in Africa, but will also assist the African Union in accelerating the implementation of its counter terrorism agenda, which is replete with many interventions currently being executed in varying degrees. Finally, the need to implement the already stated view in the African Union Commission that a high-level conference on terrorism and development in Africa be convened to bridge the gap and to adopt a framework for United Nations-African Union collaboration is emphasised.

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[188] Report of experts meeting above, OSAA, para 3.
[189] Report of experts meeting above, OSAA, para 7.

CHAPTER FIVE:
CONCLUSION AND RECOMMENDATIONS

The primary aim of this research was to evaluate whether and how the African Union counter terrorism agenda is adequate to combat terrorism in Africa. In answering the query, the research sought to answer the questions about counter terrorism measures that are in place within the African Union System, the potency of those measures and whether there exists any relationship between the global and African regional counter terrorism framework and the relevance of such linkages with conclusions on how the African Union can become more responsive in combating terrorism in Africa. In this concluding chapter is set out the summary of the conclusions gathered from the entire research coupled with recommendations that may engender a more positive implementation of the African Union counter terrorism agenda.

5.1 Summary and Conclusions

The research gathered evidence to show that although the origin of global terrorism dates back to about 66-72 AD, the term terrorism was first used in the 1970s. Except with reference to ant-colonial guerrilla forces, the term 'terrorism' was not often used to refer to Africa until 1973, when the American US Deputy Chief of Mission, George Curtis Moore, and a Belgian diplomat, Guy Eid, were assassinated by the Palestinian terrorist group Black September in Khartoum, Sudan. The research finds that in modern day Africa, terrorism is not new to Africa but its scope and magnitude today is worth acknowledging, citing examples of how terrorist groups' activities have continued to threaten the peace and stability in a number of African countries, particularly with manifestations groups like Harakat al-Shabaab al- Mujahideen, Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad (Boko Haram), Al-Qa'ida in the Islamic Maghreb (AQIM), and the Lord Resistance Army (LRA).

In answering the query about what counter terrorism measures are in place within the African Union System, the research highlighted an avalanche of counter terrorism interventions of the African Union, thereby laying to rest the fear of absence of counter

terrorism frameworks. In fact, the research shows that African counter terrorism efforts which began in the days of OAU, predates the global counter terrorism framework.

As to how the how effective the counter terrorism measures are, the research dug deep into the activities of the African Union with the aim of determining whether the agenda was merely paved with good intentions, that is, without any efforts to implement the agenda. Many weaknesses of the agenda were discovered and discussed in depth in the work. The research concludes that it will be unfair to describe the African Union counter terrorism agenda as merely paved with good intentions in the lights of numerous positive steps that have been taken towards translating the agenda into full implementation.

The research also acknowledged the very clear gap between the agenda and its implementation in terms of allocation of resources to counter terrorism at the level of the African Union, noting and condemning the discouraging trend of over reliance on foreign partners and donors. Recent groundbreaking activities of the anti terrorism unit in the Directorate of Peace and Security, African Union Commission, coupled with innovations of the Peace and Security Council and the African Centre for the Study and Research on Terrorism (ACSRT), in spite of very scarce resources available were however accorded due recommendation in the work.

As demonstrated in the study, there exists a relationship between the African Union and the global counter terrorism framework which is being championed by the United Nations. The global partnership as clearly shown in the work has a lot of benefits to Africans. The shortcomings of the linkages in the frameworks were also revealed with emphasis on the need for a round table meeting, where issues of harmonising the AU-UN counter terrorism for the benefit of African will be discussed, this will be the best approach if the priorities of the African Union counter terrorism agenda and the United Nation counter terrorism strategy were to be fully realised.

5.2 Recommendations

In consideration of the foregoing, the following are recommended accordingly:

1. There is need for the African Union to adopt a sovereignty sensitive approach. Its counter terrorism measures and implementation should further consider local and subregional contexts with local actors taking up key roles.

2. Adoption of a human rights based approach to counter terrorism in Africa will be a mile stone in the fight against extremism in Africa and this is strongly recommended.

3. The Commission of the African Union through its African Centre for the Study and Research on Terrorism(ACSRT), should continue being the fore runner and the regional economic communities should be further galvanised to act and speak clearly about the susceptibilities and priorities of their respective subregions and Member States.

4. The African Union Commission should constantly engage with all stakeholders, including the regional economic communities, United Nations and civil society groups in Africa in the discussions on counter - terrorism.

5. The Commission of the African Union should facilitate the adoption of African anti-terrorism model law.

6. In order to enhance the legitimacy of the African Union's counter terrorism agenda, efforts should be targeted at creating a system for encouraging member states to ratify regional terrorism instruments and monitoring implementation of measures by states, even if they do ratify.

7. This work has shown that there are numerous counter-terrorism programmes in progress in Africa, there is need for more consideration to be accorded to bringing about an effective coordination, bearing in mind the limited resources available.

8. The Commission of the African Union in cooperation with the African Centre for Studies and Research on Terrorism(ACSRT), should convene a meeting involving relevant United Nations and stakeholders in Africa to discuss more on possible avenues of collaboration.

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