

United Nations Office of the Special Adviser on Africa



Africa and International Counterterrorism Imperatives*

*** Expert paper prepared by the Office of the Special Adviser on Africa**

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Executive Summary

1. The potential for grave damage by terrorist attacks were underscored by the proliferation of terrorist attacks in the late 1990s and early 2000s, in particular attacks on the United States embassies in Africa in 1998 (Nairobi, Kenya and Dar-Es-Salaam, Tanzania), followed by the momentous attacks on United States homeland on September 11, 2001 (9/11) and a series of attacks in a number of capitals around the world leaving no region untouched by terrorism, sparking a new urgency for a global response to terrorism amid recognition of the potential for damage having increased sharply with globalization facilitating easy international travel and communication.

2. Prior to 9/11, most countries failed to become parties to and implement the anti-terrorism international anti-terrorism legal instruments promulgated by the United Nations and specialized international organizations, and many parties to these instruments lacked the legal and operational underpinnings to implement their provisions, thus limiting international counter-terrorism cooperation and collaboration and responses to terrorism lacked consistency and universal application.

3. The Organization of African Unity (OAU), as well as other regional inter-governmental organisations, recognizing the gravity of the terrorist challenge responded with regional anti-terrorism instruments, such as the OAU Convention on the Prevention and Combating of Terrorism in 1999, which were not implemented broadly and effectively by their member States, thus these terrorist acts exposed major deficiencies in the then existing international legal order and the capacity of States to cooperate in preventing and combating international terrorism.

4. In the post-9/11 period, the UN's norm-setting role expanded into counter-terrorism capacity building, primarily through guidance and technical assistance facilitation of the Security Council Counter-Terrorism Committee (CTC), (later through its Counter-Terrorism Executive Directorate (CTED)) mandated by Security Council resolution 1373 (2001) of 28 September 2001, and the technical assistance role of the United Nations Office on Drugs and Crime/Terrorism Prevention Branch (UNODC/TPB), as well as through standard-setting by specialized organizations, such as ICAO, IMO, and WCO, in particular.

5. The UN Global Counter-Terrorism Strategy (UN Strategy), adopted unanimously by the UNGA (September 8, 2006) created a new framework for international counter-terrorism actions by States, *inter alia*, calling on all Member States to employ a holistic approach in meeting the challenges of international terrorism; endorsing the security-related counter-terrorism measures of the Security Council; setting among the priorities a commitment to address underlying conditions conducive to the emergence and spread of terrorism; highlighting the importance of development as an important element of global counterterrorism efforts; and placing emphasis on ensuring that counter-terrorism measures respect human rights and the rule of law.

6. Efforts to institutionalize the UN Strategy now rests primarily on the Counter-Terrorism Implementation Task Force (CTITF), but, despite such efforts, in order to respond to emerging new and more complex terrorism challenges and to help fill the gap between the enormous need for counter-terrorism capacity building and available resources, especially in Africa where the States lack capacity and resources to implement UN mandates, the UN needs to demonstrate greater flexibility, deploy increased technical resources, and expand its presence in the field, to improve synergy between available resources and assistance of external partners and the capacity needs of African States and institutions which have been slow in adapting relevant counter-terrorism measures.

7. Notwithstanding the overall convergence of the counter-terrorism priorities, mandates, activities and objectives of the UN system and the African Union's counter-terrorism priorities, there is a perception gap between the priorities of the UN system and of the AU institutions vis-à-vis the capacities and resources to carry them out, amplified by the focus on UN "priority" security-related counter-terrorism with less attention and commitment to development-related counter-terrorism, and inadequate communication and lack of a mutually developed framework for implementation of counter-terrorism mandates add further to the perception gap.

8. The AU's counter-terrorism framework – legal and operational – consists primarily of the OAU Convention and Plan of Action (legal context for counter-terrorism) and the institutional framework of the Peace and Security Department (PSD) of the AU Commission and the African Centre for the Study and Research on Terrorism (ACSRT) (operational mechanisms), supplemented by the Regional Economic Committees (RECs) counter-terrorism measures within their peace and security frameworks.

9. Efforts to address the mutually agreed anti-terrorism priorities of the UN system and the AU peace and security agenda in the areas of vulnerability and deficiencies require broad cooperation and collaboration between the UN system and the AU institutions to prevent African States from falling further behind.

10. OSAA's high credibility with African States and institutions is viewed broadly among them as best positioning that UN Office to help them overcome the scepticism and perception which abounds on both sides, including on the African side that Western countries' engagement on counter-terrorism security assistance is mainly to protect their own strategic interests, and that which questions CTITF's ability to further its political mandate to bring synergy to important bilateral and multilateral partners already engaged and pursuing their own counter-terrorism agendas and to pay more attention to Africa's development, peace and security priorities.

11. African partners welcome security-related counter-terrorism assistance programmes, but the benefits, while important in the context of the peace and security architecture of participating States and sub-regions, as African institutions see it, fail to allay concerns that the same level of priority is absent when dealing with the conditions that are conducive to terrorism, and that "hard" counter-terrorism programmes promoted by the Security Council and pursued by some bilateral partners could have the potential for exacerbating and encouraging extremism and radicalization and help fuel rejection of state authority

12. The CTC's 2009 review highlighted a general lack of counter-terrorism competence in the legal and operational capacities in most African States many of which have a direct relationship and significant development implications, including the development imperatives of the UN Strategy – effective border control (management and operational capacities); border security; territorial control; effective law enforcement; rule of law and good governance; empowering women and young adults (male and female) to participate equally in the economic, social and political dynamics of the state; and ensuring the protection of the human rights of all citizens.

13. Although the potential exists for African institutions, such as the ACSRT, to be major partners with the UN system in furthering implementation of counter-terrorism mandates, including the UN Strategy, in Africa, its lack of capacity – human and financial resources – limits its overall effectiveness, and the ACSRT looks to the UN system and other international partners for assistance and collaboration and needs assistance in New York to facilitate access, and support for convening a high-level conference on counter-terrorism implementation in Africa

between African institutions, the UN system and international donors to examine all related issues.

14. OSAA has among its functions the responsibility to initiate "... reports on critical issues affecting Africa, and in particular on the interrelated issues of peace and security", OSAA has recognized the importance of stability, peace and security to the development agenda of African States, thus with African intergovernmental organizations and institutions having made known their deep concerns about the threat to peace and security in Africa posed by the terrorist threat on the continent, and the potential for destabilizing and hindering progress towards fulfilment of economic, social and political development, as well as the peace and security agendas of African States, and are looking to OSAA to assist them in focusing attention on their counter-terrorism capacity needs and priorities and to help promote African perspectives within the UN system, it is imperative for a positive response from OSAA.

15. In laying out a strategic approach for an effective OSAA engagement that would add value to the work of the UN system, it is recognised that OSAA's current limited capacity and its full participation in the CTITF would have to be enhanced in order to leverage its relationships with African institutions and the UN system to advance UN objectives implementing the UN Strategy in the context of development and Africa's agenda.

16. OSAA, through a "Framework for Consultations" with relevant African inter-governmental organizations and private institutions, and in collaboration with the CTITF and its components, as appropriate, should develop and lead an Action Plan which provides a path to implementation of the *Strategies* which are set out in detail in Section V, "OSAA's potential role in strengthening Africa's counter-terrorism architecture", and working closely with UNDP and the African institutions to increase their communication capacities and strategies, as well to foster institutionalising civil society participation in the process, while facilitating the strengthening of communication links between African and United Nations counter-terrorism systems and programmes, and Africa's communication with the counter-terrorism capacity-building donor community

17. It is an imperative that OSAA's capacity is enhanced with appropriate expertise with clear knowledge of the roles, objectives, and programmes of the UN system's counter-terrorism and constituent bodies; with an understanding of the roles and capacities, and limitations and needs of African institutions as partners with the UN in implementing the UN Strategy, in order to increase significantly OSAA's participation in UN counter-terrorism implementation in Africa;

to help bridge the existing communication gap between the UN system counter-terrorism objectives and programmes and African perspectives on counter-terrorism implementation in Africa; and this process should begin as soon as is practicable with OSAA-led consultations, as appropriate, in order to begin the process of establishing a framework for implementation of the *Strategies*.

18. In keeping with OSAA's principal mandate of promoting development in Africa, OSAA's responsibility extends to helping to ensure that African countries have the opportunity to advance their development agendas, and in that context, it is important to take particular note of the relationship between development and security and the undisputed reality that development cannot take place in an unsafe and insecure environment, in which case the possible destabilizing effect of terrorism on African society and African development cannot be ignored; and follows, therefore, that counter-terrorism capacity-building in the legal and operational mechanisms and infrastructure of African States which help to create a safe economic space is an important element in Africa's development process, which makes it an imperative for OSAA to be an integral part of the UN system's implementation of the UN Strategy and for enabling OSAA to be an active player.

Africa and International Counterterrorism Imperatives

II. Introduction

While acts of international terrorism and the responses to them did not begin with the terrorist challenges of the 1990s, new terrorist acts, as opposed to domestic terrorism and related criminal acts, increased sharply during the period, and the challenges posed by international terrorism increased dramatically. Globalization narrowed significantly the global space – facilitating easy international travel and communication – and the terrorism threat and the opportunity and potential for greater damage increased sharply. This potential was manifested dramatically with the terrorist attacks on the United States embassies in Nairobi and Dar-Es-Salaam in 1998, followed by a series of attacks against other selected targets culminating with the game-changing deadly attacks on the United States on September 11, 2001 (9/11), as well as subsequent attacks in a number of capitals around the world with no region untouched by terrorism. The proliferation of terrorist acts sparked a new urgency for a global response to the terrorism threat.

Over a period of several decades, the United Nations, UN functional organisations, a number of inter-governmental regional and sub-regional organisations, groups of States, and a number of individual States responded in various ways to the challenges posed by the terrorism phenomenon. However, the level of response varied significantly from country to country and region to region, and, in most cases, had been targeted at specific criminal acts, many of which were defined in international instruments as acts of terrorism. Many countries had failed prior to the 9/11 attacks to ratify and implement these international instruments, and many that did lacked the legal and operational underpinnings to implement them effectively. Thus, the responses lacked consistency and universal application, and the challenges of terrorism had not been met by a comprehensive and sustained universal effort.

At the same time, a number of regional inter-governmental organisations, such as the Organization of African Unity (OAU), recognized the challenge of terrorism and took steps to respond. However, many of the anti-terrorism instruments that were adopted were not implemented broadly by their member States.

The increasing and dramatic effect of non-state actors on international peace and security energized the response and emergence of new international legal regimes to deal not only with the relations between States in dealing with terrorism generally, but with the relationships and responsibilities of States vis-à-vis non-state actors, including their own nationals. These

international instruments criminalized certain acts and were intended to increase cooperation and collaboration in preventing and combating terrorism. Because of the cross-border nature of international terrorism, national counter-terrorism efforts rely heavily on international cooperation – the exchange of information; the sharing of intelligence and cooperation between intelligence agencies; and on mutual assistance in investigation, prevention, and prosecution of terrorists. The vast majority of countries lacked the requisite legal and operational mechanisms for counter-terrorism cooperation, and many still do. Thus the events of September 11, 2001 exposed major deficiencies in the then existing international legal order and the capacity of States to cooperate with each other to prevent and combat international terrorism.

International counter-terrorism efforts are likely to succeed only with significant improvement in cross-border cooperation and collaboration, exchange of information, and intelligence sharing. In essence, States must be able to protect their borders and must have the capacity to provide mutual assistance to each other in the investigation, apprehension and prosecution of terrorists, thereby denying safe haven to them and their supporters. However, most States lacked the requisite legal and operational capacities; terrorism is not comprehensively defined; and most countries treated acts of terrorism as domestic rather than as international crimes, hence acts of terrorism were not defined as extraditable offences in the criminal codes of many countries and in mutual assistance treaties and other bilateral agreements to which they were parties. Also, counter-terrorism cooperation requires States to develop legal, administrative and physical capacities to gather, process, and share sensitive counter-terrorism intelligence in a secure and controlled environment in real time, and most had not prior to 9/11.

The 1998 attacks on African soil, which, though targeted at the United States, took the lives of many Africans, created a dynamic on the continent for the OAU (now the African Union (AU)) to act. The OAU joined other regional intergovernmental organisations in adopting its own counterterrorism convention and related instruments – the OAU Convention on the Prevention and Combating of Terrorism in 1999 (OAU Convention);¹ a Plan of Action in 2002; and the Protocol to the OAU Convention in 2004 (the Protocol).² The Protocol conferred on the AU Peace and Security Council the responsibility for “harmonizing and coordinating continental efforts in the prevention and combating of terrorism”, including implementing the AU Plan of Action and defined the responsibilities of the African Centre for the Study and Research on Terrorism (ASCRT).³ The AU Plan of Action is aimed at implementing the OAU Convention as well as the counter-terrorism requirements introduced and mandated by the UN Security Council in resolution 1373 (2001) of 28 September 2001.⁴

However, despite the presence of a regional legal framework with adoption of the OAU Convention and the Plan of Action, the capacities of AU member States to implement counter-terrorism measures remain outside the scope of the financial and human resources of most. Also, terrorism is still not seen as a priority for many African States facing other pressing problems, such as poverty and underdevelopment, social and political instability, diseases, and conflict situations. Thus ratification of the OAU convention and other international anti-terrorism instruments and implementation of their provisions have not kept pace with the UN's post-9/11 agenda for action against terrorism.

The primary purpose of this report is to provide guidance to OSAA in an effort to fulfil its mandate to promote peace and security and development in Africa, including in the context of the measures set out in the United Nations Global Counter-Terrorism Strategy (UN Strategy),⁵ and in particular giving consideration to the link between security and development and the commitment of UN Member States to address conditions conducive to the recruitment to terrorism.⁶ OSAA convened an Expert Group Meeting (EGM) in Addis Ababa, Ethiopia, 3rd and 4th June 2009, to explore the underlying issues related to counter-terrorism implementation in Africa. A number of recommendations were proposed by the EGM for OSAA's engagement in this process, including for OSAA to have a role in bridging the facilitation gap between the UN system and African institutions in implementing the UN Strategy. OSAA's potential role in strengthening Africa's counter-terrorism architecture is discussed in *Section V*. below.

Of special note is that the UN Strategy, while endorsing the security-related counterterrorism measures of the Security Council, also calls on member States to employ a holistic approach in meeting the challenges of international terrorism. The UN Strategy has among its priorities the commitment to address underlying conditions conducive to the emergence and spread of terrorism, and highlights the importance of development as an important element of global counterterrorism efforts, as well as placing equal emphasis on the importance of ensuring that counterterrorism measures should respect human rights and the rule of law.

This paper is neither intended to provide a comprehensive detail of the history of terrorism nor the international community's response to terrorism. However, it is important to provide a synopsis of the multilateral response, in particular the UN response, in the immediate pre- and post-9/11 periods, from which the UN system's counter-terrorism framework and priorities have evolved. In this regard, emphasis is placed on the respective roles of the General Assembly and of the Security Council in meeting the challenges posed by international

terrorism. In addition, the respective norm-setting and capacity-building roles of functional organizations such as the International Civil Aviation Organisation (ICAO), the International Maritime Organization (IMO), the World Customs Organization (WCO), the World Bank (WB) and International Monetary Fund (IMF), as well as groups such as the Financial Action Task Force (FATF), are included in the global counter-terrorism matrix. Similarly, the roles and activities of regional inter-governmental organisations and, in particular the African Union as well as Africa's regional economic commissions (RECs) and other relevant African bodies, such as the ACSRT, are central to this report. Africa counterterrorism imperatives and perspectives are addressed in the context of global counter-terrorism efforts and African development priorities.

Finally, this paper will explore ways to create greater synergy between UN counterterrorism mandates and activities of the UN system and the imperatives and activities of the AU. It will highlight the possible role of OSAA in bridging the gap between the UN vis-à-vis African Member States and African institutions with regard to security, stability and development priorities, and will suggest ways in which OSAA's role may be strengthened and be complementary to the counter-terrorism bodies of the UN system.

III. United Nations system counter-terrorism framework

The UN system counter-terrorism framework has evolved over a period of more than four decades, and streamlining and strengthening the UN counter-terrorism system to be more effective is a work in progress. While there are efforts to institutionalize certain of the UN's counter-terrorism activities through bodies such as the Security Council Counter-Terrorism Committee⁷ and Counter-Terrorism Executive Directorate⁸ (CTC/CTED),⁹ the Counter-Terrorism Implementation Task Force (CTITF)¹⁰ and the United Nations Office on Drugs and Crime/Terrorism Prevention Branch (UNODC/TPB),¹¹ the UN will have to demonstrate greater flexibility and deploy increased technical resources, including expanded presence in the field, in order to respond to emerging new and more complex terrorism challenges and to help fill the gap between the enormous need for counter-terrorism capacity building and available resources. In as much as no issue in recent history has so profoundly challenged the international community as has the terrorism phenomenon, at the same time, no other issue has challenged the capacity of the United Nations and regional inter-governmental organizations, as well as Member States, as much.

Implementing counter-terrorism measures is a significant challenge for most African States. More than nine years after the 9/11 attacks, most countries in Africa still have not achieved minimum anti-terrorism standards.

UN General Assembly, Functional Organizations, Agencies, Programmes and Bodies

The United Nations General Assembly (UNGA) and the UN Security Council are the two principal organs of the UN system engaged in the development of counter-terrorism norms and mandates. While the UNGA has traditionally been primarily norm-setting, the Security Council has broadened its role in the post-9/11 period in establishing counter-terrorism mandates and measures for all UN Member States to implement.

Prior to the September 11, 2001 events, the UN's role was primarily norm-setting. In the aftermath of 9/11, the UN expanded its role into counter-terrorism capacity building, primarily through guidance and technical assistance facilitation and in some cases providing legislative drafting assistance and strengthening rule of law capacities of States, directly and indirectly, through the facilitation role of the CTC, and later through CTED, and the technical assistance role of UNODC/TPB, as well as through the work of specialized organizations, such as ICAO, IMO, and WCO, in particular.

In the case of the UNODC/TPB it began to develop as the primary UN assistance provider in 2002 at the request of the CTC's technical assistance facilitation team to help meet the demands for legislative drafting assistance to many African States, in particular francophone countries that were then seeking technical assistance from the CTC in drafting anti-terrorism legislation. The UNODC/TPB launched its Global Project on Strengthening the Legal Regime against Terrorism in early 2003 and in that role has been the principal provider in helping a number of countries in Africa to enact anti-terrorism legislation, thus enabling them to ratify and implement the international anti-terrorism instruments, and also in providing training to criminal justice professionals, in particular prosecutors and judges, in a number of these countries. The UNODC also provides legislative drafting and other technical assistance to African States to implement the UN Convention against Transnational Organized Crime (UNTOC) and its Protocols¹² and building States' capacity to prevent money laundering and terrorist financing through its Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism.¹³ The UNODC/TPB generally works closely with the RECs in carrying out its programmes in Africa. However, despite some eight years of UNODC/TPB capacity-building activities in Africa, many AU member States still need further assistance in legislative drafting as well as capacity building assistance. This includes training of legislative drafters and criminal justice professionals, building institutional counter-terrorism frameworks

and mechanisms to make operational counter-terrorism measures more effective. Many of the remaining deficiencies are identified by the CTC in its Survey of the Implementation of Security Council Resolution 1373 (2001) by Member States done in 2009.¹⁴

The UN system, in particular the CTC/CTED,¹⁵ evaluates and assesses the level of implementation by African States of Security Council mandates. This process, which began in early 2002, includes facilitation of technical assistance through identification and assessments of the needs of each state, including by country visits to a number of States, and by encouraging donor States and functional organizations to develop and deliver technical assistance programmes to match those needs. A number of functional organizations participate with the CTC/CTED in country visits assessments. Also, as a part of this process, the CTC/CTED collaborates with the UNODC/TPB and other partners to develop counter-terrorism technical assistance programmes to match the needs of African States (as well as other States worldwide). The UNODC/TPB with the mandate of the UNGA has emerged as a primary source of counter-terrorism legislative drafting assistance, in particular implementing legislation for the international anti-terrorism instruments, and training of prosecutors and judges in counter-terrorism. The CTC/CTED's assessments and facilitation role complements the technical assistance delivery role of the UNODC/TPB and are the principal bodies of the UN system (both members of the CTITF) engaged in counter-terrorism capacity building in Africa.

While both the CTC/CTED and UNODC have been engaged in assessing the threat of terrorism and vulnerabilities to terrorism and related crimes and are engaged in facilitating programmes to develop counter-terrorism capacities of AU States, there is a need for greater emphasis on developing programmes that sustain counter-terrorism capacities of African States over the long term. These programmes should include: assistance to AU inter-governmental organizations and institutions to identify and assess their institutional capacity needs to better serve their constituent member States' counter-terrorism efforts; and to help them identify counter-terrorism best practices in Africa which might be more readily adaptable to the peculiarities of African States than those being pursued from outside the region.

The UNGA though active on the issue of terrorism for several decades has been unable to agree on a universally accepted definition of terrorism. Its contribution to the growing list of anti-terrorism instruments and now proscribed offenses defined as acts of terrorism over which States Parties to international anti-terrorism instruments are obligated to exercise jurisdiction for prosecution, and which have created modalities for cooperation, include: crimes against internationally protected persons, including diplomatic agents;¹⁶ the taking of hostages;¹⁷ terrorist bombings;¹⁸ the landmark convention to prevent the financing of

terrorism;¹⁹ and the convention to prevent and suppress acts of nuclear terrorism.²⁰ Through these international conventions and other actions taken, including with respect to transnational crime²¹, the UNGA has contributed significantly to the political process in dealing with terrorism and related criminal activities and in the development of international norms for counter-terrorism cooperation. International obligations created by these conventions have spawned significant changes in States' national criminal laws and have pushed States to build up their operational capacities for cooperation in the post-9/11 period.

Adoption of the international anti-terrorism instruments and UN system counter-terrorism efforts were strengthened by the carefully negotiated UNGA resolution 60/288, adopted unanimously with significant impetus provided by then Secretary-General Kofi Anan's report *Uniting Against Terrorism*, which was presented to the General Assembly on 2 May 2006. The UN Global Counter-Terrorism Strategy (UN Strategy), unanimously adopted by the UNGA (September 8, 2006), is regarded broadly as among the most significant steps taken by the United Nations on the global anti-terrorism agenda.²² By approval of the UN Strategy, UN Member States resolved to prevent and combat terrorism in all its forms and manifestations. To this end the UN Strategy, while endorsing the security-related counter-terrorism measures of the Security Council, also calls on member States to employ a holistic approach in meeting the challenges of international terrorism. The UN Strategy's priorities include measures to address underlying conditions conducive to the emergence and spread of terrorism, highlights the importance of development as an important element of global counter-terrorism efforts, and places equal emphasis on the importance of ensuring that counter-terrorism measures should respect human rights and the rule of law.

The UN Strategy, while setting out the commitments by Member States to prevent and combat terrorism, called on the UN system to assist and encourage relevant regional and sub-regional organizations to create or strengthen counter-terrorism mechanisms or centres so they too would have the capacity to assist their member States in implementing counter-terrorism mandates and best practices.

The CTITF, which was established by Secretary-General Kofi Anan in 2005 "to bring together key actors in the United Nations system and its partners dealing with counter-terrorism issues",²³ was endorsed in the UN Strategy as a vehicle for enabling counter-terrorism capacity building among UN Member States. The CTITF is comprised of 30 Entities (which includes OSAA as one of five Observers) covers a broad spectrum of UN departments, funds, agencies, bodies and programmes each with special competence. Its principal purpose is "ensuring that United Nations departments, funds, programmes, agencies and other related entities contribute fully to counter-terrorism efforts, while maximizing synergies and avoiding

duplication of work.”²⁴ The UN Strategy calls for all relevant UN agencies and bodies to contribute to the efforts against terrorism.

The norm-setting role of the UN system on counter-terrorism, which has evolved over several decades, began in 1963 with the functional organizations. ICAO’s Convention on Offences and Certain Other Acts Committed on Board Aircraft (the “Tokyo Convention”)²⁵ was followed by three additional international instruments promulgated by ICAO, also in reaction to threats to civil aviation: the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (the “Hague Convention”);²⁶ the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (the “Montreal Convention”);²⁷ and the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Montreal Convention (the “Montreal Protocol”).²⁸

Similarly, a number of international instruments were promulgated by the IMO in response to criminal acts committed against maritime vessels and facilities. In response to these threats, including hijacking and murder on the high seas, and threats to offshore oil platforms, the IMO led the way in elaborating a number of maritime-related conventions which defined certain criminal acts threatening maritime safety as acts of terrorism.²⁹ Two IMO instruments also allowed States to exercise extraterritorial sovereignty over maritime facilities—the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the “Rome Convention”)³⁰, and its simultaneous 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the “Rome Protocol”).³¹ The main purpose of these conventions was to obligate States to criminalize the prohibited acts and to exercise jurisdiction over them for purposes of prosecution.

In a number of these international instruments certain criminal acts were designated as terrorism, and with there being now 16 such instruments, 12 of which were adopted prior to September 11, 2001,³² there now exists a body of law which defines a broad number of criminal activities as terrorism. Some of these anti-terrorism instruments contain provisions for cooperation among States Parties, in particular, to provide assistance to each other to investigate, prosecute and/or extradite offenders, thus denying safe haven to terrorists and their supporters. However, only a few countries became parties to most of these instruments and only two countries were parties to all twelve prior to 9/11, one being an African country.³³ This meant that the offences defined by these instruments were not made criminal offences in the domestic criminal codes of most States and the legal requirements for cooperation in global counter-terrorism efforts were lacking. Generally, most States lacked administrative and

operational capacity to cooperate effectively with other States in preventing and combating terrorism.

Despite these early efforts, failure to define terrorism has prevented the UN from agreeing on a comprehensive anti-terrorism convention. The lack of a universally accepted definition of terrorism has been cited often by some States – in particular those either lacking counterterrorism capacity or the political will to take action against potential terrorism threat – as reasons not to act proactively against terrorism. This includes implementing the measures mandated by the Security Council to ensure that they have the legal and operational framework for effective counter-terrorism cooperation. Thus, effective counter-terrorism cooperation to prevent and combat terrorism and implementing the international anti-terrorism instruments remains among the illusive priorities of the UN anti-terrorism system. Furthermore, even though there remains no agreement on a comprehensive anti-terrorism convention that includes an internationally acceptable definition of terrorism, there are broad agreements on what constitutes a terrorist act, including those criminal acts that are designated in the international anti-terrorism instruments.

In the post-9/11 period, the specialized agencies (also referred to as the functional agencies)–ICAO, IMO, and WCO–have continued to develop international standards and best practices within their respective competences to increase security and counter the terrorism threat. Among the programs they have developed are: international standards for passports and other travel documents, which build capacity to track the movement of terrorists and other suspects and to exchange information in real time with other countries (ICAO);³⁴ the International Ship and Port Facilities Security (ISPS) Code, which creates new safety and security regimes in ports and port facilities, and in maritime shipping (IMO);³⁵ trade facilitation programme to ensure security of the international supply chain, which strengthens customs facilities and operations to prevent the illegal movement of contraband and other smuggling operations, including the illegal movement of nuclear, radiological, chemical and biological materials (WCO).³⁶

Other agencies and bodies have developed programmes which complement and supplement the work of the counter-terrorism bodies of the UN system. The World Bank (WB) and the International Monetary Fund (IMF) have collaborated on developing legislative guides on anti-money laundering and combating the financing of terrorism (AML/CFT) and have provided assistance to States in drafting anti-money laundering and terrorist financing laws and in building operational capacities in financial intelligence units (FIUs).³⁷ The International Criminal Police Organization (Interpol) through its Fusion Task Force which identifies active

terrorist groups and their memberships, solicit, collect and share information and intelligence, provide analytical support, and enhance the capacity of member countries to address the threats of terrorism and organised crime. Interpol has six regional task forces in regions considered to be particularly susceptible to terrorist activity, one of which is Project Baobab (Africa).³⁸ The Financial Action Task Force (FATF), an inter-governmental body established by the G-7 summit in 1989, which now comprises 36 members (34 countries and two regional organizations),³⁹ has as its main purpose the development and promotion of policies and standards to combat money-laundering and financing of terrorism. The FATF's 40 recommendations on combating money-laundering and nine special recommendations to prevent and combat the financing of terrorism have been recognized by the UN counter-terrorism system as the standards to be implemented and achieved by all States. The FATF operates effectively through FATF-Style Regional Bodies (FSRBs), two of which are in Africa – the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG),⁴⁰ and the Intergovernmental Action Group against Money Laundering and Terrorist Financing (GIABA),⁴¹ the latter in West Africa.

UN Security Council

The Security Council is often criticised, especially post-9/11, for its legislative activism in creating counter-terrorism security-related measures and mandates to be implemented by all UN Member States. The Council's actions in the 1990s targeted States and non-state actors alike, in particular, adopting measures under Chapter VII of the UN Charter, imposing targeted sanctions on parties to conflicts and against States accused of sponsoring or aiding terrorism, as well as against individual terrorists, terrorist groups and their supporters and associates.

The Security Council's unprecedented broad approach to address international terrorism in a comprehensive manner in resolution 1269 of October 1999⁴² marked a significant milestone in the Council's efforts against international terrorism and its efforts to improve counter-terrorism cooperation globally. As Resolution 1269 was not adopted under Chapter VII of the UN Charter, States were left to implement the measures voluntarily. This was left to the political will of States for its implementation, which was lacking in the pre-9/11 period. As noted above, only two States had become parties to all pre-9/11 anti-terrorism international instruments. Also in 1999, the Council imposed targeted sanctions measures on Al-Qaida and the Taliban and established a monitoring mechanism to ensure that UN Member States implemented the provisions of the resolution.⁴³ These measures were broadened and the targets expanded in subsequent resolutions.

The September 11, 2001 terrorist attacks on the United States had unprecedented global effects. Notwithstanding the diverse political considerations, especially with regards the permanent members of the Security Council, but also among UN Member States in general, for the first time, a global consensus for action on the problem of international terrorism emerged. This consensus was manifested in the Council's unprecedented response in the immediate post-9/11 period. The Council first determined that "any act of international terrorism is a threat to international peace and security,"⁴⁴ and the Council had the Charter prerogative to take action. The prevailing view was that actions to suppress and prevent terrorism required coordination and cooperation on a global scale, which, up to then, seemed unattainable through a voluntary process and, therefore, could be achieved only through mandatory requirements imposed by the Security Council under Chapter VII of the UN Charter.⁴⁵ It was the Council's presumptive eminent role to act on behalf of UN Member States in the maintenance of international peace and security,⁴⁶ and therefore the responsibility to take unprecedented actions against terrorism.

Acting under Chapter VII of the Charter, the Council unanimously adopted Resolution 1373 (2001) on 28 September 2001,⁴⁷ which created certain mandatory requirements on all UN Member States.⁴⁸ By virtue of the mandatory requirements of the resolution, each UN Member State is obligated to establish a prescribed legal framework in its national laws and to create institutions to prevent and combat terrorism and to cooperate fully with other States on a global scale in this effort. At the very least, some of the gaps in the international counterterrorism legal framework, absent a comprehensive anti-terrorism convention, could possibly be partially filled by full implementation of resolution 1373.

In resolution 1373, the Council made implementation of certain anti-terrorism requirements obligatory on all States, including by requiring them to: (a) prevent the financing and other forms of support to terrorists;⁴⁹ (b) deny safe haven to terrorists;⁵⁰ (c) make acts of terrorism extraditable offences;⁵¹ (d) establish the requisite legal regime and the operational mechanism to provide mutual legal assistance in criminal matters with regard acts of terrorism;⁵² and (e) become parties to and implement the provisions of the 12 anti-terrorism conventions and protocols.⁵³

The Security Council added to the foregoing prohibited acts by creating new obligations in resolution 1540 (28 April 2004) (adopted under Chapter VII of the Charter) requiring all States to deny terrorists access to weapons of mass destruction and their delivery systems.⁵⁴ Also, in resolution 1624 (14 September 2005,) the Council required all States to criminalize

incitement to terrorism in their domestic laws, and to deny safe haven to anyone against whom there is credible evidence of such conduct.⁵⁵

Implementing the measures adopted by the Security Council became the focus of the UN system's role in counter-terrorism, in particular the CTC and later also the CTED, as well as the UNODC. Many States, including most African States, lacked the capacity to implement the Council's counter-terrorism mandates and needed assistance. Great strides have been made in counter-terrorism capacity and counter-terrorism cooperation in the post-9/11 period. There is significant improvement in the rate of ratification and accession, and implementation of international anti-terrorism instruments. All of the international anti-terrorism conventions and protocols discussed in this paper, except for the Nuclear Terrorism convention, have entered into force and are being implemented on a broad scale by Member States. There are exceptions, however, especially in cases where States lack the technical and financial resources to implement them, and in some cases, lack of implementation is due to the lack of political will of governments.

Significant strides have been made globally and a higher level of competence and expertise has been achieved by many States, and many now possess legal and operational capacities to cooperate with other countries in counter-terrorism efforts. In general, there are significant improvements in border and immigration controls denying free movement of terrorists; increased safety in the supply chain with improved security in modes of transportation and in seaport and airport security; improved capacity to investigate and prosecute terrorist acts, including the sharing of intelligence and cooperation in investigation of potential terrorist acts, and thereby denying safe haven to terrorists; improved legal and administrative capacity to suppress the financing of terrorism through the freezing and seizure of assets of all kinds; and suppressing and preventing recruitment to terrorist groups. Many countries are taking steps to improve their intelligence gathering and information-sharing capacities. However, for African countries the pace has been slow and the regional and sub-regional institutions in Africa are struggling to meet the demands of Africa States for assistance.

IV. UN system's counter-terrorism priorities in Africa

There is overall convergence of the counter-terrorism priorities, mandates, activities and objectives of the UN system and that which the African Union determines as its priorities in preventing and combating terrorism. These priorities cover three broad areas: counter-terrorism legislation, operational mechanisms, and capacity building. While this convergence

exists, however, there is a gap between recognized priorities and the capacities and resources of the UN system and the AU institutions and members to carry them out. The result has been a focus on UN “priority” security-related areas with less attention and commitment to development-related areas that most likely would have resonated best with African States. This choice of priority led to the perception that both sides are operating on different pathways to counter-terrorism capacity building. Much of this perception is due to inadequate communication and lack of a mutually developed framework for implementation of counter-terrorism mandates which takes into consideration the common elements of the respective priorities of both sides. Neither the UN system nor the AU has managed to communicate successfully the respective priorities of each to the other. Bridging this gap is a priority not only for the UN but also for the AU.

The UN system’s objectives, which preceded adoption of the UN Strategy, fell within three broad categories: establishing a counter-terrorism legislative framework in each country that defines certain criminal acts as terrorism and targets financing of terrorism; for each country to develop operational mechanisms to implement effectively counter-terrorism measures and international counterterrorism standards; and for each country to have the requisite capacity to cooperate with other countries (sub-regionally, regionally and globally) in preventing and combating international terrorism. The measures to be implemented by all UN Member States are embodied in the counter-terrorism resolutions of the UN Security Council and the international anti-terrorism instruments. The UN Strategy has since given impetus to the development dimension in dealing with conditions conducive to recruitment to terrorism and ensuring human rights while combating terrorism. These are altogether very broad objectives which include a host of peace and security and development components related to Africa.

However, the UN system has had limited success in pursuing specific counter-terrorism objectives in Africa effectively and questions are raised frequently as to whether the UN system takes into account the African perspective in pursuit of these objectives, and, also, whether African States and institutions are willing and capable partners.

The AU’s early contribution to the global efforts against terrorism includes creation of a regional legal and operational framework to prevent and combat terrorism. The AU’s counter-terrorism framework consists primarily of the OAU Convention and Plan of Action (legal context for counter-terrorism) and the institutional framework of the Peace and Security Department of the AU Commission and the ACSRT (operational mechanisms). This is supplemented by the counter-terrorism programmes and activities of the RECs⁵⁶ that are actively engaged on counter-terrorism issues within the context of their peace and security frameworks. However,

constrained by other more pressing priorities on the continent and limited resources AU member States have been slow in implementing the provisions of the OAU Convention and Plan of Action and other related counter-terrorism commitments.

Due to the lack of resources available to most African States and African institutions, success in building counter-terrorism capacities in African States depends on the UN system being capable of providing or facilitating counter-terrorism capacity-building assistance at the national and sub-regional levels. This is an important requirement if UN counter-terrorism objectives are to be achieved. At the same time, AU member States and institutions must have the capability to absorb and take advantage of available technical assistance in order to be effective partners in this process. The often not considered correlation between the two often leads to duplication of efforts and waste of resources without much tangible results. The CTC recognised from the very outset the important role regional and sub-regional organisations have in effective implementation of counter-terrorism measures. The CTC was also aware that the UN system and bilateral donor partners should assist regional and sub-regional organisations to enhance their own capacities in order to facilitate effective counter-terrorism capacity-building of their members. A systematic and programmatic approach to capacity building of regional and sub-regional organisations envisioned in the first CTC conference with international, regional and sub-regional organisations held in New York on 12 and 13 March 2003 raised expectations which have not been met as the level of assistance needed never materialised.

The UN Strategy's holistic approach to counter-terrorism and development was expected to change the counter-terrorism capacity building dynamic. The CTITF was tasked with creating synergies between the two often seemingly incongruent sides of the UN system – security and development. This is an on-going process which must be pursued vigorously at all levels of the UN system as well as from the African side. However, advocacy of the nexus between development and security, including anti-terrorism capabilities, lacks fervour on both sides, and there is no current part of the UN system enabled to generate and coalesce the political dynamics in the UN and the AU in order to enhance the prospects for success. Since establishment of the CTITF Office, some progress is being made in implementation of the UN Strategy, including its programming in Africa discussed below.

For the most part, the legal and operational underpinnings to prevent and combat terrorism globally have been the primary focus of UN mandates, in particular the Security Council mandates, which call on States to implement international counter-terrorism instruments as well as Security Council Chapter VII resolutions.⁵⁷ However, there remains a huge gap between

the targeting and delivery of most capacity-building programmes and what is required for most countries in Africa to achieve minimum counter-terrorism standards and implementation of counter-terrorism best practices. Despite the lack of absorption capacity of some African States, there has been some incremental improvements in anti-terrorism legal and operational capacities in many States, and with it improved levels of cooperation, but however, many countries still lack the requisite capacity to cooperate and collaborate effectively in regional and global counterterrorism efforts and to significantly reduce the prospect of terrorist acts occurring on the continent. Certain countries and regions of Africa are particularly vulnerable and frequent acts of terrorism expose their incapacities. Despite efforts at the multi-lateral, regional, and state levels to address them, there is no comprehensive framework in place and major challenges remain for African States.

There are shared priorities between the UN system and the AU peace and security agenda in the context of counter-terrorism capacity building and implementation of counter-terrorism measures. Many of these priorities are highlighted in the areas of vulnerability and deficiencies in many countries and regions of Africa and the many issues and challenges to be addressed. The following list provides a synopsis of the issues and challenges:

1. Conditions conducive to radicalization and the spread of international terrorism such as underdevelopment, poverty, and social, economic and political inequities. The lack of institutional underpinnings, such as governance and rule of law, contributes to these conditions.
2. Porous and uncontrolled borders which allow unhindered cross-border movement of terrorists and other criminals.
3. Inability by many African States to exercise control over vast areas of territory, thus providing safe haven for terrorist groups to train new recruits and from where to plan terror campaigns. This stems from the fact that many African States are incapable of exercising sovereign control over their territories.
4. Linkages of terrorism and transnational organized crime – drug trafficking, illicit arms trade, human trafficking, migrant smuggling, and money laundering – which threatens governance and stability in the West African sub-region, and provide sources of funding for terrorist organizations.
5. Threat posed by transnational crime to maritime security, and the possible effect of transnational crime on the security and integrity of the international supply chain resulting from poorly administered and controlled, and unsecured customs areas, and corrupt customs officials.
6. Threat posed by transnational crime to the financial sector through corruption, money laundering and possible abuse by terrorist groups to finance their activities.

7. Real or perceived lack of political will by some African States to implement counter-terrorism measures.

Suffice it to say, the UN system and the AU Commission share a vested interest in overcoming these challenges. Yet there is no comprehensive framework determined between them for this purpose. There are misperceptions on both sides which as suggested creates doubt concerning the commitment of either side. The so-called lack of political will and resolve of African leaders to confront the terrorist threats in Africa is seen as an impediment to progress on the African agenda. On the other hand, African leaders argue that their lack of implementation of counter-terrorism measures should not be taken as lack of political will or lack of resolve and that their commitment should not be in doubt. They point to the bold steps taken in adopting the OAU Convention and Plan of Action, the broadening of the mandate of the AU Commission's Defence and Security Division of the Peace and Security Department, and establishment and mandate of the African Centre for the Study and Research on Terrorism as indications of Africa's commitment to combat international terrorism. The continental efforts in this regard are supported by a number of programmes initiated and are being implemented to varying degrees in the sub-regions through the RECs and other regional institutions in collaboration with the AU Commission and external partners and their receptiveness to multilateral and bilateral assistance for these programmes. That they supported the UNGA's adoption of the UN Strategy in 2006 is also an indication of the importance they place on the links between security and development and the importance of the principal aims of the UN Strategy.

However, while the UN Strategy provides broad recognition of the nexus between security and development and is a step in the right direction, an effective conceptual framework to implement the UN Strategy in Africa has not emerged in UN and AU fora. There is a view in the AU Commission that a high-level conference on terrorism and development in Africa to bridge the perception gap and to adopt a framework for UN-AU collaboration might be a way forward.

African leaders argue, also, that they should not be expected to apply the scarce human, technical and financial resources available to them to combat terrorism, which many still regard primarily as a global problem manifesting itself in Africa, at the expense of more pressing social and economic problems on the continent. In that regard, African leaders and institutions look to the UN system and bilateral partners such as the United States and the European Union to take a more coherent approach to counter-terrorism capacity building in Africa that treats equally the conditions conducive to recruitment to terrorism as envisaged in the UN Strategy with equal emphasis as is placed on the security measures of the UN Security Council

mandates. Developing and implementing effective counter-terrorism policies that seek to shape and constrain the environments where terrorists operate is therefore a shared priority.

Most African States lack the requisite capacity in their legal architecture to deal effectively with the terrorist threat. Many have significant deficiencies in their legislative framework, rule of law institutions and practices, intelligence gathering, analysis and sharing, and law enforcement capabilities. In order to address these issues, the UN has focused attention on legislative drafting and training, primarily through the programmes of the UNODC/TPB. Bilateral partners, in particular the United States, have focused on military-police security capacity-building efforts, to include strengthening of border control capacities. Addressing the problems and the deficiencies are often constrained by African States' lack of capability to absorb available assistance programmes. This problem highlights the need for institutional capacity building at the state, sub-regional and continental levels.

The perception in Africa is that assistance partners, the UN system included, tend to define and respond to the scope of the problems based not only on the availability of resources but on the partners' priorities and not Africa's priorities. There is also the further perception that the UN system reacts primarily to the priorities of the donor governments that provide resources for UN programmes without taking into consideration the African perspective on what needs to be prioritized for Africa and in Africa's interest. While no empirical data to support this perception has been presented, the high visibility of military/police security programmes suggest that external partners target areas of greatest concern to them and not necessarily areas of greatest concern to the affected African States. Despite the many attacks on African soil, resulting in the deaths of many Africans, changing the perception that terrorism is someone else's problem and not Africa's remains among the UN system's priorities.

There is growing concern about the growth of radicalisation, in particular among the large, disenfranchised youth population in Africa. Preventative measures which address the social and economic needs of this cohort are not yet being addressed comprehensively through the UN system. The UN thrust on security sector reform (SSR) is seen by many as an integral part of this process. It is important, however, that SSR programmes should not be imposed on African countries but should be seen as security sector assistance programmes of which each African country and region has ownership. In this vein, the United Nations Development Programme (UNDP) and the United Nations Education, Scientific and Cultural Organization (UNESCO) are best positioned to address the factors which contribute to the growth of radicalisation – political, social, and economic disenfranchisement that is exacerbated by under development and are being exploited by terrorist groups to attract recruits and funding to their networks.

The UN Strategy clearly identified these bodies as having a primary role in addressing the conditions conducive to terrorism. However, in order to be effective, these development-oriented bodies must first overcome the perceived negative stigma of being associated with counter-terrorism efforts and become proactive in counter-terrorism capacity building on the ground where they are most visible. They must overcome the notion that counter-terrorism capacity building is unconnected to development and vice-versa. Communicating the nexus between development and security, and the threat posed by terrorism to peace and security in Africa is a shared responsibility by both the UN system and the African institutions.

In as much as there is a broad range of best practices and availability of possible assistance to implement them that are posted on the websites of CTITF participating entities, there is a significant communication gap between the UN system and Africa. There is a presumption at UNHQ that posting documents on the websites in New York should make them easily accessible to the national bureaucracies of African States and inter-governmental organizations. However, most States and organizations do not have the capacity – technical and human resources – to access and process them and transform the information into actionable outcomes.

The UN system alone does not have the capacity to provide solutions and respond to the needs of Africa. However, the UN system can provide the necessary catalyst through facilitation and partnership with African States and institutions. The UN system, working closely with African institutions, such as the AU Commission and the African RECs, is best positioned to help develop a framework for implementation of the UN Strategy. The CTITF's potential role in such undertaking cannot be overstated. There is some scepticism, however, in the CTITF's ability to marshal the political mandate to bring together important bilateral and multilateral partners already engaged and pursuing their own counter-terrorism agendas in Africa. However, partnering with the UN, including through OSAA, which enjoys high credibility in Africa could help overcome the scepticism of some Africans. In particular, scepticism and perception that Western countries' engagement on counter-terrorism security assistance is mainly to protect their own strategic interests.

V. Review of the implementation of UN Global Counter-Terrorism Strategy and counter-terrorism mandates in Africa

The demands for more complex forms of cooperation to thwart current and future terrorist threats have grown considerably in the more than four years since the adoption of the UN

Strategy and nine years since 9/11, but the counter-terrorism capacity for most African States has not kept pace. There are significant deficiencies in the legal and operational mechanisms of most States, and there remains limited scope for bilateral, regional, and international counter-terrorism cooperation. While this is not unique to Africa, it is particularly evident for a large percentage of African States. And, in as much as the terrorism threat in Africa has the potential to threaten Africa's peace and security, stability and development in some African States and sub-regions, most African countries have been slow in making counter-terrorism capacity building a priority. Among the reasons often cited in the past is the perception that terrorism is someone else's problem. The reality is, however, many African countries lack the financial, technical and human resources necessary to deal effectively with terrorism. And, while it is true that most acts of terrorism on the African continent have been aimed at non-African targets, many African lives have been lost, and terrorist groups' activities 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.

In addition, there is growing indication that terrorist groups are targeting certain countries in Africa to radicalise and recruit young Africans to their ranks. While only a few international threats have originated in Sub-Saharan Africa, the growing threat of extremism and radicalisation is cause for concern. Thus military/police forms of security enhancement will not be sufficient to reduce possible future threats. The security of Africa will become increasingly more complex and will require full implementation of non-military and development components of the UN Strategy in order to ameliorate and prevent the present environment from deteriorating.

The occurrence of deadly terrorist activities on the continent itself, and increasing evidence of radicalization of African young men and women demonstrate clearly that terrorism is as much Africa's problem as it is anyone else's. The commitments given by all UN Member States to the imperatives of the UN Strategy apply across the board. However, implementing the UN Strategy in Africa remains a daunting task for the UN system and for African States and African inter-governmental organizations and institutions. African States and inter-governmental organizations maintain that more priority must be given to develop and implement programmes which deal with the conditions that are conducive to terrorism, an important aspect of the UN Strategy, in the same way such priority is given to the security measures of the UN Strategy.

In efforts to address security-related aspects of the problems external bilateral partners having strategic interests in the region find willing African partners. Thus, with regard to the

security aspects of counter-terrorism capacity deficiencies, there are willing partners on both sides of the assistance matrix. In that context, several African States have accepted and are participating in a number of bilateral partner programmes which focus primarily on military- and police-security capacity-building targeting potential threats to, and addressing the strategic interests of the donor partners. There is less fervour in addressing fundamental development and related issues of African countries which has caused some scepticism on the continent with regards the true objectives of bilateral partners. While the military/police security programmes are important in the context of the peace and security architecture in certain African sub-regions, including by expanding territorial and border control to some degree, they do not address or ameliorate the conditions which give rise to extremism, radicalization, and terrorism recruitment.

To some extent, there is concern that the “hard” counter-terrorism programmes pursued by the Security Council and Africa’s bilateral partners have the potential to exacerbate and encourage extremism and radicalization and also help to fuel rejection of state authority. On the other hand, the development component of counter-terrorism capacity building, which would have the opposite effect, lacks the same level of infusion of technical assistance, financial resources and training of civilian expertise as the security-related sectors, and development assistance is not integrated in over-all counter-terrorism capacity-building. To some degree, keeping the two roles separate is encouraged by donors and recipients alike. This is in large part due to the misperception that the respective roles of the development agencies vis-à-vis the counter-terrorism bodies within the UN system are mutually exclusive. Quite the opposite is true, and, in order to ameliorate the conditions conducive to recruitment to terrorism, they must be on an equal plane with each other.

Addressing the underlying issues related to under-development, weak rule of law institutions, lack of good governance, societal inequities, and group marginalization evident in many African States also addresses the conditions which fuel increase in extremism, radicalisation and terrorism recruitment. A proactive approach to these issues is central to implementing the UN Strategy. Capacity deficiencies in the institutional and legal underpinnings in most African States, and lack of political will in some to deal comprehensively with these problems, contribute to low levels of success in implementing UN counter-terrorism mandates. At the same time, the development dimension of counter-terrorism capacity building mandates of the UN Strategy is under-resourced and remains elusive for many African countries.

The problems of long, uncontrolled, contiguous and porous borders pose significant challenges to all African States. The porosity of the borders of most African States make them vulnerable to cross-border smuggling of small arms, precious metals, illegal drugs, movement of currencies, and other possible sources of terrorism financing. As a result, there are large volumes of unregulated international currency flows through the sub-regions where these criminal enterprises operate, often with impunity. This is matched by limited capacity in most African States to detect, investigate and prosecute financial crimes, which makes these States' financial systems susceptible to money laundering and vulnerable to abuse by terrorists and other criminal enterprises. This also raises the odds and provides opportunities for corruption of officials, particularly those with responsibility for maritime and land border controls. These problems pose unique challenges for African States and factor into the dynamics which increase their vulnerability and the challenges to terrorism and effective counter-terrorism implementation.

The 2009 CTC Review, which benefited from country visits to 15 African States, assesses the following areas which fall within the mandates of the UN Security Council: counter-terrorism legislation, counter-financing of terrorism, law enforcement capacity, border control, and international cooperation.⁵⁸ While recognizing some progress in implementing some Security Council mandates, the CTC Review did not address progress or lack thereof in implementation of the non-security-related imperatives of the UN Strategy. Understandably such a review or assessment is not within the mandate or the purview of the CTC/CTED. However, in reviewing the security-related measures required by UN Security Council mandates, the CTC highlighted a general lack of capacity in the legal and institutional and operational capacities in most African States that are important to combating of terrorism effectively. Many of these legal and institutional underpinnings also have significant development implications.

Among the imperatives for implementing the UN Strategy in Africa are: effective border control (management and operational capacities); border security; territorial control; effective law enforcement; rule of law and good governance; empowering women and young adults (male and female) to participate equally in the economic, social and political dynamics of the state; and to ensure the protection of the human rights of all of each State's citizens. Due to lack of resources – human, financial and technical – African States rely heavily on the UN system and international partners in order to move forward on these priorities. As suggested elsewhere in this paper, the effectiveness of capacity-building programmes will depend on a comprehensive framework for action that embraces the African perspective in implementing them in each State and sub-region.

Despite the magnitude of the challenges and obvious incapacities often cited critically in assessing counter-terrorism implementation in Africa, there has been slow but steady progress in some countries and sub-regions. Some of the progress made is in large part due to the collaborative work of the AU Commission (Peace and Security Department and the ASCRT) and the RECs with the assistance of external partners. The contributions of the RECs with regard to setting regional standards, border control and cross-border cooperation and information exchange, as well as coordinating sub-regional training of security personnel, provide opportunities for success in implementing counter-terrorism measures. The work of GIABA and ISAAMLG, the two operational FATF-Style Regional Bodies (FSRBs) in Africa discussed below, have contributed significantly to the progress made by participating States in their counter-terrorism financing programmes. A number of African countries have adopted counter-terrorism financing legislation and have authorised and established financial intelligence units (FIUs) or their equivalent. In most cases these FIUs lack the human and technical resources to be effective.

The CTC Review highlighted current deficiencies in key categories of counter-terrorism capacity-building in most African States. Some African States have criminalised terrorist financing as a criminal offence in their Criminal Codes as predicate offenses, but many still have not, which means they have to rely on prosecuting acts of terrorism and related crimes under other less specific provisions of their Penal Codes. A state's capacity to cooperate effectively in investigation and prosecution of terrorism offences are therefore limited. Many African States lack a formal method for tracking movement into and out of their countries at border check points and airports, and many do not have travel documents, such as machine readable and security enhanced passports, that comply with international security standards set by ICAO, and many lack adequate data collection and processing capacity to track UN-listed members of terrorist groups and individuals known to be involved in transnational criminal activities.

Security forces have limited resources and training in counter-terrorism and maritime security to prevent abuse by terrorists and other criminal enterprises. Such vulnerability to transit and abuse by terrorists and other criminal elements is now evident in the drug trafficking problems being experienced in the West Africa sub-region. The problem lies in inadequately trained security forces (police and military) and shortages of trained judicial professionals (prosecutors and judges) who are unfamiliar with the complex issue of global terrorism, and lack of equipped and trained national intelligence agencies, which do not have the ability to identify and disrupt potential terrorist threats.

The scepticism in Africa referred to above with regards to the interests of Western countries points to a number of issues, which includes: the belief that Africa is neglected for the most part except for the economic interests of the West; that the security-related capacity-building is related to those interests and the desire to exclude non-Western countries from Africa and to exercise hegemony over Africa's natural resources; that security assistance is linked to access to resources; and that there is no connection between global counter-terrorism concerns and local issues, such as the problems of weak and/or failed States, their lack of resources to control territories, and their lack of legitimacy due to governance issues. As to building support by civil society for counter-terrorism capacity building, there is the perception that there is no viable civil society in Africa; that genuine civil society which was based on tribal hierarchy and tribal norms has been destroyed; and only a return to traditional hierarchy can make a difference. Proponents of these views believe that there needs to be a new look at Africa for a number of reasons, not the least of which is that security of Africa is important to world trade and that the deficiencies in African capacity to help secure the international supply chain directly affects the interests of Western countries.

It is suggested further that among the problems of Africa are the problems of statehood, and that the new paradigm for Africa must include rehabilitating traditional structures to build the state from the bottom through the traditional social organization of the state. It suggests that traditional social organization can build a state that is linked to its society in order to make it legitimate.

a. Role and capacity of the African Union (Addis Ababa)

The AU's adoption of counter-terrorism legal instruments – OAU Convention (1999) and the Protocol (2004) – and the Plan of Action (2002), which establishes a counter-terrorism legal framework, are clear expressions of political will and intent of African States to deal seriously with the issue of terrorism. The Protocol to the OAU Convention, adopted 2004, conferred on the Peace and Security Council of the African Union the responsibility for implementing regional, continental and international counter-terrorism instruments as well as harmonizing and coordinating efforts in the prevention and combating of terrorism. The AU Plan of Action provided a framework and a roadmap for African States to implement international counter-terrorism measures as provided in the OAU Convention, as well 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 counter-terrorism implementation in Africa.

Within the structure of the AU Commission, the Defence and Security Division of the Peace and Security Department(DSD/PSD) has primary responsibility for developing AU counter-terrorism policies and ensuring political consensus is reached on AU counter-terrorism programmes. The DSD/PSD thus ensures that the ACSRT has the necessary political mandate for its work. The PSD, 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.

From the African perspective, having established a legal framework and operational framework, Africa's willingness to implement global counter-terrorism standards and practices, and later the UN Global Counter-Terrorism Strategy should not be in doubt. However, 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, 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.

In the aftermath of 9/11, the AU counterterrorism unit at its headquarters in Addis Ababa was tasked with promoting and coordinating counterterrorism efforts among its member States. The counter-terrorism unit had broad expectations that outside 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. To this end the AU Commission reached out to the UN system and other bilateral partners, including through 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. However, the Commission's expectations were not met, as UN and other international partners, in particular bilateral donors, preferred to retain control of the assistance they were providing by working directly with AU member States. Thus the AU's reliance on technical assistance from international partners and donors, both at the AU headquarters and later at the ACSRT, to build its own counter-terrorism capacity and effectiveness has been circumscribed from the very outset by the level of available external assistance. While this dependence on external partners remains, there are efforts and some progress, especially through the ACSRT, to build AU capacity to deliver technical assistance to AU member States directly.

However, despite the AU's efforts, and while some progress has been made, 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.

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.

b. Role and capacity of the African Centre for the Study and Research on Terrorism (Algiers)

As discussed above, the operational aspects of the AU Commission's counter-terrorism activities, including the facilitation and delivery of counter-terrorism technical assistance to AU member States, are delegated to the African Centre for the Study and Research on Terrorism which is sited in Algiers, Algeria. The mandate of the ACSRT includes: providing expertise in matters relating to the prevention and combating of terrorism in Africa; and strengthening the capacity of AU member States, including full implementation of the international anti-terrorism instruments.⁵⁹

The ACSRT (established pursuant to the AU Plan of Action) by the AU Commission in October 2004 is the central organ within the AU system for "centralising information, studies and analyses of terrorism and terrorist groups and related activities, as well as for developing training programmes by organising training schedules, meetings and symposia with the assistance of international partners.... [I]t is envisaged to provide the AU with the necessary expertise for realising the AU's counter-terrorism objectives, as well as translating the continental and international commitments of member States into concrete actions."⁶⁰ Its mission includes the development and maintenance of a database on a range of issues related to the prevention and combating of terrorism, particularly information on, and assessments and analyses of terrorist groups and their activities in Africa to better inform AU member States and international partners on the threats and need for, and availability of experts and technical assistance to address the counter-terrorism needs of AU member States. Through the efforts

of the ACSRT, international partners are expected to develop technical assistance programmes in support of counter-terrorism capacity-building in Africa, and collaborate with the ACSRT in offering such programmes to AU member States.

The ACSRT has done a threat assessment in Africa which helps to guide its counter-terrorism programmes. However, the ACSRT lacks the tools necessary for dissemination to achieve high visibility of its assessments and programmes. It is anticipated that through its efforts duplication by donors can be avoided. Therefore, an increased level assistance to the ACSRT should help to enable the AU Commission to deliver on counter-terrorism capacity-building programmes and further empowering African expertise should be institutionalised with continuous training to match the evolving nature of terrorism. This would help to ensure African ownership of the process which is important to ensure future sustainability of counter-terrorism implementation in Africa. In order to further this objective, the ACSRT has established a framework on which to build its capacity and effectiveness, which includes a network of focal points at the national and sub-regional levels (43 National Focal Points and 7 Regional Focal Points). Among the tasks the ACSRT has set itself, is preparing a Compendium of Best Practices in Africa, but needs resources (expert and technology) in order to carry out this task. The idea is for application of African best practices which identify with the special circumstances unique to African societies. Finally, the ACSRT needs to partner with the UN 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.

Although the potential exists for the ACSRT to be a major partner with the UN system in furthering implementation of counter-terrorism mandates in Africa and to help ensure progress on implementation of the UN Strategy in Africa, it is under-resourced, in terms of financial, technical, and human resources expertise and is unable to carry out its responsibilities as effectively as its potential suggests. The ACSRT has developed a Strategic Plan of Activities (2010-2013) (SPA) which, if implemented, should improve significantly the implementation process for UN and AU counter-terrorism mandates. However, in order to be effective, the ACSRT needs to enhance its human resource expertise, financial resources, and technical information technology capacities. The ACSRT must rely on assistance and close collaboration with the UN system and other international partners and therefore needs assistance in New York to help make it possible.

The ACSRT has identified a number of priority areas for which it needs the assistance of international partners, including in the extensive and continuous (as opposed to one-off) training of African expertise in the following four areas:

- a. Combating terrorist financing and money laundering;
- b. Detection and neutralization of explosives;
- c. Critical infrastructure protection;
- d. Radicalisation/de-radicalisation techniques.

In addition, the ACSRT will require the services of a legal adviser and a team of legislative drafting experts with the appropriate expertise to train and provide recommendations, technical assistance, and guidance to AU member States in the adaptation and application of the new African Model Law.

c. Role of Regional Economic Committees (RECs) and related regional bodies

Each region and sub-region has its own dynamics and terrorist threat-level – requiring specially devised regional (sub-regional) initiatives which tailor the sub-regions responses to the threats. Where applicable, each sub-regional counter-terrorism strategy must also reflect the trans-regional threats posed by terrorist groups and transnational criminal enterprises. Vast un-governed or un-controlled areas in certain African countries and regions provide safe haven for terrorists and other criminal enterprises to carry out training and planning of terrorist and criminal activities. This problem is manifested particularly in the sparsely populated and uncontrolled Sahel-region of Africa where Al-Qaida in the Islamic Magreb operates freely, and in the Horn of Africa where al-Qaida’s allies, in particular Al-Shabaab, control a significant part of Somalia

The goal is to strengthen the counter-terrorism capacities, enhance and institutionalize cooperation among the intelligence organizations, and promote democratic governance of African countries by enabling the AU and the Regional Economic Committees (RECs) to facilitate counter-terrorism capacity-building of their member States. This includes technical assistance to establish and strengthen institutions for better regional cooperation, communication, and intelligence sharing. These counter-terrorism capacity-building objectives must be matched by technical assistance which promotes the development of democratic institutions and economic development, and assistance for ongoing security sector reform (SSR) projects.

In examining the role of the RECs, one has to take into consideration the trans-region nature of the terrorism challenges, in particular the contiguous and porous borders between countries and regions. For example, when discussing the West African region and the counter-terrorism activities of the Economic Community of West African States (ECOWAS), the movements throughout the Sahel region of the terrorist group Al-Qaida in the Islamic Maghreb

(originating primarily in North Africa) must be taken into consideration. Hence the practice of framing the activities of the RECs within their respective geographic regions does not necessarily hold when discussing terrorism threats and counter-terrorism activities.

As it stands, none of the RECs are sufficiently enabled to deal with the threats and challenges posed by terrorism in their respective regions and threats which transcend geographic boundaries. They lack the overall competence required to carry out most of the work they have identified as priorities and to accomplish the tasks they have agreed and set for themselves. Without multilateral and bilateral assistance these tasks would amount to mere wish lists. The strength of each sub-region also depends on each State undertaking capacity-building in critical areas of their own national counterterrorism framework in order to participate effectively in the sub-regional security system. Therefore strengthening the RECs to provide facilitation and guidance to their constituent members is an important first step in building security-capacity in each sub-region.

There are only five often referred to geographic sub-regions, but there are eight RECs in Africa, some with overlapping membership or trans-sub-regional membership, as well as others not necessarily inclusive of all States in their respective geographic sub-region. The geographic sub-regions' relationships to the RECs are as follows:

- a. West Africa: Economic Community of West African States (ECOWAS) (15 members);⁶¹
- b. East Africa: The Intergovernmental Authority on Development (IGAD) (7 members);⁶²
- c. Southern Africa: Southern Africa Development Community (SADC) (15 members);⁶³
- d. North Africa: Arab Maghreb Union (AMU) (5 members);⁶⁴
- e. Central Africa: Economic Community of Central African States (ECCAS) (7 members);⁶⁵
- f. East African Community: (EAC) (3 members)⁶⁶
- g. East and Southern Africa: Common Market for Eastern and Southern Africa (COMESA) (21 members).⁶⁷
- h. Community of Sahel-Saharan States (CEN-SAD) (18 members)⁶⁸

The primary objectives of the RECs are regional economic integration through common markets and common economic spaces among their members, including by facilitating easy travel of their nationals from one member states to another within their respective sub-region. This latter objective creates significant challenges where, as is often the case, many countries do not issue machine readable travel documents to their citizens that meet international standards, and the means and level of processing of persons at border crossings and other points of entry (modern data retrieval technology) varies considerably from country to country. The lack of modern border control technology is of particular concern to most African countries

and sub-regions. However, the high cost of border control technology is prohibitive for most countries, and this need cannot be met without external assistance.

Most of the RECs have collaborated with, and benefited from the expertise of UN bodies such as the CTC/CTED and the UNODC in staging counter-terrorism programmes – workshops, seminars, conferences, training, country visits, etc. Also, UNDP’s programmes with the RECs and individual countries in each sub-region, in particular poverty alleviation, and rule of law training and capacity building, help to address conditions that are conducive to extremism and recruitment to terrorism.

A number of RECs also, as part of their security-related objectives, are engaged in peace and security programmes, often with the assistance of the UN and other external partners. However, only two of the eight RECs – ECOWAS and IGAD – have established significant counter-terrorism capacity-building programmes in each of their respective sub-region for the benefit of their members.

Economic Community of West African States (ECOWAS)

The ECOWAS is often seen as being the most engaged and effective of the RECs in counter-terrorism programming which falls within its peace and security sector. For example, ECOWAS has established a Warning and Response Network – an information sharing programme addressing security issues. This sub-regional peace and security observation system known as the *ECOWAS Warning and Response Network (ECOWARN)* is operated by the ECOWAS Observation and Monitoring Centre (OMC). ECOWARN provides the sub-region with the capacity to evaluate, inform and guide responses to potential threats, including terrorism threats, in the sub-region. ECOWARN is seen as an example to be duplicated in other sub-regions.

In addition to its security-related programming, ECOWAS also collaborates with the UN system and other international partners on border security measures, rule of law, and governance capacity-building in the sub-region. The UNODC is particularly active in the West African region, not only on counter-terrorism capacity-building, such as training of law enforcement professionals and legislative drafting assistance, but also addressing issues related to transnational crimes, in particular drug trafficking in and through the region. For example, the West Africa Coast Initiative, in collaboration with the UN Department of Peacekeeping Operations (DPKO) and Interpol aims at improving the capacity of some West African States to deal with this problem.

ECOWAS is also leading on counter-terrorism financing in Africa through the work of GIABA, discussed in greater details below.

The Intergovernmental Authority on Development (IGAD)

The Intergovernmental Authority on Development (IGAD) through its *IGAD Capacity Building Program against Terrorism (ICPAT)*, launched in 2006, has been engaged in developing programs aimed at counter-terrorism capacity-building of its member States to resist terrorism, and promoting regional security cooperation. ICPAT's programme is highly regarded and is often held up as an example for other RECs to emulate.

There are five components to ICPAT:

1. Enhancing judicial capacity
2. Optimizing interdepartmental cooperation
3. Enhancing border control
4. Providing training, sharing of information and best practices (CT training for law enforcement officers)
5. Promoting strategic cooperation

IGAD operates in one of the most unstable and dangerous regions of Africa. Al-Qaida and al-Shabaab pose serious terrorist threats to the countries of the Horn of Africa, destabilizing the sub-region. Somali territory provides safe haven for terrorists and is used by them as a recruiting and training ground for terrorists. It was from the Somali territory that the 1998 terrorist attacks on the US embassies in Tanzania and Kenya were launched. Al-Shabaab now controls and operates in a vast area of Somali territory, which also provides safe haven and staging ground for pirates plaguing international shipping in the Indian Ocean off the Horn of Africa.

FATF Style Regional Bodies (FSRBs)

The Financial Action Task Force (FATF) Style (FSRBs) are regional bodies which assist their members to implement international anti-money laundering and anti-terrorist financing standards and recommendations established by the FATF. An international standard-setting body, the FATF addresses money laundering, terrorist financing, and other financial-related crimes. The FSRBs are controlled and operated by their members with technical assistance and other resources provided by external partners. FSRBs carry out a number of programmes aimed at implementing among their members FATF's 40 recommendations dealing with money laundering and nine recommendations on terrorist financing. There are two very effective FSRBs in Sub-Saharan Africa: Intergovernmental Action Group against Money Laundering and

Terrorist Financing in West Africa (GIABA),⁶⁹ and Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG)⁷⁰

GIABA (15 members) and ESAAMLG (14 members) combined have a total membership of 29 African States, which leaves 24 AU member States that are not participating in any similar body. There are efforts underway to establish an FSRB in Central Africa where the majority of non-covered States are located. Both FSRBs conduct mutual evaluations, have work on various anti-money laundering and counter-financing of terrorism frameworks and implementation issues, and provide training and capacity-building for their members.

The Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) was established by ECOWAS Authority of Heads of State and Government in 2000, and represents the single most important response and contribution of ECOWAS to combat money laundering and terrorism financing. GIABA is a specialized institution of ECOWAS that is responsible for the prevention and control of money laundering and terrorist financing in the region. GIABA's mandate includes:

- (a) Development of strategies to protect the economies of Member States from abuse and the laundering of the proceeds of crime;
- (b) Improvement of measures and intensifying efforts to combat the laundering of proceeds of crime in West Africa;
- (c) Strengthening co-operation amongst its members.

Establishment of GIABA as an FSRB is a demonstration of the strong political commitment of ECOWAS member States to combat money laundering and terrorism financing and to cooperate with other concerned nations and international organisations in this effort. Within its regional strategic framework (the GIABA Plan of Action), GIABA has the capacity to support its 15 Member States, to effectively combat the money-laundering and terrorism financing in the region. This includes enhancing the capacity of the regulatory, law enforcement and judicial authorities in its member States.

The Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) is an FSRB serving both Southern and Eastern African States. It is not restricted in its activities to the RECs in these sub-regions and neither does it include all of the member States of the RECs – SADC, EAC, and COMESA. While ESAAMLG has been operating for a while, it was only admitted as an associate member of the FATF in June 2010. Associate membership recognises the efforts of ESAAMLG in the implementation of the FATF Standards in the Eastern and Southern African

sub-regions and, most importantly, gives ESAAMLG a greater role in FATF's decision-making. ESAAMLG's mandate is similar to that of GIABA as discussed above.

VI. OSAA's potential role in strengthening Africa's counter-terrorism architecture

The Office of the Special Adviser on Africa (OSAA) has among its functions the responsibility to initiate "...reports on critical issues affecting Africa, and in particular on the interrelated issues of peace and security".⁷¹ OSAA also recognizes the importance of stability, peace and security to the development agenda of African States. African intergovernmental organizations and institutions have made known their deep concerns about the threat to peace and security in Africa posed by the terrorist threat on the continent, and the potential for destabilizing and hindering progress towards fulfilment of economic, social and political development, as well as the peace and security agendas of African States. They have made clear they need expanded external partnership support to build their capacities and that of African States to combat the growing threat of terrorism in Africa and that they look to the UN to facilitate this process.

OSAA is also mindful of the concerns of many African countries and African institutions that African perspectives on implementing counter-terrorism mandates in Africa are not integrated fully into the UN counter-terrorism system. Understanding that the counter-terrorism priorities of the UN and of Africa are mutually reinforcing, OSAA convened an Expert Group Meeting (EGM) in Addis Ababa, Ethiopia, 3rd and 4th June 2009, to explore the underlying issues related to counter-terrorism implementation in Africa, in particular ways in which the security and development agendas of African States could be mutually reinforcing and facilitated.

The recommendations of the EGM offered some opportunities for OSAA to play an important role in bridging the gap between Africa and the UN system and advancing the global agenda in implementing the UN Strategy in Africa. However, it should be noted that OSAA would need to enhance its own capacity if it is to engage effectively on the issues presented. This paper offers some strategies for OSAA's role in implementing the EGM's recommendations and adding value to the work of the UN system. It includes some ideas for greater engagement with the CTITF and collaboration with African actors and for bridging the information gap between the UN and Africa.

- a. Strategies for implementing recommendations of OSAA's Expert Group Meeting and adding value to the work of the UN system in implementing the UN Global Counter-Terrorism Strategy*

A total of 13 recommendations were proposed by the EGM primarily for OSAA's engagement in this process and suggested ways in which the UN system might benefit from OSAA's role. While these proposals present great possibilities for advancing the UN system's counter-terrorism and development agendas in Africa, and in facilitating greater understanding of the African counter-terrorism perspectives, OSAA's current limited capacity would have to be enhanced for this purpose. This also should include upgrading OSAA's role and participation in the CTITF from Observer status to that of active participant.

The EGM recommendations covered a broad range of possible ways for OSAA to leverage its unique comparative advantage, credibility and networks with African countries, inter-governmental bodies and institutions to add value to the UN system's counter-terrorism efforts in Africa, and at the same time advancing the development agenda of African States. OSAA is best positioned also to help bridge what is seen as a perception and communication gap between the UN system and Africa with regard to the UN system's counter-terrorism implementation programmes and African perspectives on terrorism. This important role cannot be carried out on an *ad hoc* basis, but must be continuous and consistent over a sufficiently extended period to be effective. In this regard, OSAA should develop a Framework for Consultations and work closely with the CTITF and its entities, as appropriate. This should be done in detailed consultations with the AU Commission's Peace and Security Department, the ACSRT, and RECs to develop an Action Plan for future engagement. This would also entail consultations with relevant sectors of African civil society. The following represents some specific actions that should comprise the strategy of a fully-enabled OSAA:

(1) As a first step in the consultation process, OSAA should offer to lead an effort in cooperation with the CTITF and in consultations and collaboration with the AU Peace and Security Department, the ACSRT and the RECs to organize a conference on the African continent which will bring together all UN and African stakeholders in the implementation of the UN Strategy: (a) to assess, and develop a database of the diversity of counter-terrorism efforts to date and identify gaps in the capacity-building efforts currently underway; (b) to agree on Africa's priorities and needs; and (c) to outline a clear division of labour among UN and African institutions, as well as among partner countries and international organizations.

(2) In cooperation with African institutions and other African stakeholders (AU Commission, ACSRT, the RECs and relevant African NGOs), OSAA should assume a lead role in facilitating UN efforts to engage civil society on the African continent in implementation of the UN Strategy. This would entail facilitating assistance to the AU Commission and the RECs to strengthen their

capacities to better organize African civil society while retaining ownership of the process, and taking into account local and sub-regional contexts.

(3) In order to take full advantage of, and to strengthen the AU's and the RECs' potential to involve civil society groups from across the African continent on implementing the UN Strategy, OSAA should collaborate with the AU and the RECs to convene a series of sub-regional conferences with civil society groups (including media, professional groups, and academic institutions) to develop a framework for civil society participation at the national, sub-regional and continental levels. As a part of civil society's involvement in this process, civil society forums also should be organized on the margins of inter-governmental meetings at the sub-regional and continental levels.

(4) OSAA should hold discussions with the UN Department of Public Information (UNDPI) and consultations with the AU Commission (Peace and Security Department and ACSRT) to develop a programme that deepens and expands information-sharing between UN Headquarters (UNHQ) and Africa. A two-way information sharing programme would ensure that African perspectives on counter-terrorism implementation in Africa are shared on an ongoing basis between the UN counter-terrorism system and African counter-terrorism bodies, AU Member States, and civil society. This would ensure that all African parties are fully informed and up-to-date about UN programmes and objectives with regards to implementation of the UN Strategy in Africa. Such a programme would involve UNDPPI providing or facilitating technical assistance to develop a code of conduct for African media and strengthening the professionalism of African media groups and representatives through training and other technical support.

(5) OSAA should assist the AU Commission to fulfil its desire to convene a high-level meeting that includes African government and inter-governmental organizations representatives, relevant UN representatives, donor states, and relevant international organizations, either in New York or in Africa (on the margins of a future UNGA or AU summit) to hold discussions, formulate, and endorse a framework or plan for a holistic approach to implementing the UN Strategy in Africa. OSAA's role also should include the use of its standing with donor states at UNHQ to support staging of the high-level conference, as well as to facilitate a series of preparatory meetings of experts, representatives of African governments, the RECs, African NGOs and other civil society groups, and donor States as lead-up to the high-level conference.

(6) As a means of achieving better understanding in Africa of the UN Strategy and modalities for implementation, OSAA should propose to the CTITF that it should organize, in collaboration with the RECs and/or UN field offices a series of multi-stakeholders meetings as a means of achieving a better understanding of the:

- a. Reality of the terrorism threat in Africa;
- b. The vulnerabilities of African States and what it means to African peace and security and development agendas;
- c. The objectives and programmes of UN, AU, RECs, and external partners counter-terrorism initiatives in Africa;
- d. The capacity-building needs and priorities in each sub-region.

In addition, OSAA should encourage the CTITF to provide the RECs with clear guidance as to programmes they should develop to support and absorb the UN system's counter-terrorism efforts among their members, and to offer CTITF support to African institutions and to facilitate assistance where needed and appropriate. The CTITF should engage those entities within its membership to work closely with the RECs to develop sub-regional mechanisms that focus on such issues as the rule of law, good governance, criminal justice reform, security sector reform, conflict prevention and peace-building.

(7) OSAA should use its membership in the CTITF and its connection with African inter-governmental organizations to engage all relevant parties in establishing an information-sharing mechanism to ensure maximising the use of, and leveraging limited resources to avoid duplication of effort by the UN system and external donor partners. This effort would include facilitating technical and financial assistance to the ACSRT to upgrade and maintain its database of counter-terrorism capacity building programmes in Africa and information-sharing mechanism serving the national and RECs focal points. With enhanced capacity, the ACSRT would be able to take advantage of available and accessible information contained in UNHQ databases that would compliment its own database collection and dissemination programme in Africa.

(8) In light of the fact that ECOWAS is regarded as perhaps the best functioning sub-regional organization in Africa, in terms of its peace and security sector activities, including its counter-terrorism programmes, and supporting mechanisms, OSAA should support and facilitate efforts to develop and strengthen ECOWAS as a model to stimulate inter-State cooperation and information-sharing on terrorism matters in the African sub-regions. As an African sub-regional organization, ECOWAS could provide the UN system, in particular CTED, with a viable counter-terrorism sub-regional partner in Africa.

(9) OSAA should be an advocate and facilitator of the UN system for integrating the security-related counter-terrorism work of the UN into its broader efforts to promote governance and stability on the continent. This should include strengthening the cooperation between UNHQ and African actors by facilitating the convening of periodic meetings between the ACSRT and RECs representatives with CTITF at UNHQ for consultations on the UN Strategy. Facilitation should include seeking donor support for such meetings.

(10) OSAA has a strategic role to play in order to achieve a more strategic, effective and coherent UN counter-terrorism engagement in Africa. OSAA should arrange periodic briefings of the CTITF by representatives of the African Group of UN Member States at UNHQ to help UN actors increase their knowledge of particular socio-cultural, economic, and political situations on the ground both nationally and sub-regionally. These briefings should also include specific rather than general inputs from UN field representatives and the UN Department of Political Affairs. OSAA could take advantage of visits of Africa-based UN Special Representatives to UNHQ to convene meetings of the CTITF for such briefings. OSAA should use these opportunities to encourage the UN system to work closely with African institutions to develop a more holistic response to counter-terrorism issues at the national, sub-regional and continental levels.

(11) OSAA should become an active facilitator at UNHQ to bridge the gap between the security-related and development components of the UN Strategy and be the focal point for engagement on counter-terrorism between the UN system and bureaucracies in AU States and inter-governmental bodies. This effort should include promoting greater engagement of UNDP at UNHQ and in the field in order to promote implementation of the UN Strategy and should advocate for UNDP to factor into its work counter-terrorism benefits that could be realised from its work in such areas as development, governance and poverty reduction, all important elements in dealing with the conditions conducive to terrorism.

(12) OSAA should take advantage of its existing relationships and credibility with African stakeholders to add value to the work of the CTITF, including by serving as a bridge between the UN counter-terrorism system and the continent, and to use its unique positioning to raise awareness on the continent of UN Strategy implementation and the development-related opportunities it offers African States and institutions. This should include collaboration with the CTITF Staff and UNDP, and involving the AU and the RECS to disseminate information about the UN Strategy to counter-terrorism practitioners, civil society, and the private sector in Africa. Also, this should include ways to facilitate and encourage African States to organize

regular national workshops to discuss the implementation of the UN Strategy at the national level.

(13) OSAA should urge the Group of Eight Counter-Terrorism Action Group (CTAG) to convene a special meeting on implementation of the UN Strategy in Africa; and encourage and facilitate, as appropriate, the African Union and the RECs to develop a common set of counter-terrorism requirements and priorities which could be presented to and discussed with the CTAG. This effort would help to bring greater coherence to African engagement with the international community and vice-versa on counter-terrorism capacity-building issues in Africa.

b. Strategies for adding value of OSAA to the work of the UN system in implementing the UN Global Counter-Terrorism Strategy

- (i) Enabling OSAA's support to counter-terrorism efforts in Africa in the context of the nexus between security and development

The discussions in sub-paragraph (a) above with regard to certain strategies to be pursued by OSAA demonstrate OSAA's potential to add value to the work of the UN system's efforts to implement the UN Strategy and are not repeated here. It is suggested, also, that, while OSAA is best positioned within the UN system to undertake the tasks recommended above, OSAA's capacity must be enhanced to pursue them. OSAA must therefore have the capacity not only as an advocate for African development but also to be an active participant and major facilitator in the process. OSAA's staffing should include an individual with knowledge and expertise of the many facets of the counter-terrorism architecture and knowledge of the UN system's role vis-à-vis the role of African institutions and governments in implementing the UN Strategy. The rest of this sub-section seeks to put in context the rationale for OSAA's engagement.

In keeping with OSAA's principal mandate of promoting development in Africa, OSAA's responsibility extends to helping to ensure that African countries have the opportunity to advance their development agendas. In that context, it is important to take particular note of the relationship between development and security and the undisputed reality that development cannot take place in an unsafe and insecure environment. Thus it is widely accepted that there is a correlation between development and security, often reflected in the phrase, "no development without security, and no security without development". It is an African imperative, therefore, to ensure a secure economic space conducive to economic, social and political development. In this context, the possible destabilizing effect of terrorism on

African society and African development cannot be ignored. It follows, also, that counter-terrorism capacity-building in the legal and operational mechanisms and infrastructure of African States which help to create a safe economic space is an important element in a State's development process. The examples which follow highlight a few important areas in which the relationship between security in a State's infrastructure and development-related sectors are most evident, and why counter-terrorism capacity-building in these sectors should be pursued vigorously. These examples also make a compelling case for OSAA to be an integral part of the UN system's implementation of the UN Strategy and for enabling OSAA to be an active player.

- a. Border security and control. Protect against smuggling of contraband, illicit trafficking of drugs and guns, control over a country's territory to deny safe haven to terrorists and use of the territory by other criminal enterprises; prevent human trafficking and migrant smuggling.
- b. Customs immigration administration and control. Revenue enhancement; fight corrupt practices; deny illegal transit of goods and people; protect against smuggling of contraband and all forms of illicit trade, protect against smuggling of WMDs, guns and ammunition; ensure the safety and integrity of the international supply chain, a pre-requisite for engaging in international trade.
- c. Maritime and port facilities security. To protect international trade from contamination by contraband and protection of the international trade supply chain.
- d. Aviation airport facilities security. Integrity of the travel industry, build confidence in business and leisure travel, and protect vital air links to other countries.
- e. Financial assets control. Lack of adequate financial laws and regulations increases significantly a country's vulnerability to money laundering and financing of terrorism, and subversion of the state through corruption of officials, including members of the security forces. A country's stability depends on its ability to investigate and prosecute financial and related crimes. Implementing counter-financing of terrorism laws and putting in place appropriate mechanisms, such as an FIU and other regulatory bodies, to enforce those laws is not only a pre-requisite for combating terrorism but also to protect the integrity of the state in its economic relations with other States.

f. Law enforcement and justice system. A highly trained and equipped civilian police and justice system professionals are prerequisites for effective investigation and prosecution of terrorism and other criminal activities, and protection of civilians. These are also important elements in the promotion of rule of law and good governance.

- (ii) Facilitating counter-terrorism capacity-building in the AU and Africa's sub-regional economic communities and other African sub-regional organizations

The preceding discussions elaborated on the various responsibilities and activities of African intergovernmental organizations and institutions at the national and sub-regional levels. The discussions also highlight the benefits of counter-terrorism capacity-building to Africa's development agenda and the important role for OSAA in facilitating institution building in Africa and institutional building in African institutions. The lack of capacity in African intergovernmental bodies and institutions to carry out their roles effectively is highlighted and balanced against the potential benefit to be derived by the UN and Africa from effective partnerships in implementing the UN Strategy.

The two main players at the continental level, the AU Peace and Security Department and the ACSRT, in particular, have developed clear agendas which can be pursued only with significant improvements in their capacities and with sustained external assistance. It is clear from the preceding discussions that there are many counter-terrorism activities now being pursued by outside partners that could be implemented more coherently in partnerships with African organizations and institutions. OSAA and the UN system should see it as a priority to facilitate African organizations capacity-building to take the lead in and ownership of counter-terrorism capacity-building on the continent. OSAA should follow-up on the strategies discussed in sub-section (a) and should seek the cooperation of donor States in building the capacity of African institutions so that they might realize their potential.

c. Promoting advocacy and communication in support of counter-terrorism in Africa

Within the strategies discussed above are means by which OSAA's role in advocacy, outreach and communication in support of African efforts on counter-terrorism may be facilitated. These include working closely with UNDP/PI and the African institutions to increase their communication capacities and strategies and institutionalising civil society participation in

the process. OSAA's role in helping to fill the communication gap which exists between African institutions engaged in combating terrorism and the UN counter-terrorism system in New York and Vienna also benefits from strategies discussed in subsections (a) and (b) of this section. Promoting advocacy and communication in support of counter-terrorism in Africa includes: facilitating means for strengthening communication links between African and United Nations counter-terrorism systems and programmes; and facilitating Africa's communication with the counter-terrorism capacity-building donor community.

VII. Summary Conclusions and Recommendations

The discussions in this paper have highlighted a number of issues which determine the level of effectiveness of counter-terrorism implementation in Africa, and the roles and relationships of the major players within the UN system and the African Union. In particular it has identified the important roles of the bodies created by UN General Assembly and the Security Council to monitor and facilitate implementation of the UN Global Counter-Terrorism Strategy and the counter-terrorism mandates of the UN Security Council. The central assistance and facilitating roles of the CTC/CTED and the UNODC, and coordinating role of the CTITF on the UN side, and the programme facilitation and implementation roles of the AU Commission's Peace and Security Department and the African Centre for the Study and Research, as well as the Regional Economic Committees, on the African side are highlighted. These bodies are identified as the principal actors in the counter-terrorism capacity-building process in Africa.

However, it is clear that there are significant gaps in what is being offered and what is needed in counter-terrorism capacity-building of African States and in the resources and capacity of African institutions to bridge those gaps. It supports the conclusion that significant increases in inputs from the UN system and other external partners are critical to the process. There is also clear indications that the development agendas of African States within the context of the UN Strategy require greater understanding on both sides of the nexus between security and development, and the important role UN development bodies and programmes should have in counter-terrorism capacity-building. In particular, development bodies should become more involved in dealing with conditions which give rise to extremism and radicalisation, and that are conducive to recruitment to terrorism. The threat posed by increasing levels of terrorism activities in Africa gravely concerns African governments and institutions. They are mindful of the fact that resulting insecurity and instability will have a debilitating effect on the development agendas of affected African States and entire African sub-regions.

Furthermore, the deficiencies in communicating the objectives and programmes of the UN system to African governments, institutions and the wider African communities are impediments to effective counter-terrorism implementation in Africa. The communication gap limits cooperation and collaboration between the component parts of the UN system and Africa. It also increases the likelihood of duplication of efforts and waste of scarce resources. The communication gap also has contributed significantly to the lack of African perspectives on counter-terrorism implementation in Africa being clearly understood in New York and integrated into UN counter-terrorism programmes.

Also, among the additional conclusions to be drawn from the foregoing analysis are the following:

- (a) Huge gaps exist between identified counter-terrorism capacity-building needs at the national and sub-regional levels and the ability and capacities of African institutions to deliver capacity-building assistance to AU member States at the desired level. In particular, African States and institutions lack human, technical and financial resources to address the problems adequately.
- (b) African States have demonstrated collectively the political will to implement global counter-terrorism measures by establishing a regional legal framework and institutional mechanisms to combat terrorism in Africa. However, African States and institutions are under-resourced to be effective.
- (c) African countries are not averse to welcoming security-related assistance and have done so willingly. But, African States and institutions are not satisfied with the level of available assistance to address non-security issues – conditions which give rise to extremism and radicalisation, and that are conducive to the recruitment to terrorism.
- (d) African States and the UN system are not fully attuned to the nexus between counter-terrorism security capacity-building and development.
- (e) There appears to be disconnect between African institutions and African Representatives in New York in communicating the African perspective on counter-terrorism implementation to the UN system. In that regard, African institutions would welcome assistance in strengthening communication of African perspectives and desires on counter-terrorism matters to the major players in the UN system.

- (f) African institutions would welcome assistance to build their capacities to deliver assistance to African States and in communicating their needs to and facilitating assistance by the UN system and other potential partners.
- (g) More needs to be done by both the CTED and the UNODC in identification of best practices and lessons learnt from the African experience and perspective and to integrate these into the available tools for assisting African States.
- (h) Both the UNDP and UNESCO should play a greater role in implementing the UN Strategy in Africa through their development programmes, thereby helping to bridge the perception gap between development and security.
- (i) The seemingly incongruent sides of development and security must be pursued in parallel in order to realise the holistic approach to global counter-terrorism explicitly enumerated in the UN Strategy.

The Office of the Special Adviser on Africa's highly regarded connections and outreach in Africa and the role it has within the UN system uniquely positions OSAA to become an effective advocate and facilitator for implementing the strategies enumerated in Section V, above. It is an imperative, therefore, for OSAA to increase significantly its participation in UN counter-terrorism implementation in Africa, including by bridging the existing communication gap between the UN system counter-terrorism objectives and programmes and African perspectives on counter-terrorism implementation in Africa.

In order for OSAA to assume the critical role discussed in this paper, OSAA must undertake certain actions. It is recommended, therefore, that,

1. OSAA becomes engaged fully in implementing all of the 13 strategies enumerated in subsection (a) of Section V, above. This process should begin as soon as is practicable. OSAA should as soon as practicable begin consultations as appropriate in order to begin the process of establishing a framework for implementation of the 13 strategies.
2. OSAA's capacity is enhanced through the engagement of appropriate expertise, with the procurement of an individual who possesses clear knowledge of the roles,

objectives, and programmes of the UN system's counter-terrorism and constituent bodies, and an understanding of the roles and capacities, and limitations and needs of African institutions as partners with the UN in implementing the UN Strategy. Such an individual must be able to communicate effectively at the highest level of the UN system and with African partner institutions, and be available to provide the desired services to OSAA over a period of at least one year.

¹ The OAU Convention was adopted at Algiers, Algeria on 14 July 1999. At the time of the 9/11 attacks on the United States, the OAU Convention had not received the 15 ratifications needed to enter into force. As of March 2010, 40 AU member States had ratified the Convention. The Convention is available at: http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Algiers_convention%20on%20Terrorism.pdf.

² As of March 2010, nine AU member States had ratified the Protocol. The Protocol to the OAU Convention is available at: <http://www.africa-union.org/root/au/Documents/Treaties/Text/The%20Protocol%20on%20Terrorism%2026July2004.pdf>.

³ The Protocol, Article 5.

⁴ Resolution 1373 (2001) of 28 September 2001 is available at: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>>

⁵ General Assembly resolution, A/RES/60/288 (8 September 2006), available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement>

⁶ The "Four Pillars" of the UN Global Counter-Terrorism Strategy are: (1) Measures to address the conditions conducive to the spread of terrorism; (2) Measures to prevent and combat terrorism; (3) Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard; and (4) Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.

⁷ Established by resolution 1373 (2001) of 28 September 2001, available at: xxxxxxxxxxxxxx

⁸ Established by resolution 1445 (2004) XXXXXXXXXXXXXX, available at: xxxxxxxxxxxxxx

⁹ For details of the mandate and activities of the CTC/CTED see its website at: <http://www.un.org/en/sc/ctc/>

¹⁰ For details of the mandate and activities of the CTITF see its website at: <http://www.un.org/terrorism/cttaskforce.shtml>

¹¹ For details of the counter-terrorism mandate and activities of the UNODC/TPB see its website at: <http://www.unodc.org/unodc/en/terrorism/index.html?ref=menuaside>

¹² UNCTOC and its Protocols

¹³ UNODC Global Programme Against Money Laundering

¹⁴ CTC/CTED website

¹⁵ The Counter-Terrorism Executive Directorate (CTED) was established as the executive arm of the Counter-Terrorism Committee by resolution 1535 (2004) of 26 March 2004. S/RES/1535 (2004), available at: <<<http://daccess-dds-ny.un.org/doc/UNODC/GEN/N04/286/41/PDF/N0428641.pdf?OpenElement>>>

¹⁶ Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973. See Article 2 for details of the prohibited offences.

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- ¹⁷ International Convention against the Taking of Hostages, 1979. See Article 1 for details of the prohibited offences.
- ¹⁸ International Convention for the Suppression of Terrorist Bombings, 1977. See Article 2 for details of the prohibited offences.
- ¹⁹ International Convention for the Suppression of the Financing of Terrorism, 1999. See Article 2 for details of the prohibited offences. The prohibitions in the Convention apply to all of the offences listed in the nine preceding conventions which define such offences (Article 2 (a)).
- ²⁰ International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism). Available at: <http://untreaty.un.org/English/Terrorism/English_18_15.pdf>
- ²¹ UNCTOC available on UNODC website at: <<http://www.unodc.org/unodc/en/treaties/CTOC/index.html>>
- ²² UN doc. A/RES/60/288, dated 20 September 2006. Available at: <<http://daccessdds.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement>>
- ²³ Report of the Secretary-General “Uniting against terrorism: recommendations for a global counter-terrorism strategy”, paragraph 3. UN doc A/60/825.
- ²⁴ Report of the Secretary-General, paragraph 3.
- ²⁵ United Nations, Treaty Series, vol. 704, No. 10106, The Tokyo Convention was signed at Tokyo on 14 September 1963 and entered into force on 4 December 1969.
- ²⁶ United Nations, Treaty Series, vol. 869, No. 12325. The Hague Convention was signed at The Hague on 16 December 1970 and entered into force on 14 October 1971.
- ²⁷ United Nations, Treaty Series, vol. 974, No. 14118, The Montreal Convention was concluded at Montreal on 23 September 1971 and entered into force on 26 January 1973.
- ²⁸ The Montreal Protocol done at Montreal on 24 February 1988 and entered into force on 6 August 1989.
- ²⁹ For full details of the offences, see Article 3 of the Rome Convention; Article 2, Rome Protocol.
- ³⁰ The Rome Convention done at Rome on 10 March 1988, entered into force on 1 March 1992. IMO Doc. SUA/CONF/15/Rev.1.
- ³¹ The Rome Protocol done at Rome on 10 March 1988, entered into force on 1 March 1992. IMO Doc. SUA/CONF/16/Rev.2.
- ³² The 12 international anti-terrorism instruments negotiated and adopted prior to September 11, 2001 are: (i) Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963; (ii) Convention for the Suppression of Unlawful Seizure of Aircraft, 1970; (iii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971; (iv) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973; (v) International Convention against the Taking of Hostages, 1979; (vi) Convention on the Physical Protection of Nuclear Material, 1980; (vii) Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1988; (viii) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988; (ix) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, 1988; (x) Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991; (xi) International Convention for the Suppression of Terrorist Bombings, 1977; (xii) International Convention for the Suppression of the Financing of Terrorism, 1999. Since 9/11 the UNGA added the International Convention for the Suppression of Acts of Nuclear Terrorism, 2005; Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005; Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 2005; and 2005 Amendment to the Convention on the Physical Protection of Nuclear Material. Copies of all 16 international instruments are available in English at United Nations Treaty Collection – Conventions on Terrorism: <<http://untreaty.un.org/English/Terrorism.asp>> and <<http://www.state.gov/s/ct/rls/crt/2008/122455.htm>>, including a matrix of ratification by all States.
- ³³ The two countries were the United Kingdom of Great Britain and Northern Ireland (UK) and Botswana. For an update on the ratification/accession to the anti-terrorism instruments, see U.S. Department of State, *Country Reports on Terrorism – International Conventions and Protocols on Terrorism*

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- ³⁴ ICAO standards and programs on travel documents and aviation security facilitation are available at: <<http://www.icao.int/atb/sfbranch/index.asp?>>
- ³⁵ A list of IMO conventions on safety and security, including on the ISPS Code, is available at: <<http://www.imo.org>>
- ³⁶ The WCO Framework of Standards to Secure and Facilitate Global Trade is available at: <<http://www.wcoomd.org>>
- ³⁷ The IMF and the World Bank published two legislative guides on anti-money laundering and combating the financing of terrorism: Legal Department International Monetary Fund, *Suppressing the Financing of Terrorism A Handbook for Legislative Drafting*, Washington, DC (2003); and Paul Allan Schott, *Reference Guide to Anti-Money Laundering and Combating the Financing of Terrorism*, Washington DC: The World Bank/IMF (2003).
- ³⁸ See Interpol's website for further details : <<http://www.interpol.int/Public/Terrorism/default.asp>
- ³⁹ The regional organizations are the European Union and the Gulf Cooperation States.
- ⁴⁰ The 14 members of ESAAMLG are: Botswana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Seychelles, Tanzania, Uganda, Zambia, and Zimbabwe.
- ⁴¹ The 15 members of GIABA are: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, The Gambia, and Togo.
- ⁴² Prior to resolution 1269, the Security Council had acted against specific States such as Libya and the Sudan, and against groups such as the Taliban and al-Qaida in Afghanistan, and against individuals such as Osama bin-Laden.
- ⁴³ S/RES/1267 (1999) of 15 October 1999, available at: <<http://www.un.org/sc/committees/1267/index.shtml>>
- ⁴⁴ UN doc. S/RES/1368 (2001) (12 September 2001), para. 1. All Security Council resolutions are available at: <<http://www.un.org/Docs/sc>>. The members of the Council at the time were: Bangladesh, China, Colombia, France, Ireland, Jamaica, Mali, Mauritius, Norway, Russian Federation, Singapore, Tunisia, Ukraine, United Kingdom, and the United States of America.
- ⁴⁵ Decisions taken by the Security Council creates obligations on all States to implement them. Art. 24(1) of the Charter of the United Nations provides: 'In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security....'
- ⁴⁶ Articles 2(5), 25, and 49 of the UN Charter.
- ⁴⁷ UN doc. S/RES/1373 (2001) (28 September 2001).
- ⁴⁸ Art. 24(1) of the Charter. See note 35 above.
- ⁴⁹ Res. 1373, paragraph 1 (a) – (d).
- ⁵⁰ Ibid. paragraph 2 (c).
- ⁵¹ Ibid. paragraph 2 (e).
- ⁵² Ibid. paragraph 2 (f).
- ⁵³ Ibid. paragraph 3 (d).
- ⁵⁴ UN doc. S/RES/1540 (2004) (28 April 2004).
- ⁵⁵ UN doc. S/RES/1624 (2005) (14 September 2005)
- ⁵⁶ The regional economic communities (RECs) are: ECOWAS, IGAD, Southern Africa Development Community (SADC), the Common Market for Eastern and Southern Africa (COMESA), MAGREB Union, Economic Central Africa (ECCAS, CEN-SAD)... and COMESA...
- ⁵⁷ Particularly Resolutions 1373, 1267 (and related resolutions), 1540, and 1624
- ⁵⁸ The CTC/CTED country visits are carried out by CTED experts usually accompanied by experts from functional organizations such as IMO, ICAO, and WCO and from UNODC/TPB.
- ⁵⁹ African Centre for the Study and Research on Terrorism (ACSRT), Strategic Plan of Activities, 2010-2013, page 2
- ⁶⁰ Ibid. Note 3, page 3.
- ⁶¹ The 15 members of ECOWAS are: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, The Gambia, and Togo.
- ⁶² The seven members of IGAD are: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda.

⁶³ The 15 members of SADC are: Angola, Botswana, Democratic Republic of the Congo(DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe

⁶⁴ The seven members of the Arab Magreb Union: Algeria, Libyan Arab Jamahiriya, Mauritania, Morocco, and Tunisia

⁶⁵ The seven members of ECCAS are: Cameroon, Central African Republic, Chad, Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe

⁶⁶ The three members of the EAC are: Kenya, Uganda, and Tanzania.

⁶⁷ The 21 members of COMESA are: Angola, Burundi, Comoros, DRC, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe

⁶⁸ The 18 members of CEN-SAD are: Benin, Burkina Faso, Central African Republic, Chad, Djibouti, Egypt, Eritrea, The Gambia, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Somalia, Sudan, Togo, and Tunisia.

⁶⁹ The 15 members of GIABA are: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, The Gambia, and Togo.

⁷⁰ The 14 members of ESAAMLG are: Botswana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Seychelles, Tanzania, Uganda, Zambia, and Zimbabwe.

⁷¹ OSAA's mandate is set out fully in the Secretary-General's Bulletin, ST/SGB/2003/6 of 23 April 2003.