

TOPIC



AFRICAN UNION POLICIES ON COMBATING TERRORISM AND EXTREMISM ON THE CONTINENT

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AIM

To provoke discussion on African Union policies on combating Terrorism and Extremism on the continent.

Introductory Remarks



- **Bottom-line upfront:** Framework for combating terrorism
- **92 - Dakar** - Coop & Coord to fight Extremism & Terrorism
- **94 - Tunis** - Condemned & Criminalized Terrorist acts
- **98 - Attacks Kenya and Tanzania**
- **99 - AU Convention-Prevention and Combating Terrorism**
- **2001: New York 9/11 - Twin Towers**
- **2001: UNSCR 1373 - UNSCR CTC - CTED**
- **2001 – Dakar** Rejection of Terrorism
- **2002 – Algiers** AU Plan of Action – ACSRT / **Durban** PSC Protocol
- **2004 – Sirte** CADSP
- **2004 – AddSpecial** Protocol Estb of PSC
- **2004 - Protocol to AU Convention - Implementation mechanism - Links Terrorism with Trans-national crime**
- **2011- Malabo** African Anti-Terrorism Model law

COMMENT: SOVEREIGNTY



- **Sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility that holds States accountable for the protection and welfare of their people under the rule of law and without impunity.**
- **International Human Rights Law**



SCOPE

- **Introduction**
- **Terrorist Act - Definition**
- **International and African CT frameworks**
- **Interaction**
- **Concluding Remarks**



KENYA

Nairobi

TANZANIA

Dar es Salaam



US Embassy Nairobi, Kenya

August 8, 1998



257 killed & 5000 injured







1998 AND AFTER

- Post 1998 US embassy bombings in Kenya and Tanzania: Counterterrorism became a key part of the OAU Peace and Security Architecture.
- Culminated in: OAU Convention on Prevention and Combating of Terrorism - OAU 35th Assembly of Heads of State and Government, **12-14 July 1999**, Algiers (*Came into force in December 2002 once 30 states had ratified*)



AU CONVENTION DEFINITION OF “TERRORIST ACT”

- Article 1 (3). “Terrorist act” means:

(a) **Any act** which is a **violation of the criminal laws** of a State Party and which may **endanger the life**, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is **calculated or intended to:**

(i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or

AU CONVENTION DEFINITION OF “TERRORIST ACT”



CONTD

- (ii) **Disrupt** any public service, the delivery of any essential service to the public or to **create** a public emergency; or
 - (iii) **Create** general insurrection in a State.
- (b) **any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii).**



Global Terrorism view point: Impact of 9/11 Attacks







UNITED NATIONS RESPONSE

UNSC Instrument: - UNSCR 1373 (2001)

Structure :

- UNCTC : UNCT Committee
- CTED: CT Executive Directorate

NOTE*** UNSCR 1373 : Resolution under Chapter VII of the UN Charter - Legally binding on all UN member states.

ALSO*** Recently UNSCR 2178(2014) (*Foreign Terrorist Fighters*)

UNSCR 1373(2001): INTENT



“Establish a clear, complete and consistent legal framework that:

a. Specifies terrorist acts as serious criminal offences,

b. Penalizes such acts according to their seriousness and helps the courts bring terrorists to justice. ...”

Executive Directorate of the UNSC Counter-Terrorism Committee (CTED)

UNSCR 1373(2001): INTENT



“...This framework should in turn provide the basis for the development of a domestic counter-terrorism strategy that:

- a. Is rooted in a legal approach,**
- b. Ensures due process of law in the prosecution of terrorists and appropriately protects human rights**
- c. While combating terrorism as effectively as possible.”**



UNSCR 1373 (2001)

Member States Responsibility: To enhance legal and institutional ability to counter terrorist activities, including:

- **Criminalize the financing of terrorism**
- **Freeze without delay any funds related to persons involved in acts of terrorism**
- **Deny all forms of financial support for terrorist groups**
- **Suppress the provision of safe haven, sustenance or support for terrorists**



UNSCR 1373 (2001) CONTD

Member States Responsibility:

- To Share information with other governments on any groups practicing or planning terrorist acts
- Cooperate with other governments in the investigation, detection, arrest, extradition and prosecution of those involved in such acts; and
- Criminalize active and passive assistance for terrorism in domestic law and bring violators to justice.
- *The resolution also calls on States to become parties, as soon as possible, to the relevant international counter-terrorism legal instruments.*

UNITED NATIONS RESPONSE: STRUCTURE



COUNTER TERRORISM COMMITTEE (CTC) Estb:

- To bolster the ability of UN Member States to prevent terrorist acts both within their borders and across regions.
- COUNTER-TERRORISM COMMITTEE EXECUTIVE DIRECTORATE (CTED) to assist CTC:
 - Carries out the policy decisions of the CTC
 - Conducts expert assessments of Member States
 - Facilitates CT technical assistance to countries.



CTC and CTED Responsibilities

COUNTRY VISITS – Monitor progress , Nature and level of assistance needed to implement UNSCR 1373.

TECHNICAL ASISTANCE- Connect countries to available technical, financial, regulatory and legislative assistance programs, as well as to potential donors.

COUNTRY REPORTS – Provide comprehensive snapshot of each country the CT situation & serve as tool for dialogue between the CTC and Member States.



CTC and CTED Responsibilities Contd

- **BEST PRACTICES** – Encourage Member States to apply known best practices, Codes and standards, taking into account their own circumstances and needs.
- **SPECIAL MEETINGS**– Develop closer ties with relevant international, regional and sub-regional organizations, and avoid duplication of effort and waste of resources through better coordination.



UNSCR 1624 (2005)

- **Incitement to commit acts of terrorism: UN Member States to:**
 - **Prohibit & Prevent such conduct by law**
 - **Deny safe haven to anyone “with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct.”**



2005 World Summit Outcome

2005 World Summit Outcome Mandate:

- UN General Assembly should develop without delay the elements identified by the Secretary-General for a CT strategy with a view to:
 - Adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the National, Regional and International levels,
 - To counter terrorism, which also takes into account the conditions conducive to the spread of terrorism.



UN GENERAL ASSEMBLY RESPONSE

- *2005 World Summit Outcome Mandate*
- UNGA Resolution (A/RES/60/288) unanimously adopted in September 2006



UN GLOBAL COUNTER TERRORISM STRATEGY - 2006

Plan of action based on 4 Pillars: Measures to:

Pillar 1. Address the conditions conducive to the spread of terrorism;

Pillar 2. Prevent and combat terrorism;

Pillar 3. Build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard;

Pillar 4. Ensure respect for human rights for all, and the rule of law as the fundamental basis of the fight against terrorism. *(Adopted by consensus 8th Sept 2006)*

UN Counter-Terrorism Implementation Task Force (CTITF)



- **Established by the Secretary-General in 2005**
- **Endorsed by UN General Assembly through UN Global Counter-Terrorism Strategy (2006)**
- **Mandate: Strengthen coordination and coherence of counter-terrorism efforts of the United Nations system.**
- **Primary Goal: To help Member States implement the four pillars of the Global Counter Terrorism Strategy.**

UNCCT : UN COUNTER TERRORISM CENTRE



Considering Pillar 2 of UN Global CT Strategy,

- UN General Assembly ack need to create an International Centre to fight terrorism as part of efforts to enhance the fight against terrorism.
- UNCCT: 2011, UNCCT estb within the CTITF Office of the Department of Political Affairs (DPA) in the UN Secretariat to promote international CT coop and support Member States in the implementation of the Global CT Strategy.

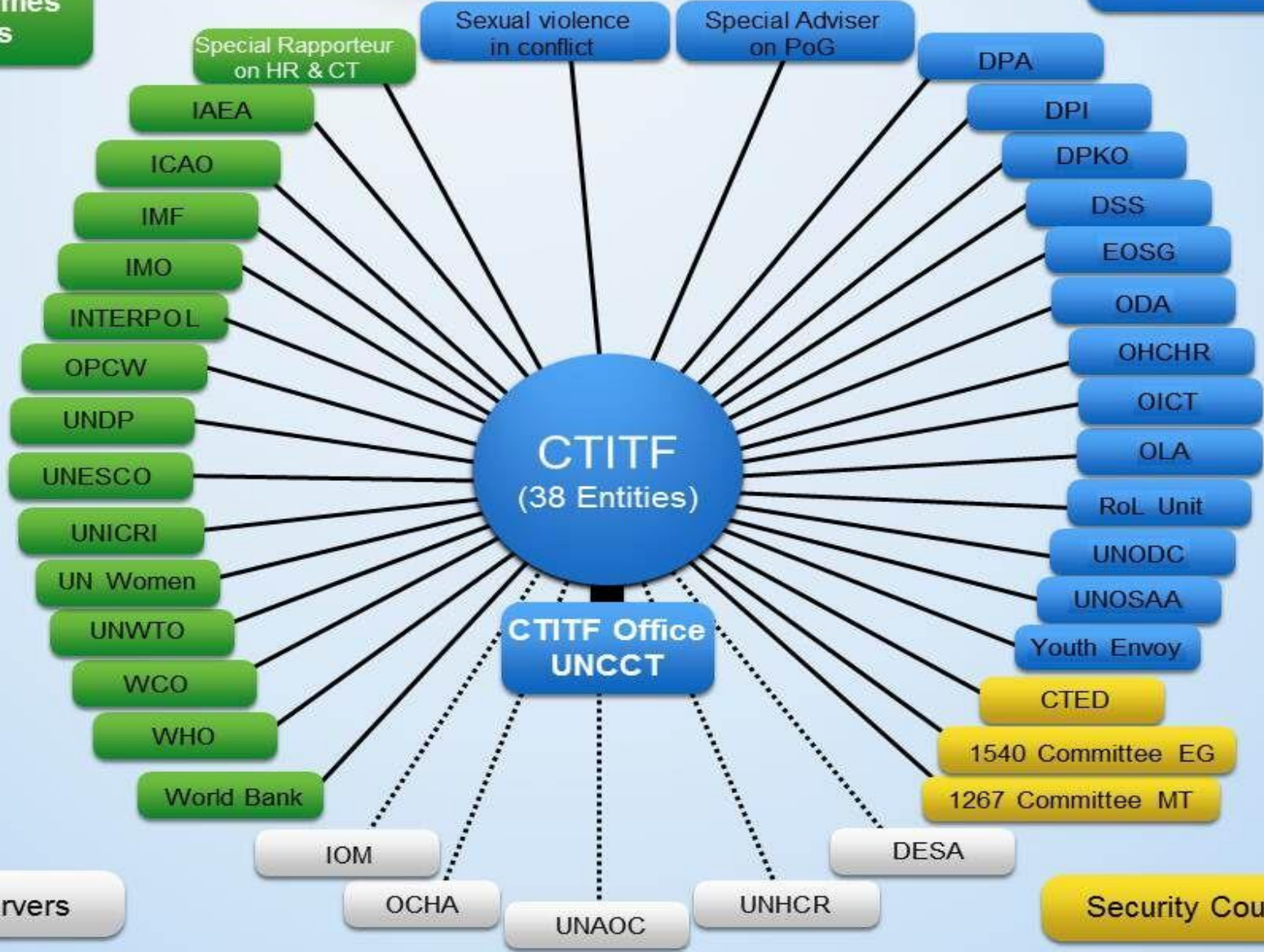


CTITF MEMBERS

CTITF Member Entities

Agencies
Programmes
Funds

Secretariat



Observers

Security Council



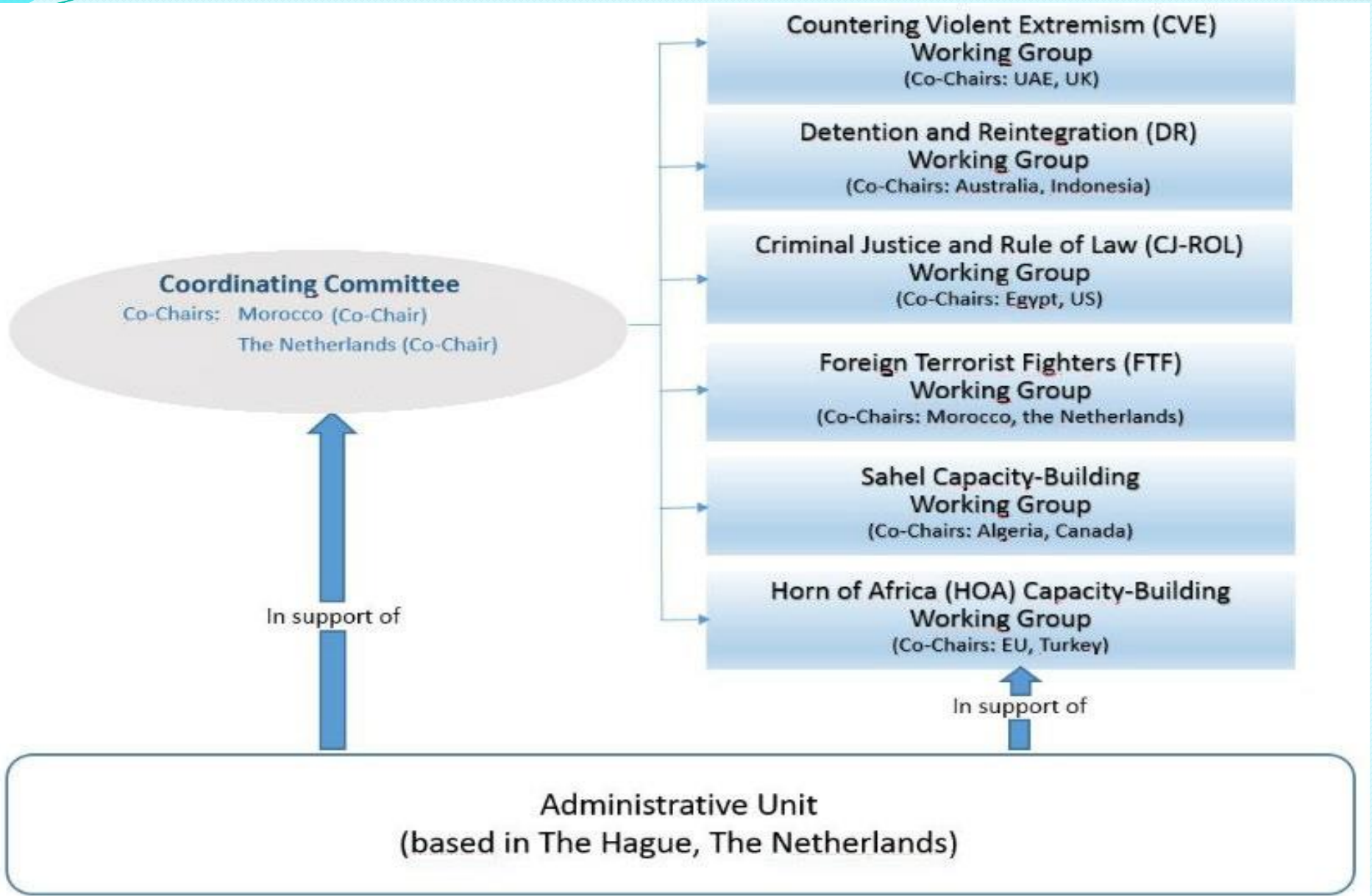
Other structures

The Global Counterterrorism Forum (GCTF)



- **Status**: Informal, Multilateral CT platform: Strengthens international architecture for 21st century CT & *promotes strategic, long-term approach to CT & VE ideologies that underpin it.*
- **Mission**: **Diminish terrorist recruitment & increase countries' civilian capabilities for dealing with terrorist threats within their borders and regions.**
- **Objectives**: Works with partners globally to:
 - Identify critical civilian needs for CT,
 - Mobilize expertise and resources & Enhance global CT cooperation.

GCTF Working Groups





The Global Counterterrorism Forum (GCTF)

- **Key Goal:**
 - **To support and catalyze implementation of the UN Global CT Strategy &**
 - **Secretary-General's Plan of Action to Prevent Violent Extremism.**
 - **Emphasises on working closely with UN and other multilateral bodies, and partners.**
- **Forum: Provides forum for national CT officials and practitioners to meet counterparts from countries in different regions to share experiences, expertise, strategies, tools, capacity needs, and such as rule of law, border management, and countering violent extremism (CVE).**



OAU/AU RESPONSE

- **Also based on Instruments and Structure**

DEFINITION OF TERRORIST ACT



OAU Convention on the Prevention and Combating of Terrorism in Africa (1999)

- Defines terrorist act and identifies a number of terrorist offences such as activities that contribute or aid terrorism, it also spells out different areas of cooperation between the Member States.



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AU CONVENTION DEFINITION OF “TERRORIST ACT”



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- Article 1 ... 3(a)...
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OAU/AU CT FRAMEWORK: INSTRUMENTS

1. **RESOLUTION**: The strengthening of cooperation and coordination among African states to fight Extremism
28th ordinary session OAU, **29 June – 1 July 1992**, Dakar.
2. **DECLARATION**: Code of Conduct for Inter African Relations (Tunis Declaration) denounced Extremism & Terrorism. 30th ordinary session, **13-15 June 1994**, Tunis.
3. **DECLARATION**: Reaffirmation of values & ideals of OAU Charter – Solidarity, Unity, Freedom, Justice, Peace, Security, Stability and Development. 34th ordinary session/ 2nd Ordinary session of the African Economic Community **8 – 10 June 1998**, Ouagadougou

OAU/AU CT FRAMEWORK



4. OAU CONVENTION: Prevention and Combating of Terrorism - OAU 35th Assembly of heads of state and government, **12-14 July 1999**, Algiers (*Came into force in December 2002 once 30 states had ratified*)

5. DECLARATION: Reaffirmed unequivocal rejection of Terrorism; proposal for the adoption of the Protocol to 1999 Convention African Summit **17 October 2001** Dakar



OAU/AU CT FRAMEWORK

- 6. PROTOCOL RELATING TO THE ESTABLISHMENT OF THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION: 1st Ordinary Session of the Assembly of the African Union, 9 July 2002
Durban
- 7a. AU PLAN OF ACTION: AU Plan of Action on Prevention and Combating of Terrorism 11-14 Sep 2002 Algiers
- 7b. DECISION: Elaboration of a code of conduct on terrorism. Assembly of AU 2nd Ordinary Session 10 – 12 July 2003, Maputo



OAU/AU CT FRAMEWORK

8. Common African Defense and Security Policy (CADSP): Adopted by the 2nd Extraordinary Session of the Assembly of the Union **28 February 2004, Sirte, Libya.** (*attack on one country is attack on whole continent*)

9. Decision: Protocol to the 1999 OAU Convention on the Prevention and Combating of Terrorism - Assembly of AU Third Ordinary Session **6 – 8 July 2004, Addis Ababa**



OAU/AU CT FRAMEWORK

10. **Decision: Combat the Payment of Ransom to Terrorist Groups** - Assembly of AU, 13th Ordinary Session 1 – 3 July 2009, Sirte.
11. **Decision: The Terrorist Attack against the Togolese National Football Team** - Assembly of AU 14th Ordinary Session 31 January – 2 February 2010, Addis Ababa,
12. **Decision: The Prevention and Combating of Terrorism** - 15th Ordinary Session of the Assembly of AU on 27 July 2010 in Kampala, Uganda
13. **Decision: African Model Law on Counter Terrorism endorsed** - Assembly/AU/Dec.369(XVII)

OAU/AU CT FRAMEWORK



14. **DECLARATION**: Solidarity with the Republic of Kenya following the Terrorist Al Shabab /Al Qaeda Attack on the Westgate Shopping Mall in Nairobi, Extraordinary session of the Assembly of AU **12 Oct 2013** Addis Ababa

15. **DECLARATION**: Solidarity with the Federal Republic of Somalia following the Terrorist Al Shabab/Al Qaeda Attack on a Market in Mogadishu - Extraordinary session of the Assembly of AU **12 October 2013** Addis Ababa



AU Plan of Action for Prevention and Combating of Terrorism

- AU PLAN OF ACTION: AU Plan of Action on Prevention and Combating of Terrorism 11-14 Sep 2002 Algiers



Terrorism: Basic Assumptions

- Severe conditions of **poverty and deprivation** experienced most by African populations provide a fertile breeding ground for terrorist extremism.
- **Few African governments are in position, on their own, to marshal the requisite resources to combat threat of Terrorism .**
- **Pooling resources, therefore, is essential to ensure the effectiveness of counter-terrorism measures.**



AU PoA: Prevention and Combating Terrorism

GENERAL PROVISIONS: M/S undertake to:

- a. **Sign, ratify and implement the Algiers Convention** & where necessary, seek the assistance of other Member States or the international community to amend national legislation so as to align such legislation with the provisions of this Convention;

- b. **Sign, ratify and fully implement all relevant international instruments concerning terrorism** &, where necessary, seek assistance for amendments to national legislation so as to comply with the provisions of these instruments;

AU PoA: Prevention and Combating Terrorism



- **GENERAL PROVISIONS (Cntd)**: M/S undertake to:
 - Encourage interaction amongst players in counter-terrorism and terrorism prevention activities:**
Legislature; Security forces; Judiciary; Financial & Investigative authorities, Law Enforcement, Border surveillance and Customs authorities; the military; civil protection services etc.
 - Consider the intimate relationship between terrorism and related scourges such as :** Drug trafficking, Illicit Proliferation and Trafficking of Small Arms and Light Weapons, Corruption and Money Laundering – all of which are variants of transnational organized crime;

AU PoA: Prevention and Combating Terrorism



SPECIFIC PROVISIONS-Areas

- a. Police and Border Control
- b. Legislative and Judicial Measures
- c. Suppressing the Financing of Terrorism
- d. Exchange of Information
- e. Coordination at Regional, Continental and International Levels
- f. Role of the Peace and Security Council (PSC)
- g. Role of the Commission
- h. African Center for the Study and Research on Terrorism



SPECIFIC PROVISIONS- IMPLEMENTATION

- Police and Border Control - **AUBP - Africa Union Border Programme**. Endorsed by the Executive Council Accra, 25 March 2010.
- Legislative and Judicial Measures- **African Model Anti Terrorism Law** – *AU Assembly, Malabo, 30 Jun– 1 Jul 11*
- Suppressing the Financing of Terrorism: **African Model Anti terrorism Law**. *Malabo, 30 June – 1 July 2011*
- Exchange of Information: **Nouakchott(2013) & Djibouti (2015) Processes** – *Quarterly HISS meetings*



OAU/AU CT FRAMEWORK: STRUCTURES

- THE AU COMMISSION
- PSC
- PSD
- RECs
- MEMBER STATES
- PAN AFRICAN PARLIAMENT
- ACSRT
- AFRIPOL: *May 2016 Algiers*
- AU CEWS: CEWARN & ECOWARN Completed
<http://www.peaceau.org/uploads/cews-handook-en.pdf>
- PARTNERS

2004 Protocol - Structure



Recognizes

- **Growing threat of terrorism & linkages between:**
 - **Terrorism, Drug trafficking, Transnational Organized Crimes, Money Laundering & illicit proliferation of small arms and light weapons.**
- **Aim**
- **To give effect to Article 3(d) of the Protocol on establishment of the AU PSC : The PSC is to 'co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects'.**

RECs CT Strategy



- **ECOWAS**: Regional CT Strategy and Implementation Plan, adopted by the Authority of Heads of State and Government of the ECOWAS - 42nd ordinary session in Yamoussoukro. 2013
- **SADC**: Regional CT Strategy adopted at the SADC Heads of State Summit on 18 August 2015.
 - Modelled on the UN Counter-Terrorism Strategy and the Bogota Guiding Principles for Counter-Terrorism Strategies.



Regional CT Strategies

- **CENTRAL AFRICA**: Joint UNCCT-CTED project facilitating the development of an Integrated Counter-Terrorism and Non-proliferation of Arms Strategy for Central Africa. **Draft Strategy Endorsed – Libreville 29 September – 1 October 2015**



CEMAC *(Economic and Monetary Community of Central Africa)*

- **2015: States of the sub-region adopted a sub-regional strategy to combat terrorism and the proliferation of small arms and light weapons.**
- **Challenge: Implementation. Currently no specific programs for:**
 - **Rehabilitation of former terrorists or foreign terrorist fighters.**
 - **Very few initiatives on preventing radicalization and violent extremism.**



COOPERATIVE MECHANISMS

- **AU-led Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA)** : Strengthened operational capability of the countries affected by the atrocities of the LRA
- **Fusion and Liaison Unit** : AU Mission in Somalia (AMISOM). Subsequently evolved into a **Joint Operations Coordination Centre (JOCC)**, to strengthen the capacity of the Somali security agencies in intelligence gathering and analysis.
- **Sahel Fusion and Liaison Unit (UFL)** - Nouakchott Process on the Enhancement of Security Cooperation and the Operationalization of the African Peace and Security Architecture in the Sahel-Saharan Region.



MEMBER STATE LEVEL

- **Principal response should be at national level –**
Prioritization of Terrorism Threat
- **International Instruments and Structures -**
Ratification
- **National Instruments and Structures - National**
Security Strategy, National CT Strategy and
Architecture
- **Root Cause Approach – UNDP- Human Security**

AU DEPLOYMENTS AGAINST TERRORISM



- **BOKO HARAM**: AU & Lake Chad Basin Commission (LCBC), sign Agreement for deployment of the Multinational Joint Task **(MNJTF)** to counter Boko Haram Addis Ababa, 16 Oct 2015. MNJTF established by LBCB Member States and Benin
- **MALI**: **African-led International Support Mission in Mali (AFISMA)** then now African Union Mission for Mali and the Sahel **(MISAHEL)**; The structure of the AU responsible for the effective implementation of AU strategy for the Sahel.

Way Forward: Response and Response Implementation



- National Level Response: Principal response to be at national level for effect.
- National and Human Security: At National level review traditional concept of National Security and blend with a Human Security Approach.
- Clear Country Counter-Terrorism Strategies: Member States should prioritize Terrorism & VE and develop clear country CT strategies.
- Clear CT Architecture. Structures for CT to be clearly established. Involvement of CSOs, Youth and women



Implementation Cntd.

- **Root Cause/Human Security Approach:**
 - **Community Counter-Terrorism awareness and Plans**
 - **Community Empowerment/Resilience**
 - **Monitoring and Shaping of Youth formative years Education and Trg.**
 - **Denial of community space to Extremists for Radicalization and Recruitment of youth.**

Interaction



COMESA

Common Market of Eastern and Southern Africa



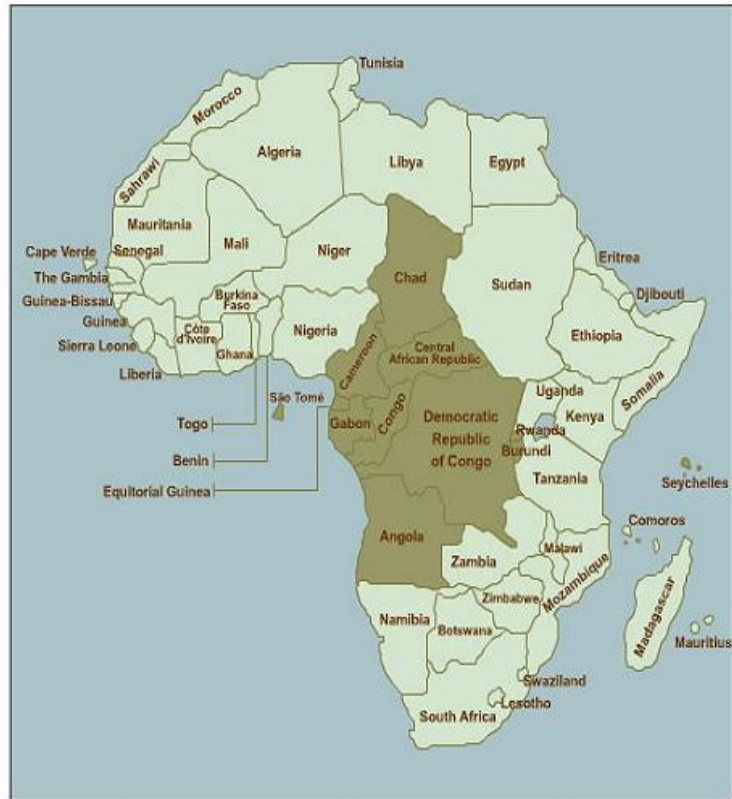
CEN-SAD

18 member states



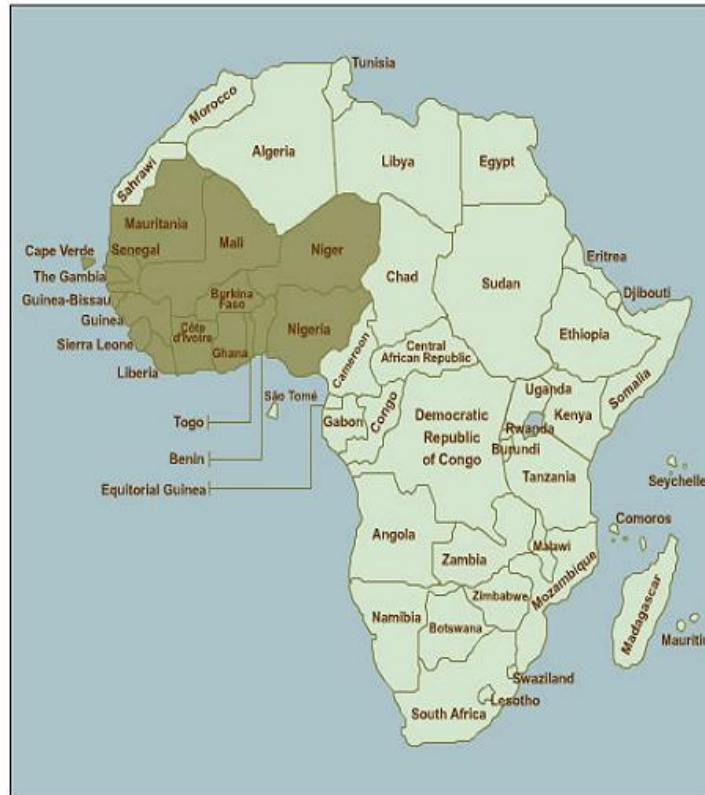
ECCAS

Economic Community of Central African States



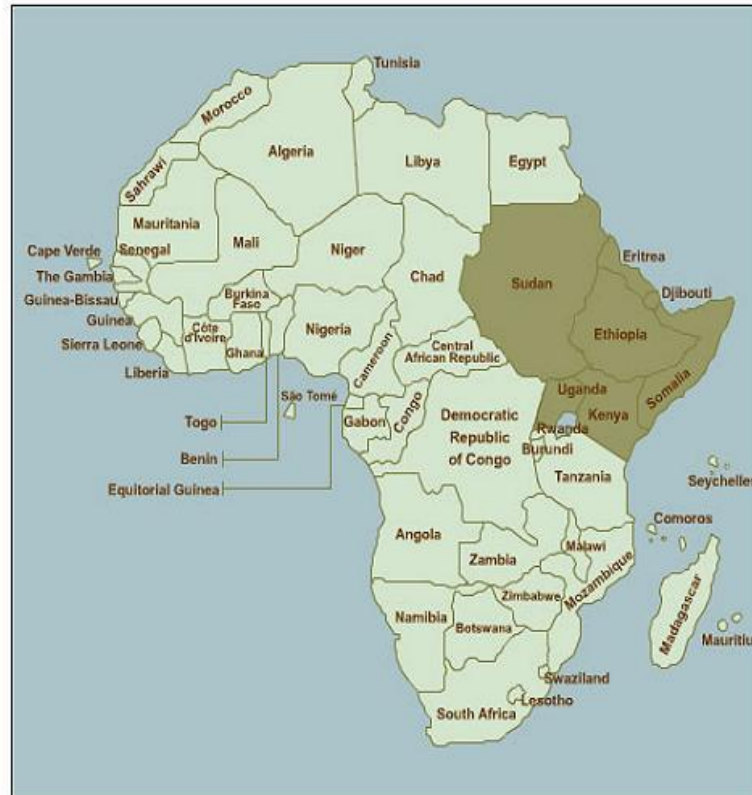
ECOWAS

Economic Community of West African States



IGAD

Intergovernmental Authority on Development



SADC

The Southern African Development Community



