TERRORISM AND TRANSFORMATION OF RULES OF BEHAVIOUR: A CASE STUDY OF THE AFRICAN UNION

BY

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UNITED STATES INTERNATIONAL UNIVERSITY

SUPERVISOR

PROFESSOR KORWA ADAR GOMBE

SUMMER 2013
DECLARATION

I hereby declare that this thesis is my own original work and that it has not been published or presented in any college, institution or university other than the United States International University, in Nairobi for academic credit.

Signature........................................ Date: 12 July 2013

Bamutya Joy Nancy (633728)

This thesis has been presented with my approval as the Supervisor for this student.

Signature........................................ Date: 12 July 2013

Professor Korwa Adar Gombe

Signature........................................ Date: 12/7/2013

Dean, School of Arts and Sciences

Signature........................................ Date: 16th July 2013

Deputy Vice Chancellor, Academic Affairs
ACKNOWLEDGMENTS

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Musyoki Philip Kitavi, you are surely one in a million. Thank you so much for standing by me and God bless you always for all that you have invested in me. You will always be close to my heart,

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DEDICATION

This thesis is dedicated to my mother, Mebra Lwabaayi Mutesi. Without you, I would never have been the woman I am today. Thank you so much for giving me the opportunity of having an education from the best schools and institutions throughout my life. No amount of payment can equal your love and support. I love you so much.
<table>
<thead>
<tr>
<th>Acronym</th>
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<tbody>
<tr>
<td>ACHPR</td>
<td>African Charter on Human and People’s Rights</td>
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<td>ACSRT</td>
<td>African Centre for the Study and Research on Terrorism</td>
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<td>ADF</td>
<td>Allied Democratic Forces</td>
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<td>AEC</td>
<td>African Economic Community</td>
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<td>AML</td>
<td>Anti-Money Laundering</td>
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<tr>
<td>AML/CFT</td>
<td>Anti-Money Laundering/Countering the Financing of Terrorism</td>
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<td>AMU</td>
<td>Arab Maghreb Union</td>
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<td>ANC</td>
<td>African National Congress</td>
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<td>ANO</td>
<td>Abu Nidal Organisation</td>
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<td>APF</td>
<td>African Peace Facility</td>
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<td>APSA</td>
<td>African Peace and Security Architecture</td>
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<td>AQIM</td>
<td>Al-Qaeda in the Islamic Maghreb</td>
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<td>ARMSA</td>
<td>Association of Regional Magistrates of South Africa</td>
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<td>ASF</td>
<td>African Standby Force</td>
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<td>AU</td>
<td>African Union</td>
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<tr>
<td>AUC</td>
<td>African Union Commission</td>
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<td>AUPA</td>
<td>African Union Plan of Action</td>
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<td>CAR</td>
<td>Central African Republic</td>
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<tr>
<td>CCIAR</td>
<td>Code of Conduct for Inter-African Relations</td>
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<tr>
<td>CEN-SAD</td>
<td>Community of Sahel-Saharan States</td>
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<tr>
<td>CEU</td>
<td>Council of the European Union</td>
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<tr>
<td>CEWS</td>
<td>Continental Early Warning Systems</td>
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<td>CGCC</td>
<td>Centre on Global Counter-Terrorism Cooperation</td>
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<tr>
<td>COMESA</td>
<td>Common Market for Eastern and Southern Africa</td>
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<td>CPCTA</td>
<td>Convention on the Prevention and Combating of Terrorism in Africa</td>
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<tr>
<td>CPF</td>
<td>Conflict Prevention Framework</td>
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<tr>
<td>CSSDCA</td>
<td>Conference on Security, Stability, Development and Cooperation in Africa</td>
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<tr>
<td>CTC</td>
<td>Counter Terrorism Committee</td>
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<tr>
<td>CTED</td>
<td>Counter Terrorism Executive Directorate</td>
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<td>CTITF</td>
<td>Counter Terrorism Implementation Task Force</td>
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<td>CTSIP</td>
<td>Counter Terrorism Strategy and Implementation Plan</td>
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<tr>
<td>DPA</td>
<td>Department of Political Affairs</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<tr>
<td>DSC</td>
<td>Defence and Security Commission</td>
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<tr>
<td>EAC</td>
<td>East African Community</td>
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<td>EAPCCO</td>
<td>East African Police Chiefs Cooperation Organisation</td>
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<td>EASBRICOM</td>
<td>East Africa Standby Brigade Coordination Mechanism</td>
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<td>EC</td>
<td>European Commission</td>
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<td>ECCAS</td>
<td>Economic Community of Central African States</td>
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<td>ECOMOG</td>
<td>Economic Community of West African States Monitoring group</td>
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<td>Eritrean Liberation Front</td>
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<td>EMCCA</td>
<td>Economic and Money Community of Central Africa</td>
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<td>EU</td>
<td>European Union</td>
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<td>FAC</td>
<td>Fight Against Corruption</td>
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<td>FATF</td>
<td>Financial Action Task Force</td>
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<td>FIUs</td>
<td>Financial intelligence Units</td>
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<td>FP</td>
<td>Focal Point</td>
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<td>FSRB</td>
<td>FATF Style Regional Body</td>
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<td>FTO</td>
<td>Foreign Terrorist Organisation</td>
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<tr>
<td>GIABA</td>
<td>Inter-governmental Action Group against Money Laundering in West Africa</td>
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<td>GSPC</td>
<td>Salafist Group for Preaching and Combat</td>
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<tr>
<td>GWOT</td>
<td>Global War on Terrorism</td>
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<tr>
<td>HOSG</td>
<td>Heads of State and Governments</td>
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<td>ICPAT</td>
<td>IGAD Capacity Building Programme against Terrorism</td>
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<td>ICU</td>
<td>Islamic Courts Union</td>
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<tr>
<td>IED</td>
<td>Improvised Explosive Device</td>
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<tr>
<td>IGAD</td>
<td>Inter-governmental Authority on Development</td>
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<td>IGADD</td>
<td>Inter-governmental Authority against Drought and Desertification</td>
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<td>IMO</td>
<td>International Maritime Organisation</td>
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<td>INTERPOL</td>
<td>International Criminal Police Organisation</td>
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<td>IOC</td>
<td>Indian Ocean Commission</td>
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<td>IOM</td>
<td>International Organisation for Migration</td>
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<tr>
<td>ISS</td>
<td>Institute for Security Studies</td>
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</table>
ISSP  IGAD Security Sector Programme
LRA  Lord’s Resistance Army
LURD  Liberians United for Reconciliation and Democracy
MCPMR  Mechanism for Conflict Prevention, Management and Resolution
MICG  Moroccan Islamic Combat Group
ML  Money Laundering
ML/FT  Money Laundering and the Financing of Terrorism
MOU  Memorandum of Understanding
MSC  Mediation and Security Council
NARC  North Africa Regional Capability
NCSTRT  National Consortium for the Study of Terrorism and Responses to Terrorism
NCTC  National Counter-Terrorism Committee
NFPs  National Focal Points
NGOs  Non-governmental Organisations
NIF  National Islamic Front
NIPs  National Integrated Programmes
OAU  Organisation of African Unity
OSAA  Office of the Special Adviser on Africa
PAGAD  People Against Gangsterism and Drugs
PAHRA  Plan of Action on Human Rights in Africa
PDCPAT  Political Declaration on a Common Position Against Terrorism
PIJ  Palestine Islamic Jihad
PSC  Peace and Security Council
PSD  Peace and Security Department
PW  Panel of the Wise
RCI-LRA  Regional Cooperation Initiative against the Lord’s Resistance Army
RECs  Regional Economic Communities
RFPs  Regional Focal Points
RMs  Regional Mechanisms
SADC  Southern African Development Community
SALW  Small Arms and Light Weapons
SF  Special Fund
SPA  Strategic Plan of Action
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<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>SPDGG</td>
<td>Supplementary Protocol on Democracy and Good Governance</td>
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<td>TFG</td>
<td>Transitional Federal Government</td>
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<td>TPB</td>
<td>Terrorism Prevention Branch</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDPKO</td>
<td>United Nations Department of Peacekeeping Operations</td>
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<td>UNGA</td>
<td>United Nations General Assembly</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>UNOWA</td>
<td>United Nations Office of West Africa</td>
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<td>UNSC</td>
<td>United Nations Security Council</td>
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<tr>
<td>US</td>
<td>United States</td>
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<tr>
<td>WACI</td>
<td>West African Coast Initiative</td>
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<td>WAEMU</td>
<td>West African Economic and Monetary Union</td>
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<tr>
<td>WMD</td>
<td>Weapons of Mass Destructions</td>
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<td>WW2</td>
<td>World War Two</td>
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ABSTRACT

The concept of terrorism has been a political phenomenon since 1795 when terror was used as an instrument of furthering political ends. This research explores the African Union counter-terrorism mechanisms that emerged after the disastrous September 11, 2001 terrorist attacks on America. Analysis has been made of the historical development of counter-terrorism in Africa since the legacy of the Organisation of African Unity. Being an Organisation whose agenda was to rid Africa of colonialism, the OAU played a very limited role in preventing and combating terrorism in Africa. However, it created a pathway for the existing African counter-terrorism strategies. The formation of the African Union was as timely as the need to combat terrorism, whose effects not only in Africa but around the world had caused disastrous consequences. The African Union has played a critical role in transforming the rules of behaviour against terrorism in Africa, by putting forth both legal and institutional counter-terrorism mechanisms. Furthermore, the AU continues to collaborate not only with the regional and sub-regional organisations to fight terrorism in Africa, but also with the international organisations, like the United Nations and European Union. This research will hopefully be useful in understanding the nature of the terrorist threat in Africa and the policies which have been undertaken by the African Union, as the main continental body responsible for maintaining African peace, security and stability. The research therefore underscores the important role played by the African Union in fostering counter-terrorism strategies in Africa with the help of regional organisations, while promoting stability in the era of international terrorism.
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CHAPTER ONE

1.0 GENERAL INTRODUCTION

The concept of terrorism has been part of political discourse since 1795 when terror was used as an instrument for furthering political ends (Okoth, 2008). In Africa, terrorism is not a new phenomenon and some scholars have equated it to the pre-colonial era when the colonialists used crude militaristic tactics to create fear and take control of the acquired territories. Fear was meant to push the colonised subjects into submission and lessen instances of resistance or rebellion against the colonialists. One of the major differences between contemporary terrorism and that which existed in Africa during and after the colonial era is that terrorism today is international in nature. It cannot be said that terrorism only takes place within the confines of an individual state, not even within the African countries that associated terrorism to the colonialists. Therefore, terrorism is one of the major security concerns in many African states.

After the September 11, 2001 terror attacks on the United States of America (USA), terrorism became a global concern, and in particular for states, which resulted in the global war on terrorism coined by the USA. The approach of the war on terrorism requires states, regional and international institutions to put in place effective strategies to be used in combating terrorists and their activities. Among the institutions that undertook to embrace the war on terrorism is the African Union (AU). As a regional body, it was important that after September 11, 2001, the AU leads the battle against terrorism in Africa. The continent had become vulnerable to terrorist infiltration and deadly attacks as well as being labelled a hideout for international terrorists. Therefore, the re-organisation of the old Organisation of African Unity (OAU) to the AU was as timely as the need to combat terrorism in the post-September 11, 2001 era.
Debates surrounding terrorism have continuously ended in controversy, especially when it comes to defining what terrorism is. Different scholars and actors have defined terrorism in dissimilar ways, depending on the kinds of goals pursued, the types of acts manifested, the motivations for these acts, and the types of people engaged in terrorist behaviour and their social profiles (Bates, 2008). However for easy understanding, terrorism in this context will be defined according to the available African Union instruments relating to terrorism. Articles 1 and 3 of the OAU Convention on the Prevention and Combating of Terrorism, 1999, define a terrorist act to mean:

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...any person or persons or cause any damage to public or private property...it is intended to intimidate...any government...to abstain from doing any act or adopt a particular stand point...disrupt any public service...or create general insurrection in a state. Nevertheless, struggle waged by peoples...for their liberation or self-determination...shall not be considered as terrorist acts (OAU, 1999).

In short, for purposes of having an operational definition for this thesis, terrorism refers to any criminal acts committed against civilians, their property and the government with the intention of causing fear among the public, as well as coercing the government to do or abstain from doing any act. In its preamble, the AU Plan of Action (AUPA) reiterates that terrorism is a violent form of transnational crime which exploits the limits of territorial jurisdiction of states and therefore, terrorism requires a firm commitment by member states to pursue common objectives as well as undertake joint action at the intergovernmental level (AU, 2002).

After the 1998 bombings of the American embassies in Nairobi and Dar es Salaam, the OAU embraced the need to counter terrorism. This involved the formulation of counter-terrorism legislation and other institutional and operational mechanisms. Counter-terrorism may have initially emerged as a reaction to terrorism, but it has become a continuing practice that anticipates, prevents or pre-empts terrorist activities (Makinda, 2006). Counter-terrorism refers to the practices, tactics, techniques and strategies that
governments, militaries, police departments and corporations have adopted in response to
terrorist threats and acts both real and imputed (NCTC, 2013). Therefore, the concept of
counter-terrorism covers all legitimate means used to combat terrorism. The African
Union counter-terrorism structure consists of both legal and institutional frameworks for
combating terrorism in Africa and these mandate policy implementation at the country,
regional and international levels.

The OAU Convention on the Prevention and Combating of Terrorism, 1999 and its
Protocol of 2004 were adopted as a result of the increasing incidents of terrorist attacks
worldwide, including those in Africa. Therefore as a result of the deepening concern over
terrorism, the Convention and its Protocol call upon member states to cooperate in order
to avert the dangers that terrorism poses to the stability and security of the states and the
continent at large (OAU, 1999 & AU, 2004a).

The AU Plan of Action on the Prevention and Combating of Terrorism in Africa, 2002,
was adopted by the Inter-governmental High Level Meeting of member states of the
African Union in Algiers, Algeria (AU, 2013). The purpose of the AU Plan of Action is
to enhance and promote African countries’ access to appropriate counter-terrorism
resources through a range of measures establishing a counter-terrorism cooperation
framework in Africa (AU, 2002).

The Peace and Security Council (PSC) department is another institutional framework
which is at the helm of coordinating and harmonizing continental efforts in the prevention
and combating of international terrorism in all its aspects (AU, 2002a). The PSC
therefore acts as a standing decision-making organ for the prevention, management and
resolution of conflicts in Africa, as well as being a collective security and early warning
arrangement that facilitates timely and efficient response to crisis situations in Africa.
The African Centre for the Study and Research on Terrorism (ACSRT) based in Algiers was established by the African Union in 2004. It is mandated to provide training and capacity building to member states. The Centre also coordinates cooperation between member states and the Regional Economic Communities (RECs) in the fight against terrorism in Africa (Rosand et.al, 2008). The RECs supplement the AU counter-terrorism policies through their peace and security structures. Therefore regional organisations are supposed to have an immediate interest in promoting peace since inter-state and intra-state wars normally affect the region through spill over, and groups of states in a certain region ought to have primary security concerns that link them together (Wulf & Debiel, 2009). The counter-terrorism settings show the commitment that the African Union has in combating terrorism.

The central premise of this thesis is that the African Union continues to play a vital role in transforming the rules of behaviour against terrorism in Africa, with implications on its member states and the sub-regional organisations. Such implications include the formulation of counter-terrorism legislation at national and sub-regional levels, as well as joint security operations between the African Union, RECs and individual member states. Diplomacy between the AU and other actors is therefore important for harmonizing the counter-terrorism efforts in a coherent manner.

1.1 STATEMENT OF RESEARCH PROBLEM

The research is compelled by the desire to understand the role that the African Union has played in fostering the fight against terrorism in Africa in post-September 11, 2001, since the war on terrorism ranked low on the OAU/AU security agenda before that period. The answer may lie in its institutional structure, other sub-regional and global organisations and the self-interest of member states.
The events of September 11, 2001 brought radical changes to the expectation that terrorism is generally a domestic issue and resulted in considerable attention to issues of relative stability and peace as Africa became dragged into a war that had distant significance but a massive impact on it (Kikaya, 2003). Individual African states are still struggling to tighten their security in a bid to combat terrorism within their territories, though the fight is still a meagre one and has continued to prompt more action from the African Union.

Security deficiencies, in particular the problem of porous borders of the majority of African states has turned the continent into a terrorist safe haven and hence exacerbated terrorist activities in the various continental regions. With the help of the African Union, African countries are gradually beginning to realise that the threat of and vulnerability to terrorism differ from one country to another. This implies that sub-regions and countries will react differently, based on their unique perception of the threat (Botha, 2008).

The African Union as a regional institution cannot function or survive on its own. As an institutional entity, the operations, guidelines and strategies of the organisation can only be realised if its member states are united against any terrorist threats and activities, especially for the fact that terrorist activities often take place within the territories of sovereign states. Therefore, much as the AU undertakes to transform behavioural rules against terrorism for the good of the continent, it is upon the states and sub-regional organisations to embrace and implement the counter-terrorism strategies on behalf of the African Union.
1.2 RESEARCH QUESTIONS

This research intends to address the following questions:

1) What role has the African Union played in transforming the rules of behaviour against terrorism in Africa?

2) What roles have the AU member states played in enforcing the policies as set out by the African Union?

1.3 RESEARCH OBJECTIVES

The research is guided by the following objectives:

1) To assess the role played by the African Union in transforming the rules of behaviour against terrorism in Africa.

2) To analyse the significance of African states’ counter-terrorism strategies upon the African Union’s counter-terrorism guidelines.

1.4 SIGNIFICANCE OF STUDY

The task undertaken by the African Union to ensure that terrorism does not continue to threaten the security of the continent, and more so that of its member states cannot be underrated. After the attacks of September 11, 2001 on America came the task of ensuring that terrorism in Africa is prevented from escalating to uncontrollable levels. Credit is also given to the OAU which strove to put in place counter-terrorism strategies; though their implementation was less than desirable even after witnessing the deadly terrorist attacks in Kenya and Tanzania in 1998. Nonetheless, it is upon similar strategies and rules of the OAU that the AU was able to build upon and create policies that offset the new fight against terrorism in Africa.
Terrorism continues to be a threat to state security, regardless of the possibilities of attack on any state. It is therefore important that while the African Union ought to foresee the security of the entire continent, the individual states, regional and sub-regional organisations should play a bigger role in assisting the African Union implement its peace and security agenda, especially with the looming threat of terrorism. Cooperation of the member states is very fundamental in winning the war against international as well as state terrorism.

A lot of research undertaken continues to emphasize the great role played by the African Union in spearheading the fight against terrorism in Africa, but on the other hand also criticising the institution for lacking the capability to implement or force implementation of its own policies. It is therefore in line with such assertions that this research will be undertaken to highlight the issue of the importance of unity of the AU member states in combating terrorism, as well as the need for stronger collaboration between the AU and other regional institutions.

1.5 LITERATURE REVIEW

There are many scholars who have undertaken research on the phenomenon of international terrorism. In particular, studies about terrorism in Africa have been instigated in order to specifically comprehend and ascertain its causes and potential remedies. This section therefore reviews some of the literature on terrorism and counter-terrorism, which is of specific benefit to the proposed research topic. The studies reviewed are classified into four categories, that is: an overview of terrorism in Africa; counter-terrorism in Africa; the African Union and terrorism; and regional and sub-regional organisations on terrorism.
1.5.1 Overview of Terrorism in Africa

Paul Wilkinson (1992) argues that terrorism has mainly five characteristics by which it can be depicted. It is pre-determined and aims to create a climate of extreme fear or terror. The fear is therefore intended to influence the outcome of the decisions made by the governments or institutions to which the terror attacks are addressed. Terrorism is directed at a wider audience or target other than the immediate victims of the violence. It inherently involves attacks on random and symbolic targets, including civilians. Terrorism has been used to influence political behaviour in some way and therefore the acts of violence committed are seen by the society in which they occur as extra-normal (Wilkinson, 1992). In the literal sense therefore they breach the social norms, thus causing a sense of outrage. Therefore, for any counter-terrorism strategies to be successful, it is important that the five factors are critically examined so as to be able to formulate counter-terrorism policies that fit a particular characteristic.

Prosper Addo (2002) defines terrorism as the use of terror for furthering political ends. Therefore despite the existing definitional conundrums, most scholars like Addo (2002) have continued to argue that acts of terror are perpetrated in reaction to perceived injustices that are prevalent within the international system for which such terrorists see violence as the only means of addressing the situation. Addo (2002) therefore emphasizes that in order to make a meaningful and effective war on terrorism in Africa, it is important that clear and easily identifiable acts of terror are ascertained. The author applauds the 1999 OAU Convention for providing an elaborate and detailed definition of terrorism that provides a broad and comprehensive scope for the fight against terrorism in Africa.

According to Williams Tunde (2002), the African experience of terror is not a recent phenomenon and has been punctuated by both institutional and individual acts of
terrorism which may also be attributed to the effects of colonisation. These range from slave trade, the colonial project and the post-colonial violence triggered off by the super power rivalry which saw the spread of low intensity conflicts throughout the continent (from Algeria in the North to South Africa in the South and from Ethiopia in the East to Guinea Bissau in the West) (Tunde, 2002). It is also the poor and unstable states in Africa that have been seriously affected by terrorists. Poor states like Sudan and Somalia in the Horn of Africa also have collapsed state systems and have experienced bloody civil wars. It is such states that have been identified as providing sanctuary for Al Qaeda and other terrorist organisations (Armed Islamic Group,\textsuperscript{11} Hezbollah,\textsuperscript{12} Muslim Brotherhood,\textsuperscript{13} Al-Shabaab,\textsuperscript{14} Boko Haram,\textsuperscript{15} Al-Gama al-Islamiyya,\textsuperscript{16} Al-Jihad,\textsuperscript{17} Salafist Group,\textsuperscript{18} Takfir wal-Hijra\textsuperscript{19}). The anti-colonial struggle according to Tunde (2002) instructed Africans in the ability to recognise the relativity of the term terrorism, where yesterday’s terrorist becomes tomorrow’s statesman. For that matter, Williams Tunde (2002) proposes that the new discourse on terrorism demands the full cooperation and support of all African states, especially states like Sudan and Somalia which have always been implicated as hiding sanctuaries for the Al-Qaeda.

According to Garba Diallo (2005), terrorism flourishes in environments of despair, humiliation, poverty, political oppression, extremism and human rights abuses and most notably, profits from weak state capacity to maintain law and order. The above description is a common characteristic of the situation in many of the African countries. There has not been a clear distinction between local terrorism from the global one as terrorism in Africa has often taken the form of proxy wars in which those who use violence do it on behalf of foreign interests and perpetrated by governments, rebels, warlords, criminals and foreign mercenaries (Diallo, 2005). Therefore, terrorism had been common in Africa long before September 11, 2001 and its purported fight is only an extension of the terrorism war
between the US-led West and the Islamist groups in the Middle East into an already terror-torn Africa, which is a self-serving pretext to open up war fronts on the African borders with the Middle East (Diallo, 2005).

Anneli Botha (2006) argues that terrorism, especially in Africa cannot be studied or understood in isolation because it is always essential to assess its development and impact in a historical context, as individuals will not become involved or resort to extreme tactics such as terrorism without reason or prior indication. A lot of literature which sprang up after the September 11 2001 terror incidents indicates that the historical aspect of terrorism is often forgotten. Addressing terrorism in isolation without dealing with the root causes means that the war on terror will never end; more so when acts of terror are almost immediately attributed to Al-Qaeda as the beginning and end of all terrorism, without recognising domestic terrorism and its long historical development in Africa (Botha, 2006).

Even though African countries serve as a recruiting ground for terrorists for young, angry, marginalised and anti-American youths, Greg Mills and Jeffery Herbst (2007) emphasize that African countries are more certainly faced with a considerable amount of domestic terrorism, since the deaths and destruction caused by domestic terrorism outweighs all international acts of terror in Africa. However, the concerns of the international community revolve around the possibility of African countries serving deliberately or not to promote international terrorism. Consequently, it is important that the dynamics of the terrorist threat that individual African countries face be critically analysed and understood before any counter-terrorism measures are undertaken.

Anneli Botha (2007) further emphasises that defining and understanding terrorism in Africa is still a challenge and therefore general assumptions should not be made about
Africans having a certain understanding of the threat of terrorism to state and human security and of its implications. Rather, African countries are gradually beginning to realise that the threat of and vulnerability to terrorism differ from one continent to another, one sub-region to another and one country to another. This therefore implies that sub-regions and countries will react differently according to their unique threat perception and specifically the African interpretation of the reason, threat and impact of terrorism differs from that of other parts of the world (Botha, 2007). The most effective counter-terrorism strategy is therefore one that maintains a balance between human security and a state-centric approach.

According to Michael Boyle (2008), most states categorically reject the use of terrorism as a strategy for resolving disputes and vigorously pursue terrorist organisations in their midst. However, there are two categories of states which do not fully meet their anti-terror obligations. First are the rogue states and these are states which defy international laws and conventions, pursue weapons of mass destruction, support international terrorism and consider only the interests of their own leadership and the forces around the leadership that dominate policy. Examples of rogue states in Africa include Eritrea, Libya and Sudan. Such rogue states sometimes offer limited support to terrorist movements as a strategy of opposition. The linchpin states are states which are crucial allies that pursue terrorists within their borders, but use foot-dragging technics or hedging strategies to lower the domestic political costs of doing so (Boyle, 2008). Both categories are present in Africa. The author therefore recognises the importance of embracing regional centres of the global anti-terror regime and specifically the African Union.

The role played by bad governance in many of the African states in nurturing terrorism cannot be ignored. This is because terrorist activities are embraced by civil unrest that is
often triggered by the existence of fragile political authority and the lack of social development. Bad governance may often be related to weak states, characterised by inadequate infrastructure, corruption, civil war, unprotected borders and the tenuous economic structure (Trygver, 2009).

1.5.2 Counter-Terrorism in Africa

Karthika Sasikumar (2010) argues that terrorism is a threat to all states, regardless of ideology, civilisation, identity or level of development. Being a transnational threat, the author advises that the only way through which the war on terrorism can be successfully overcome is if states within the international system put aside their differences and cooperate to tackle the threat. This therefore also involves states refraining from employing terrorism as a weapon of statecraft (Sasikumar, 2010).

However, David Kikaya (2003) argues otherwise on the issue of the war against global terrorism in Africa. Much as the events of September 11, 2001 brought radical changes to the expectation that terrorism is generally a domestic issue which requires considerable attention to issues of relative stability and peace, Africa was dragged into a war that had distant significance but a massive impact on it. Therefore to many in Africa, the events of September 11, 2001 and their outcomes made clear the hypocrisy of western countries in attempting to placate Africa and to imply that their problems would be considered a priority in the new century. Even though African leaders were in broad agreement about combating terrorism, they were reluctant to be drawn into what was perceived as Washington’s unilateral crusade (Kikaya, 2003).

In analysing the extent to which counter-terrorism strategies especially by the USA may fail in Africa, Princeton Lyman and Stephen Morris (2004) contend that a lot of attention is given to other regions especially the Middle East while the existence of other less
visible terrorist threats in Africa are ignored. Countering the rise of grass-roots extremism has not generally been true for Africa as America claims because rather than concentrate solely on shutting down existing *Al-Qaeda* cells, the continent’s fundamental problems (economic distress, ethnic and religious issues, fragile governance, weak democracy, and rampant human rights abuses) that create an environment in which terrorists thrive must be eradicated first (Lyman & Morris, 2004).

While asserting the need to prioritize the need to fight terrorism in Africa, Greg Mills (2004) reminds scholars and policy makers that they should not ignore the fact that *Al Qaeda’s* most extreme attacks before the events of September 11 2001 that took place were the August 1998 terrorist attacks of the USA embassies in Nairobi and Dar es Salaam. Terrorism is also a tactic that guerrilla armies and war lords in Africa have adopted for decades in wars predating and unconnected to the larger global terrorist threat and therefore much as African countries are quick to condemn global terrorist attacks, rhetoric has not matched reality (Mills, 2004). African countries adopted the African Convention on Terrorism but they have been very slow or unwilling to ratify the instrument, which complicates the work of the African Union.

Terrorism can be regarded as a technique of warfare that is as old as human society and it therefore remains a major security issue in much of Africa. In evaluating counter-terrorism norms in Africa, Samuel Makinda (2006) puts forward two important arguments. The first is that terrorist activities and some of the recent counter-terrorism measures have undermined the norms, rules and institutions in which African security is embedded. Over years, the term terrorism has been used and abused by policy makers in Africa who seek to delegitimize the goals or tactics of their opponents by labelling them terrorists, as the case was with Nelson Mandela (Makinda, 2006). Therefore unless
counter-terrorism measures are planned and executed very carefully, they can have the same effect as terrorism on norms, rules and institutions. Secondly, safeguarding the security of African states and peoples requires policies that undercut the bases of terrorism and, at the same time, enhance norms, rules and institutions because the historical nature of terrorism in Africa is based on political, religious, social, cultural, economic and environmental grievances. Therefore, the so called war on terror in Africa should not be seen simply as a technical, management or military issue, but as a set of political, social and economic initiatives that minimise the conditions that give rise to terrorism while maximising those that strengthen norms, rules and institutions (Makinda, 2006). Such counter-terrorism strategies need to shift from the short-term emphases on political suppression and military force, to a long term values-oriented formula that is based on institutions, development and social justice. However, the measures that African states have taken individually to detect, deter, arrest and prosecute terrorist may only be important in the short term because the economic and political causes of terrorism are not being eliminated.

Jakkie Cilliers (2006), argues that sub-state terrorism which is a predominant crisis cannot in any way be distinguished from what many term as international or global terrorism because no amount of first world political obscuration can deny that. In fact both sub-state and transnational terrorism have essentially local causes and linkages and therefore great care should be exercised by African states in adopting either the language of or the prescribed solutions for transnational terrorism as part of the war on terror. Cilliers (2006) goes ahead to warn African states that they should be careful about the strategies they employ to fight against terrorism because many of them are foreign to the needs of the continent when it comes to securing peace and security. The U.S and other international support for tough action by African governments may result in an escalation
of conflict, especially where democracy is fragile and governance weak because anti-terror legislation forced down to countries with weak and non-functioning criminal justice systems is of little more than symbolic value (Cilliers, 2006). Therefore no military operation can make weak or failed states safe if it is not linked to a process aimed at constructing a working state, with government in control of its territory.

One of the main challenges of countering terrorism is the issue of terrorist financing and some African countries like Libya, Sudan and Somalia have been implicated as having done so (Clunan, 2006). The fight against terrorist financing is a complex one which requires collective action not only internationally among states, but also internally among government agencies and private actors. Anne Clunan (2006) contends that the prospects for a successful global development of national institutionalised capacity to combat terrorism financing framework depends on states’ recognition that terrorist financing is their problem and not someone else’s. Least developed countries without the domestic capacity to combat terrorist financing do not recognise the threat and therefore redefining the national interest to include counter terrorist financing unfortunately appears to rise and fall with states’ experience of terrorist attacks. Without such attacks and without western pressure and incentives, it is unlikely that a permanent redefinition of national security to include the financing of terrorism will occur or that states will take steps to build and enforce an effective global counter-terrorist-financing regime (Clunan, 2006).

Cephas Lumina (2008) proposes the consideration of a human rights perspective in counter-terrorist measures. He argues that given that most new anti-terror laws in Africa have been introduced under pressure from powerful states, it is improbable that they reflect local concerns, including the protection of human rights (Lumina, 2008). In sum,
national and regional efforts to curb domestic terrorism should reflect local circumstances and take the relevant international and national human rights standards into account.

The success of counter-terrorism efforts does not hinge only on military tactics, operations and strategy, but also important if not equally important is the states’ rhetoric because coercion can only temporarily suppress resistance (Chowdhury & Krebs, 2010). Therefore defeating insurgency in the long run requires both undermining the legitimacy of political violence and opening space for the pursuit of a less violent but still communal politics, especially since counter-terror state forces and terrorist insurgents compete to control not only territory and population but language as well. Therefore according to Chowdhury and Krebs (2010), the success of counter-terrorism hinges crucially on representational practices, even though available literature does not shed much light on either the range of conceivable counter-terrorism representational strategies or on states’ particular representational choices.

Beth Elise Whitaker (2010) expresses three main factors upon which compliance among weak African states may succeed, considering a study undertaken in Uganda, Kenya and Tanzania. Despite clear power imbalances within the counter-terrorism regime, governments of weak states have not been uniform in their responses due to factors like, democracy, aid funding, experience of terror attacks and the nature of domestic institutions. The levels of compliance towards the counter-terrorism regimes in Africa, especially among weak states will therefore defer according to how each country perceives pressure from external/foreign pressure, particularly the United States. Firstly, Whitaker (2010) argues that countries facing a domestic terrorist threat are more likely to comply with global counter-terrorism efforts than those where the threat comes from international sources or where there is no perceived threat. Secondly, funding within the
counter-terrorism regime can assist governments to implement certain provisions, especially those requiring specific technology or skills, though it may not determine overall compliance (Whitaker, 2010). Lastly, Whitaker (2010) argues that transitional democracies are less likely to comply with the counter-terrorism regimes and this is due in part to institutional obstacles that often block counter-terrorism measures. Therefore, compliance is highest in least democratic states like Uganda, while in Kenya which is the most democratic among the East African region, it is at its lowest. More so, domestic constituencies within emerging democracies affect compliance in differing intensities whereby for example in Kenya, domestic constituencies like the legislature are very vocal, resulting in the anti-counter-terrorism legislation tendencies. In Uganda on the other hand, there is little voicing about the effects of creating counter-terrorism strategies, hence the compliance to the counter-terrorism regime. In the end, the counter-terrorism regime in Africa has been imposed on weak states by more powerful states in the international system for both strategic and political reasons (Whitaker, 2010).

1.5.3 The African Union and Terrorism

Kathryn Sturman (2002) contends that many African countries are less bothered about the threats of terrorism and terrorist acts and more focused on the terrors of internal wars, weak governments, hunger, HIV/AIDS and other disease. The countries therefore see no need to focus on terrorism when they are being affected by more catastrophic problems. If they happen to include terrorism on their agenda, it’s just because the UN has forced them to do so, which is a bigger burden to them. Sturman (2002) therefore explains that since AU’s main challenge is that many of its member states are ruled by autocratic governments, the AU regional institution is more suited to provide the political cohesion and sense of purpose needed to sustain regional cooperation to combat terrorism.
Amine Kherbi (2005) maintains that an effort by the OAU to adopt the OAU Convention on the Prevention and Combating of Terrorism in 1999 was a strong indication of Africa’s commitment to tackle the scourge of terrorism. Therefore further institutional instruments, especially the AU Plan of Action were adopted with the aim of building institutional capacity and strengthening operational capabilities of member states to enable them face a threat that is diffuse and difficult to apprehend by virtue of its demonstrated global nature. Additionally, by adopting the AU Conventions, African countries signalled that it was important to maintain regional cooperation supported by the implementation of continental and other international instruments and complementing the actions of the African Union member states (Kherbi, 2005).

While explaining the role that the African Union has played in preventing and combating terrorism in Africa, Martin Ewi and Kwesi Aning (2006) stress that even if terrorism has always jeopardised security in Africa, the involvement of intergovernmental organisations to address the threat is a recent development in Africa especially when terrorism represented the first global challenge to a newly formed African Union. Therefore, the role of the African Union is critical for preventing and combating terrorism in Africa in order to fill the gaps where its member states or sub-regional mechanisms are lacking. More so, its role should be complementary and serve as an interface between the continent and the international community, including the United Nations. However, it must first overcome some of its internal shortcomings and build its own financial and human resource capabilities (Ewi & Aning, 2006).

However, Peter Kagwanja (2006) criticises African campaigns against terrorism accusing them of being inadequate and only useful to governments when needed to utilise terrorism for political ends. He argues that the response to terrorism by African
governments threatens the stability of fragile states with hastily introduced counter-
terrorist laws which threaten human rights and widen religious fissures. The author
advises that Africa’s counter-terrorism framework needs to be attuned to the post
September 11, 2001 security realities especially where disaffection with the US’ blanket
definition of terrorism has resulted in poor coordination between regional and
international initiatives, making counter-terrorism one of the weakest links of Africa’s
peace and security agenda that has emerged in the aegis of the African Union from 2002.
Therefore, African institutions like the AU should work with international partners to
boost regional abilities to deal effectively with the security threats posed by terrorism;
and always ensure greater coordination between African efforts and those of international
players like the US (Kagwanja, 2006). He continues to warn that the parameters of the
war on terror will continue to be dictated by the needs of the general global insecurity at
the expense of Africa’s local realities.

In strategizing policies to counter terrorism, counter-strategies that focus on much-needed
institutional capacity building and include elements aimed at reducing the hospitable
environment for terrorists to recruit, thrive and deal with the prevalence of poverty,
economic duress and poor governance that are often exploited by terrorists and one in
which African states have a sense of ownership, will be effective (Rosand et.al, 2008).
The African Union has played a significant role in trying to secure the continent from
further disastrous attacks but the divergence in threat perceptions among its member
states ought to be acknowledged as lagging the implementation of counter-terrorism
measures. Additionally, competing priorities within the AU Peace and Security
Commission (PSC) as well as the lack of resources have limited the AU’s contribution to
Africa’s war against terrorism.
Prior to the terrorist attacks of September 2001 on the USA, according to Shola Omotola (2008), the African Union did not have a comprehensive definition of what terrorism entailed. Terror-like activities were located in the colonial state which was essentially a law and order state based on the use of force to suppress popular movements against unpopular policies. However, the AU’s decision to evolve and embrace such a definition stemmed from both internal and external forces, especially the bombings of cities in Kenya and Tanzania in 1998 that set the tone for such a response (Omotola, 2008).

Law based responses, according to Jolyon Ford (2011), are undoubtedly strategic assets in the long term struggle against extremist violence, with global responses being premised on national legal measures and institutions that simultaneously enable and delimit legitimate, effective and coordinated actions to prevent and respond to terrorism. Much work still remains to be done in Africa with regard to the OAU and AU Plan of Action instruments against terrorism. The ratification of signed legal instruments is a major challenge for most states and in Africa, implementation of the AU rules as well as the global instruments is marked by relatively poor rates of conversion of the ratifications into national legislation (Ford, 2011).

The terror threat is becoming increasingly regionalised and it is crucial to beef up the national security apparatus, including the sub-regional and regional architecture of African institutions. At the regional level specifically, the level of the African Union, the Peace and Security Council needs to be greatly strengthened and the institutional ties between it and sub-regional entities as well as between it and national governments and the broader international community tightened (Solomon, 2012). Hussein Solomon (2012) emphasizes that even if the African Union is credited for the adoption of anti-terrorism measures, there is a vast discrepancy between the plans that are laid out on
paper and the measures that are actually undertaken to implement the counter-terrorism
regime. He thus advocates for a collaborative approach against terrorism as opposed to
being unnecessarily protective of state sovereignty; since the transnational nature of
terrorism is a threat to the sovereignty of all states and for that matter the AU structures
cannot afford to ignore the African Civil society.

At the outset of its response to terrorism, the OAU sought to promote cooperation among
African states and to promote a common framework for the states to address both the root
causes and other factors that spur terrorism (Ewi & du Plessis, 2012). The instruments put
in place only emphasized the criminalization of violent extremism, hence leaving the
definition of terror or terrorist acts to states’ volition. While explaining the failures of the
initial OAU efforts to fight against terrorism, Martin Ewi and Anton du Plessis (2012),
contend that the OAU failed to establish any enforcement mechanisms for either its soft
or hard law. This undermined its attempts at promoting cooperation among African states
and to provide a common framework for states to address both the root causes and other
factors which spurred terrorism. The OAU’s frustrations were evident regarding the
continuation of states’ support to non-state actors who waged war against legitimate
governments, a major hindrance to cooperation among the African states.

1.5.4 Regional and Sub-Regional Organisations on Terrorism

It is recognised that in order to take full advantage of the impact of the counter-terrorism
strategy on the continent, then the strategy must take into account local and sub-regional
contexts within African institutions and other stakeholders, including assuming key roles
(Xiaohui, 2009). Therefore it is important that Africa’s sub-regional economic
communities be empowered in order to be able to have a firm stand on issues of
terrorism. This means that other than concentrating on trade policies, terrorism should be
accorded more priority because instabilities arising out of terrorist-related activities are a
hindrance to meaningful economic activities. Therefore, Anne Xiaohui (2009) stresses the
need to have terrorism addressed against a broader background by taking into
consideration the other many complex security challenges facing Africa. In addition,
since the strength of regional organisations lies in their substantive expertise, knowledge
of a particular region, field presence and a political platform, Xiaohui (2009) continues to
argue that regional organisations can contribute to specific implementation of a counter-
terrorism strategy in three ways. That is, developing regional tailored implementation
strategies, time tables and evaluation plans; mobilising political will and support in
fulfilling the implementation commitment by regional governments; and by facilitating
cross-regional assistance and cooperation so that regional organisations that have
developed expertise and experience can provide support to those still developing such
counter-terrorism capacities (Xiaohui, 2009). The African Union, together with other sub-
regional organisations still have a long way to go in establishing mutual cooperation both
regionally and globally.

Kenneth Omeje (2008) argues that the US-led war on terror tends to reinforce the crisis of
post-colonialty in Africa by deliberately producing metaphors, images, discourses,
doctrines and policies aimed at magnifying and mainstreaming terrorism scares on the
turbulent politico-economic landscape of Africa, as a means to justify imperial
governance and supervision. This is so in a way that the current war on terror in Africa
tends to accelerate the breakdown of structure of hospitality between the ruling elite and
sections of their subjects, while contrariwise consolidating the logic of cordiality between
the post-colonial political elites in Africa and the metropolitan hegemonies (Omeje,
2008). In addition, the African diaspora have been profiled as greatly contributing to
terrorism and domestic insurgency, which is an exaggeration according to the author. It is
true that there is terrorism in Africa, but such accusations only tend to persecute Africa by the state security apparatuses in the U.S and in a number of western countries. The author favours a more regionalised approach to counter-terrorism in Africa, arguing that more legitimate possibilities of conflict resolution and state reconstruction with the assistance of regional organisations such as the Economic Commission of West African States (ECOWAS), the African Union and Southern African Development Community (SADC) are possible, yet they are hardly contemplated or appreciated by the so-called African sympathisers.

The success of the AU counter-terror strategies, together with those of its individual member states depends on the UN system. Constraints in ascertaining resources and prioritising goals accounts for the slow implementation of the requirements of the OAU Convention, Plan of Action and other related counter-terrorism commitments by the AU member states and African institutions. The UN Office of the Special Advisor on Africa (OSAA) (2010) continues to advocate for the UN System provisions and facilitations of counter-terrorism capacity-building assistance at the national and sub-national levels; an important requirement if the UN counter-terrorism objectives are to be achieved. However at the same time, African Union 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 AU Commission and the UN System share vested interest in overcoming these challenge and yet both institutions have not been able to put in place a comprehensive framework for purposes of overcoming the challenges driving apart their combined efforts against terrorism in Africa (OSAA, 2010).

Friedrich-Ebert-Stiftung (2011) emphasizes that Regional Economic Communities (RECs) need to play a more significant role in the promotion and implementation of
Africa’s Peace and Security Agenda by engaging more in collective security. RECs can only implement their role in security management and conflict transformation only if there is strong collaboration and close working relations. However, the author notes that African leaders are to blame for the decelerated harmonizing of the RECs. Therefore, there is no way that the security mandate, can be fulfilled when it comes to the continental fight against terrorism. Friedrich-Ebert-Stiftung (2011) contends further that if regional mechanisms are part of the overall security architecture of the African Union which holds the primary responsibility for promoting peace security and stability in Africa, then the AU through the Peace and Security Council (PSC) is expected to keep the regional mechanisms fully and continually informed of its activities. Therefore in order to ensure close harmonisation and coordination of security activities, the PSC and the RECs should regularly exchange information through the chairperson of the AU commission.

In conclusion, whereas various studies have generally addressed terrorism in Africa, there is a limited or lack of specific studies on the role of regional organisations, particularly the African Union in transforming rules of behaviour when it comes to combating terrorism. This thesis will attempt to fill this void by analysing the AU contributions to the war on terrorism in Africa and predominantly by exploring the role of sub-regional organisations (RECs) in implementing the AU counter-terrorism policies.

1.6 HYPOTHESIS

The task of the African Union in countering terrorism in Africa successfully is dependent on its member states and sub-regional and regional organisations. Counter-terrorism strategies devised by the AU mandating member states to harmonise their security programs with those of the African Union guidelines and the UN Security Council (UNSC) Resolution 1373 are still lacking in enforcement strategies from individual states,
hence slowing down the fight against terrorism. The research will therefore be premised on the following hypotheses:

1) The more engaging the African Union becomes with the various sub-regional organisations/RECs, the more likely it is to succeed in its fight against terrorism in Africa.

2) The African Union counter-terrorism strategies are less likely to thrive if the organisation’s values and ambitions are not reciprocally shared by its member states.

1.7 RESEARCH METHODOLOGY

The data collected and analysed will be qualitative in nature. This will involve the use of the United States International University’s main library and computer laboratory as the focal resource centres. Sources of reference therefore will involve the use of text books, journals, international reports, magazines, bulletins, monographs, Acts and other relevant legal instruments of the African Union, the United Nations and those of selected African countries that will be used as case studies. In addition to the above, the use of electronic sources, especially electronic journals, books and other relevant documents will be utilised.

Content analysis will be used in the interpretation of data, especially in chapters 2-5. This will involve the use of excerpts, especially when it comes to interpretation of key words/texts; and illustrations of legal contexts. This will be important in deriving meanings from particular texts as well as exploring the differences in the trends of the works by the different authors. Relational analysis will be important in the evaluation and verification of existing hypotheses.
1.8 ORGANISATION OF STUDY

This thesis will be structured into 5 chapters. Upon this basis, the Chapters following Chapter 1 will each analyse specific situations concerning the topic under study, and this will also include the use of some case studies.

Chapter 1 entails the general introduction to the thesis. It sets out the statement of the problem to the topic under study, the questions, objectives and hypotheses upon which the thesis is premised as well as the importance of undertaking the study. Literature review of some scholars, relevant to the topic under study is also evaluated in this chapter.

Chapter 2 will introduce and give an overview of the general subject of the study, which is terrorism in Africa; including the definitions of key terms and the history/evolution of the African Union from the Organisation of African Unity. Specifically the OAU Charter and AU Constitutive Act will be analysed in relation to terrorism.

Chapter 3 will focus on the trends of the legal instruments put in place by the OAU and AU to help in the fight against terrorism and the ratification of such instruments by AU member states will be analysed. The analysis is important because it will appraise the dominant role played by the African Union as a regional body and how well it has impacted on its member states in adopting its counter-terrorism strategies. If not, then assessment will be made of the reasons as to why the African Union has been unable or reluctant to do so.

Chapter 4 will focus on the current continental relationship between the AU, regional and sub-regional organisations when it comes to the war on terror. At the international level, the European Union (EU) and United Nations’ collaboration with the African Union in combating terrorism will be analysed, whereas at the African regional level, the role of
RECs - the East African Community (EAC), Inter-governmental Authority on Development (IGAD), SADC, ECOWAS, among others will be evaluated.

Even before the African Union took over from its forerunner, OAU efforts to foster peace and security on the continent was hampered by the existence of numerous challenges. In particular, some of the main challenges that have stalled the successful adoption and implementation of the AU counter-terrorism plans and policies will be discussed.

In Chapter 5, the key issues discussed in the preceding chapters will be summed up and conclusions generated. Where necessary, recommendations will be made.
CHAPTER TWO
UNDERSTANDING THE THREAT OF TERRORISM IN AFRICA: A CONTEXTUAL TRAJECTORY

2.0 INTRODUCTION

A lot of literature on terrorism in Africa asserts that the phenomenon of terrorism is not new to the African continent, since the use of violence and terror against innocent civilians has existed since the era of slavery. As Anneli Botha (2006) claims, terrorism cannot be studied or understood in isolation and it is essential to assess its development and impact from a historical context. It is therefore important to understand what exactly entails terrorism or what a terrorist act is, how it comes about, some of the different aspects/types of terrorism that exist in Africa and some of the countries in Africa that have been affected by major terrorist attacks or those that have been implicated as financiers and sponsors of terrorism on the continent. African countries overwhelmingly expressed their support for the United States (U.S)-led efforts on the global war on terrorism (GWOT) shortly after the September 11, 2001 attacks (Dagne, 2002). This came with its own implications for Africa, among them the need for Africa and the different African states to devise new strategies to counter the scourge of terrorism. Such counter-measures therefore necessitated the framers of the counter-terrorism policies to identify what constituted terrorism, its causes and most importantly, the definition of terrorism.

In order to have an understanding of the subject matter associated with this research, this chapter attempts to provide a general overview of terrorism with specific reference to the definition aspects of terrorism in Africa, the types of terrorism existing and some case studies of countries associated with terrorist acts. Most importantly, the Organisation of African Unity (OAU) Charter and African Union (AU) Constitutive Act will be analysed to ascertain their contribution to the fight against terrorism in Africa, as key authorities
that sustain the operations of the most important continental organisation— the African Union (AU), formerly the OAU. While the primary responsibility for combating and ensuring global cooperation against terrorism remains that of the United Nations (UN), the AU has remained committed to working with the international community and continues to play its rightful role in Africa in the GWOT (PSC, 2012). The AU therefore continues to play a vital role in transforming the rules of behaviour against terrorism in Africa, with implications on its member states and other regional and sub-regional organisations.

2.1 DEFINITION OF TERRORISM AND ASSOCIATED ARGUMENTS

Africa is no longer immune from international terrorism and with an almost unanimous condemnation of the attacks on the African soil; African leaders have become conscious of the looming threat (Onwudiwe, 2006). Studies pertaining to understanding terrorism all acknowledge a common fact, that a comprehensive and internationally recognised definition of terrorism still eludes the international community. According to Rufus Kalidheen (2008), Asta Maskaliūnaite (2002) and Ihekwoaba Onwudiwe (2006a), terrorism is and will remain a very difficult concept to define because it is constantly evolving and will therefore remain open to varying interpretations. The subject of counter-terrorism and how to effectively conduct it has become a popular occurrence in terrorism studies (Adan, 2005). However, for effective counter-terrorism strategies, it is important that a definite definition of terrorism is accomplished. An objective definition of terrorism is not only possible but is also indispensable to any serious attempt to combat terrorism, because without it, then no coordinated fight against international terrorism can ever really get anywhere (Ganor, 2002).

As earlier mentioned, there is no internationally recognised definition of terrorism and this research does not intend to formulate any new concepts regarding a comprehensive
definition. The lack of a universally recognised definition of terrorism is to some extent determined by its highly politicized, rather than purely academic nature and origin and hence this allows for different interpretations depending on the purpose of the interpreter and on the political demands of the moment (Stepanova, 2008; International Council on Human Rights, 2002). Gerd Nonneman (2010) further argues that the fact that there is no internationally agreed upon definition is more a reflection, of the fact that so many groups and states use the tactic of terrorism for a variety of purposes; and of the varied aims, fears, interests and biases of those applying the label, than of any inherent problem of defining the tactic. Nevertheless, critical definitions formulated by recognised bodies/organisations, researchers and scholars are explored in order to understand the nature of terrorism; most importantly that of the OAU/AU. Definitions of terrorism have been formulated by various international and regional organisations, non-governmental organisations, individual states and various academic scholars of international relations.

In Joseph Easson and Alex Schmid (2011), Alex Schmid, a recognised scholar of terrorism formulated one of the most cited academic definitions of terrorism. He formulated the definition with the help of 50 other academic scholars who assisted him to develop and re-define his definition (Badey, 1998). Schmid’s academic consensus definition of terrorism concludes that:

Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-)clandestine individual groups or state actors for idiosyncratic, criminal or political reasons, whereby-in contrast to assassination-the direct targets of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat and violence-based communication processes between terrorists (organisation), (imperilled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought (Schmid, 2011: 129).

Even as wide-ranging as Alex Schmid’s definition of terrorism is, it has been criticised for being too lengthy, intricate, and somewhat self-contradictory and for having diminishing utility (Badey, 1998).
Aside from Schmid’s (2011) regularly recognised academic definition of terrorism, the earliest attempts to define terrorism were made by the League of Nations between 1934 and 1937. The League’s attempt at defining terrorism came as a result of the assassination of King Alexander I of Yugoslavia by Croatian separatists while on a State visit to France in 1934 (Saul, 2011). Article 1, para.2 of the League of Nations Convention for the Prevention and Repression of Terrorism (thereinafter, the Convention), 1937 stipulated that, “In the present Convention, the expression ‘acts of terrorism’ means criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.” Alexander Yonah (1976) stresses that the Convention provided the precedent of an international organisation representing the world community of states, in an effort to prevent international terrorism from occurring across the globe. The Convention never materialised into force as a result of the occurrence of World War Two (WW2) that led to the collapse of the League system. However, the League’s attempt to generically define terrorism in an international treaty prefigured many of the legal, political, ideological and rhetorical disputes which plagued the international community’s attempts to define terrorism in the 50 years after WW2, and the League’s definition has been influential in formulating subsequent legal efforts to define terrorism (Saul, 2011).

In Africa, in order to ensure a collective understanding of the threat of terrorism, the OAU, transformed into the AU, ensured the formulation of the OAU Convention on the Prevention and Combating of Terrorism of 1999 in which the term ‘terrorist act’ was defined under Article 1 (3) to mean:

a) Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity of 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, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or

ii) Disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or

iii) Create general insurrection in a state.

a) Any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii) (OAU, 1999).

Gani Yoroms (2006) reasons that although the above definition has been accepted in Africa as comprehensive enough, it does not yet capture the core content of vibration that triggers terrorism. Article 3 of the Convention gives an exception to what constitutes a terrorist act as defined in Article 1 by stating that,

Notwithstanding the provisions of Article 1, the struggle waged by peoples in accordance with the principles of international law for their liberation of self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist act (OAU, 1999).

Article 3, according to Charles Grendema and Anneli Botha (2004) is both controversial and contradictory, as it presents a loophole to justify inaction against human rights violations committed in the name of liberation or self-determination.

Ihekwoaba Onwundiwe (2006a) makes note of the fact that the UN, since 1972 has failed to reach an agreement on the definition of terrorism due to the differing concerns and desires of its member states. He emphasizes that whereas Western countries preferred an explanation that depicted terrorism as acts of violence used by illegal organisations to challenge the lawful activities of established governments, most developing nations favoured a definition that included the suppression of individual freedoms by states. Hence there was no way that nations of Latin America, Asia and Africa were going to side with the West and favour a definition of terrorism based on western ideals and self-assurances.
2.2 TYPES OF TERRORISM IN AFRICA

Just as there are different definitions of terrorism, so are there different types of terrorism (Pienaar, 2008). The contemporary war on terrorism in Africa has mostly concentrated on international terrorism and its effects. However, there are various typologies of terrorism spread across the continent, including what has been characterised as transnational terrorism, state-sponsored terrorism and state terrorism, sometimes referred to as being part of domestic terrorism.

2.2.1 International Terrorism

The term international terrorism was emphasized in the 1980's when the U.S accused the Soviet Union of training, funding and equipping international terrorists; and whereas the campaign to outlaw acts of international terrorism have intensified, it has also obscured the complexity of the problem of defining international terrorism (Katzman, 2005; Dugard, 1974). International terrorism refers to those acts in which the terrorists cross national frontiers to carry out attacks; or attack foreign targets at home such as embassies or international lines of commerce, like airlines (Schmid, 2011). Therefore terrorists or terrorist groups or organisations are often referred to as international terrorists when operating outside of their countries of origin and the violence perpetrated ought to be targeted against an internationally recognised entity or violate an international norm.

Fernando Reinares (2005) further claims that international terrorism is practiced with the deliberate intention of affecting the structure and distribution of power in entire areas of the world, and the individuals and groups who carry it out have extended their activities to a significant number of countries and geo-political regions in accordance with their declared aims. Majority of the international terrorist groups in Africa are religiously motivated, with the advancement of Islamic beliefs underpinning their objectives.
Pienaar, 2008). Some research connotes that transnational and international terrorism are one and the same, whereas some authors assert that the two forms may be related but are different in one way. Alex Schmid (2011), Gaibulloev Khusrav, Sandler Todd and Sul Donggyu (2013) defined transnational terrorism to mean cross border terrorism that is not state-sponsored or state-controlled, but operates in more than one country and includes nationalities other than those of the host country.

The best example of an international terrorist organisation in Africa is that of the Al-Qaeda\textsuperscript{23}. The organisation’s local and regional affiliates, as well as many self-generated cells aligned with the Al-Qaeda stricture constitute what is called international terrorism today (Reinares, 2005). Therefore, Al-Qaeda and its affiliated cells in Africa comprise a structure of international terrorism that has engulfed a number of African countries. A number of Al-Qaeda affiliated terrorist groups in Africa according to Kenneth Katzman (2005) include, the Islamic Group and Al-Jihad of Egypt, the Armed Islamic Group and the Salafist Group for Call and Combat (GSPC) of Algeria, the Libyan Islamic Fighting Group, the Moroccan Islamic Combatant Group, the Al-Shabaab Group in the Horn of Africa, and the presence of Al-Qaeda itself in East Africa that is allegedly responsible or the bombings of the U.S embassies in Nairobi and Dar es Salaam in 1998, as well as an Israeli-owned hotel in Mombasa in 2002. The origins of Al-Shabaab are traced to the Islamic Courts Union (ICU) who in 2010 officially decided to join forces with the Al-Qaeda in order to engage in the global jihad\textsuperscript{24} and thus being listed as a terrorist organisation by the U.S government in 2008 and Canada in 2010 (Botha, 2010; Human Rights Watch, 2010).

Therefore, international terrorist organisations are utilising Africa’s weak security, political, social and economic structures to develop terrorist cells across the continent and this has become a security concern for not only global entities such as the UN, but also
for continental organisations such as the African Union (AU), East African Community (EAC), Economic Community of West African States (ECOWAS), Southern African Development Community (SADC), Community of Sahel – Sahara States (CEN-SAD), Economic Community of Central African States (ECCAS), Arab Maghreb Union (AMU), Inter-Governmental Authority on Development (IGAD), Common Market for Eastern and Southern Africa (COMESA) and other numerous African countries (Pienaar, 2007). Such regional and sub-regional organisations are important actors against terrorism because they supplement the AU counter-terrorism efforts. Therefore, the more engaging the AU becomes with the various regional and sub-regional organisations/RECs, the more likely it is to succeed in its fight against terrorism in Africa.

2.2.2 State-Sponsored Terrorism

Jackson Maogoto (2003) asserts that just like terrorism, the notion of state-sponsored terrorism lacks a universal definition and the confusion over the precise definition is in large part reflective of the basic disagreement over the elements of terrorism itself. The State Department of the U.S describes state-sponsors of terrorism as countries determined by the Secretary of State to have repeatedly provided support for acts of international terrorism (U.S State Department, 2011). State-sponsorship of terrorism became a common occurrence during the Cold War era when proxy wars were utilised by enemy factions. The use of generally indiscriminate and unlawful violence against civilians and non-combatants by agents of a foreign state to foster its foreign policy goals such as the destabilisation of a neighbouring government and bringing about a regime change is what Bradley McAllister and Alex Schmid (2011) defined as state-sponsored terrorism. The authors further claim that the actual perpetrators can be local armed groups or international mercenary terrorists, involved in a variety of activities like, arming and training terrorists, providing them with intelligence, logistical assistance, false
documents, funding, sanctuary, safe houses and operational support (McAllister & Schmid, 2011).

The U.S list made by the State Department comprises 4 countries which sponsor international terrorism, with Sudan as the only African state implicated in state-sponsored terrorism\textsuperscript{25}. However, Daniel Byman (2008) refutes the U.S list of state-sponsors of terrorism arguing that the countries on the list are not major sponsors of terrorism today and hence it ignores the main sponsors; the list does not recognise important gradations in support (like Syria and Iran are both supporters but the scale of their activities is quite different); removal from the list is difficult and there are few rewards for improving behaviour; and the list ignores the tricky issue of passive sponsorship.\textsuperscript{26} Consequently, the list should accurately reflect the current level of state sponsorship, have clear criteria for entering and exiting and there must be incentives for good behaviour and punishments (Byman, 2008). Before Libya was scrapped off the U.S list of states that sponsor terrorism in 2006, it was on the list together with Sudan as African countries that engaged in sponsoring international terrorists.

\textbf{a) Libya}

Until May 2006, Libya had been put on the list of states that sponsor acts of international terrorism since 1979 when the State Department’s list had just been created. Libya was by then involved with the \textit{Abu Nidal}\textsuperscript{27} Organisation (ANO), the Popular Front for the Liberation of Palestine, to which it provided training facilities and several million dollars annually (Evans, 1994). State-sponsored terrorism played a key role in international terrorism in Africa during the Cold War, whereby the Libyan diplomatic service was used to support any groups that claimed to be anti-Israel or anti-American (Pienaar, 2008). Libya’s support for terrorism embraced the use of Libya’s diplomatic facilities abroad as
foundational platforms for terrorist operations, buying and distributing weaponry to terrorists, as well as financing their operations. More so, it is believed that many African and Arab trainees undertook training using Soviet weaponry in Libyan training camps and Colonel Gadhafi, the former ruler of Libya was implicated by the U.S as a renowned state sponsor of and partaker in international terrorism. Libya was accused of training terrorists from Latin America, Western Europe, the Middle East and East Asia (Pienaar, 2008).

Most notable occurrences of state-sponsorship of terrorism by Libya involved aviation disasters. One of them was the Lockerbie air disaster of 1988 in which a plane en route to New York from London crashed mid-air in a Scottish village of Lockerbie, all on board perished28 and Libya was accused of supporting the terrorists who helped bring the plane down (Iroanya, 2008). The other aviation catastrophe for which Libya was implicated for sponsoring international terrorism involved a flight from Congo to Paris that exploded in the Sahara desert and all on board were killed. This resulted in the international isolation and sanctions from the UN against Libya for supporting international terrorists. The UN Security Council, determined to eliminate international terrorism:

1) Condemns the destruction of Pan Am Flight 103 and Unione Transports Aériens Flight 722 and the resultant loss of hundreds of lives,

2) ...the Libyan Government should cooperate fully in establishing responsibility for the terrorist acts against Pan Am Flight 103 and Unione Transports Aériens Flight 722,

3) Urges the Libyan Government immediately to provide a full and effective response to those requests so as to contribute to the elimination of international terrorism (UNSCR 731, 1992).

And,

The UN Security Council determining that the failure by the Libyan Government to demonstrate by concrete actions its renunciation of terrorism and in particular its continued failure to respond fully and effectively to the requests in Resolution 731 (1992) constitute a threat to international peace and security. Acting under Chapter VII of the UN Charter,

1) Decides that the Libyan Government must now comply without any further delay with Para.3 of Resolution 731 (1992) regarding the requests addressed to the Libyan authorities by France, the United Kingdom of Great Britain, Northern Ireland and the U.S (UNSCR 748, 1992).
The refusal of the Libyan Government to fully comply with UNSC Resolutions 731 and 748 of 1992 resulted in Resolution 883 which laid out sanctions against Libya to the effect that,

In order to secure compliance by the Libyan Government with the decisions of the Council, the Council decides that; all states in which there are funds or other financial resources...owned or controlled...by the Government, public authorities or any Libyan undertaking, shall freeze such funds and financial resources...; all states shall prohibit any provision to Libya by their nationals from their territory of the items listed in the annex to this resolution...; require the immediate closure of all Libyan Arab Airlines offices...; prohibit any commercial transactions with Libyan Arab Airlines...; prohibit Libyan nationals from entering their territories...; all states shall significantly reduce the level of staff at Libyan diplomatic missions and consular posts...(UNSCR 883, 1993).

With the difficulties that Libya faced as a result of international isolation and the UN imposed sanctions, Libya pledged to commit to the 12 international anti-terrorist conventions and also accepted a negotiated settlement of compensations for the victims of the Lockerbie incident. Libya abdicated terrorism and in 2003, the UN sanctions were lifted. Subsequently, Libya was removed from the list of state-sponsors of terrorism in June 2006.

b) Sudan

Sudan’s ties to terrorism date back to the military coup of 1989 led by General Umar al-Bashir that brought the National Islamic Front (NIF). The party established an Islamic state in Sudan hence offering sanctuary for Islamic extremist groups from around the world (Reeves, 2011). However, Sudan was added to the U.S list of state-sponsors of terrorism in 1993 and has since remained the only African country on that list even though it continues to engage with the U.S as a counter-terrorism partner, since 2011. The country’s designation as a sponsor of terrorism originated from its strong relations with Iran which is a leading state-sponsor of terrorism, as well as ties to multiple Islamic extremists that include the Lebanese Hezbollah, Egypt’s Al-Gama‘at al-Islamiyya, the Abu Nidal Organisation (ANO), Palestinian HAMAS, and Palestinian Islamic Jihad (PIJ).
Sudan served as a convenient transit point, meeting site and safe haven for terrorist groups.

The main reason as to why Sudan was implicated for sponsoring terrorism was due to Al-Qaeda's strategic placement and direct involvement in Sudan's political and economic spheres (Pienaar, 2008). As Osama bin Laden gained prominence in Sudan in the 1980's and 1990's, he earned economic rights and hence used the profits earned to fund growing Al-Qaeda cells in and outside Africa (Pienaar, 2007). With the increasing pressure on Sudan from the Western world, especially the U.S, Sudan was compelled to expel Osama bin Laden from its territory in order to avoid the repercussions that were being threatened against it. Many extremist groups were expelled from Sudan, with the exception of HAMAS whose members the Sudanese government consider to be freedom fighters rather than terrorists (NCTC, 2009; NCTC, 2012). However, the HAMAS group still exists on the U.S government's designated Foreign Terrorist Organisations (FTO) list.

Sudan has taken immense measures to improve its record on counter-terrorism and in May 2004, it was removed from the U.S State Department's list of countries considered non-cooperative in the war against terrorism, but not from the list of state-sponsors of terrorism (Dagne, 2005). The stayed inclusion of Sudan on the list of state-sponsors has generated controversy among international terrorism scholars who criticise Sudan's listing as being faulty. Jeremy Reeves (2011) condemns the list for ignoring Sudan's significant attempts at restitution for its ties to terrorism, attempts that Iran and Syria who are on the same list have never made. He is therefore dissatisfied that Sudan continues to be punished to the same extent as the two most active sponsors of terrorism (Iran and Syria), even as Sudan continues to better its counter-terrorism cooperation.
The situation in the Darfur region is one of the reasons as to why Sudan remains listed as a state-sponsor of terrorism and former Secretary of State Collin Powell further reiterated that the U.S will not normalize relations with the Sudanese government until the Darfur crisis has been addressed (Dagne, 2005). However, some hard-line Sudanese government officials continue to express resentment and distrust by the reactions of the U.S government, further questioning the benefits of the bilateral cooperation since it has not resulted in Sudan’s removal from the state-sponsors list of terrorism (NCTC, 2009).

2.2.3 State Terrorism

According to Bradley McAllister & Alex Schmid (2011), state terrorism, sometimes known as domestic terrorism has a much longer history in Africa than insurgent terrorism and it has been much more costly in terms of human lives. State terrorism refers to the use of indiscriminate and unlawful violence against civilians and non-combatants by agents of the state in defence of political power, for purposes of party politics or in the framework of colonial policies and military occupation (Schmid, 2011). State terrorism in Africa often emanates from internal civil crises and conflict spill-overs from regional wars, where opposition groupings and dissident factions engage in terrorist activities in the bid to achieve any intended social, economic and mostly political ambitions. It can therefore be said that several aspects of conflict in Africa have led to armed insurgencies which support terrorist activities (Onwudiwe, 2006). When state terrorism is said to have been committed, it involves the use of violence by the government or government agencies against innocent citizens or groups who are usually unarmed. In effect, the silence on state terrorism and in particular the argument of terrorism scholars that states actions can never be defined as terrorism, actually functions to furnish states with the rhetorical justification for using what may actually be terroristic forms of violence against their opponents and citizens without fear of condemnation (Jackson, 2008). Government
institutions which may partake in state terrorism by resorting to acts of terror against own nationals include the police and the military, among others.

A number of African countries have been accused of engaging in state terrorism, which started from the slave trade period, through colonialism and up to the post-independence era. Richard Jackson (2008) says that among the countries that have killed, tortured and intimidated hundreds of millions of people and continue to do so include, Algeria, Zimbabwe and Sudan, among others. This therefore means that with state terrorism, the state employs terroristic tactics against its own citizens, the very population for which it should be providing order, security and justice (Promoratz, 2002). No group or government desires to define themselves or their activities as terrorist, as often perpetrators are always defined or characterised so by an adversary or opponent. On the whole therefore, state terrorism ought to be well-thought out as having more negative and crude aftermaths than non-state terrorism, due to the immense state powers involved.

The other form of terrorism identified with state terrorism is what is known as domestic terrorism. Domestic terrorism relates to those acts of terrorism that are carried out by persons or local groups within the state, in an effort to redress domestic grievances (Imobighe, 2007). African countries certainly face a large amount of domestic terrorism which includes death and destruction caused by domestic groups like the Revolutionary United Front (RUF) in Sierra Leone, Lord’s Resistance Army (LRA) and Allied Democratic Front (ADF) in Uganda and the Democratic Republic of Congo (DRC), warlords in Somalia, LRA in Southern Sudan, Boko Haram in Nigeria, the Tuareg rebels in Northern Mali, Salafist Group in Tunisia, People Against Gangsterism and Drugs (PAGAD), the Mai Mai in Eastern DRC, Mungiki in Kenya, Armed Islamic Group in Algeria, pre-1994 African National Congress (ANC) in South Africa, Eritrean
Liberation Front (ELF), and the Liberians United for Reconciliation and Democracy (LURD) (Mills & Herbst, 2007; Forest & Giroux, 2011).

A variety of socio-economic and political conditions in Africa continue to produce grievances which have been used by illegal militant groups to justify their recourse to violent actions that terrorise populations in which they live (Forest & Giroux, 2011). Case in point is the Boko Haram, whose violent and terrorizing acts have claimed thousands of lives in the Northern Nigerian States of Yobe, Bauchi, Kano and Borno. Therefore according to Greg Mills (2004), domestic terrorists in Africa’s civil wars have killed a far greater number of Africans than have terrorists motivated by international causes. In the period 1970-2007, Africa experienced 1,005 transnational terrorist attacks in which 295 people were killed and 6,222 were wounded; while 4,610 domestic terrorist incidents were experienced with 18,742 deaths and 15,375 injuries (Khusrav, Todd & Donggyu, 2013)

2.3 TERRORISM IN AFRICA

Experts from the UN Special Advisor Office on Africa (OSAA) (2009) categorised the terrorist threat on the continent into, domestic terrorist attacks on African interests; international terrorism attacks on western interests; the use of African territory as a safe haven; Africa as a terrorist breeding ground and source of recruits; and Africa as a terrorist transit point and fundraising for terrorists. Apart from the problem of distinguishing terrorism from guerrilla warfare, crime or mad serial killers, the well-known phrase ‘one man’s terrorist is another man’s freedom fighter’ has often been used in Africa to highlight the problem of implying a moral judgment when classifying the term terrorism (Spencer, 2006). Africa and its people have for long experienced various forms of terrorism and the toll of terrorism and the price Africans have had to pay for these outrageous criminal acts can hardly be estimated (AU, 2012). The 1998 bombing
of the U.S embassies in Nairobi and Dar es Salaam marked the onset of intensified international terrorism on the continent. The 1998 incidents together with the September 11, 2001 attacks on the U.S intensified international efforts against terrorism world-over and this unmatched international response also encompassed many regions including Africa; with the AU playing the leading role in spearheading the transformation of rules of behaviour against terrorism.

Scholars like Andre Le Sage (2007) and James Forest and Jennifer Giroux (2011) emphasize that fighting international terrorism is not the number one security interest and hence not a big priority for African leaders. They are more preoccupied with military coups, civil and ethnic conflict, and poverty and killer diseases like HIV/AIDS which pose greater perils to Africans than terrorism. This however does not imply that African leaders have ignored terrorism and its impacts. Causes of terrorism on the African continent have been attributed to factors like the lack of a sustainable economic environment, social marginalisation and the loss of cultural identity, and political subjugation and failed states. However, Stefan Mair (2003) and Anneli Botha (2006) strongly dispute this notion arguing that these factors alone, especially the commonly cited poverty hypothesis cannot lead to terrorism because if they were responsible for the terrorist activities on the continent, then Africa would qualify as the hotspot of international terrorism, which is not the case.

Long before the September 11 2001 terrorist attacks, terror was a Para-military policy in the long anti-colonial struggle and nationalist uprisings in Africa (Glickman, 2003; Diallo, 2005). Most notable cases of liberation/nationalist uprisings in Africa which employed the use of terror include the Mau-Mau\textsuperscript{39} in Kenya during the 1950’s, the Algerian uprisings of the 1950’s and 1960’s, the ANC of South Africa and the Eritrean Liberation Front (ELF) of Eritrea. Such liberation groups and fighters were even labelled
as being terrorist organisations by the colonial powers. This implies that some states in Africa attained their statehood by resorting to acts of terror like ethnic cleansings and terrorism and therefore the terrorism that has been killing Africans is a direct result of the crises of the post-colonial state as the world sometimes watches on without any action being taken.

The Democratic Republic Congo (DRC), Sudan, Mauritania, Liberia, Sierra Leone, Somalia and apartheid South Africa were also accused of engaging in state terrorism, which encouraged the propagation of terrorists (Diallo, 2005). In order to determine the extent to which terrorism has encroached on African peace and security, the following section aims at discussing the levels of threat in the different parts of Africa. Analysis will be made on regional basis, that is, terrorism in East Africa, Southern Africa, Central Africa and the Sahara-Sahel regions (West and North Africa). Specifically, individual case studies are deliberated upon with Uganda, Kenya and Somalia in East Africa, Nigeria and Mali in the Sahara-Sahel region, South Africa in Southern Africa and the Central African Republic and the Democratic Republic of Congo in Central Africa.

2.3.1 Terrorism in East Africa

The Horn of Africa (East Africa) is Africa’s bridge to the Middle East and that fact explains much about the complex interrelationships between differing Islamic cultures within Africa from east to west (Lyman, 2009). The existence of Islamic extremism in the region has therefore generated political insecurity within the various countries therein, specifically in Uganda, Kenya and Somalia, hence resulting in increased terrorist activities in the region. There are a number of reasons why East Africa (Horn of Africa) became a haven for jihad extremists and their enemies. First, the region’s geographical proximity and bonds of history with the Middle East facilitated the movement of terrorist
agents within and across the two regions; second, countries in the region are either predominantly Muslim or have significant Muslim minorities\textsuperscript{40}; and third, a mix of widespread poverty and chronic underdevelopment and marginalisation enabled Islamists to export their ideas and win allies among impoverished Muslim minorities and desperate refugees (Kagwanja, 2006). The \textit{Al-Shabaab} Group has participated in various terror attacks against innocent civilians across the region, in Uganda, Kenya and Somalia. According to the statistical records released by the National Consortium for the Study of Terrorism and Responses on Terrorism (NCSTRT), the \textit{Al-Shabaab} Group is ranked 5\textsuperscript{th} out of 10 most perpetrator groups with the most attacks worldwide. The Group has to its name 121 terrorist attacks during the year 2012, in which 278 deaths were recorded (NCSTRT, 2013: 7).

\textbf{Kenya:}

\textit{Al-Shabaab}, an \textit{Al-Qaeda} linked group still remains and continues to be the prime security threat in not only East Africa but Kenya as well. It ought to be recalled that the first major terrorist attacks on the continent occurred in Kenya and Tanzania in 1998, when the \textit{Al-Qaida} Group masterminded the deadly terrorist attacks on the U.S American embassies in Nairobi and Dar es Salaam. With a foiled planned attack on the U.S embassy in Kampala, the August 1998 attacks resulted in 263 deaths (240 Kenyans, 11 Tanzanians and 12 Americans), while 5000 Kenyans and 86 Tanzanians were injured (Kagwanja, 2006).

Since 1998, the \textit{Al-Shabaab} Group which boasts of allegiance to \textit{Al-Qaeda} has continued to cause havoc in Kenya by mainly engaging in attacks in the North-western Kenya and within the city if Nairobi. The attacks by \textit{Al-Shabaab} and associated sympathizers against civilians have intensified since 2010 and are mostly characterised by acts of grenade
throwing and the use of improvised explosive devices (IEDs). In October 2011, the Al-Shabaab assisted in the kidnapping of aid workers and western tourists from the Kenyan coast. Subsequently, the Kenyan forces undertook a military operation on the basis of Inter-governmental Authority on Development (IGAD) decisions, as well as relevant UN Security Council resolutions 1852 of 2008 and 1950 of 2010 to repel back the Al-Shabaab from Somalia (PSC, 2011). While the number and severity of attacks in 2012 in Dadaab refugee camp (the camp is found in North-Eastern Kenya in the town of Dadaab) decreased, attacks on police and civilians (in churches, bars, restaurants, bus station, and mosque) in the cities of Garissa and Nairobi increased. The use of guns and grenades was employed, which resulted in 34 deaths and 145 injuries, though many of the incidents remained unattributable (US Department of State Publication, 2013: 288-289).

Uganda:

Acts of terror against civilian populations in Uganda are associated with the brutal regime of the then dictator Idi Amin Dada who ruled the country from 1971 to 1979. His regime was characterised by unexplained disappearances and indiscriminate killings of persons, firing squads, inhumane treatment and torture. Another form of domestic terrorism against innocent civilians in Uganda is attributed to the Lord’s Resistance Army (LRA) insurgency in northern Uganda. The LRA rebel group was formed in Uganda in the late 1980s and carried out a 25 year insurgency in against the people of northern Uganda, particularly the Acholi people. Operating as an ideologically apocalyptic Christian group opposing the central government, its modus operandi has been the use of violence or threats of violence amounting to terrorism as a method in their campaign (Forest & Giroux, 2011). Terror attacks against civilian populations involved kidnappings, recruiting child soldiers as sex slaves and using them to kill, rape, torture, burning of huts and houses, maiming people and boiling their body parts over the fire in cooking pots. As
stated by the NCSTRT (2013), the LRA’s propensity for attacking civilians and using fear as a weapon prompted the U.S State Department to designate the rebel group as a Terrorist Exclusion List Organisation under section 212 of the Immigration and Nationality Act, as amended by the USA Patriot Act in 2001. In 2008, the U.S Department of State also designated Joseph Kony, the leader of the LRA as a Specially Designated Global Terrorist (NCSTRT, 2013). The LRA insurgency in Northern Uganda came to an end after 25 years, though the remnants of the group still remain on the rampage in the DRC, Central African Republic and South Sudan.

In the mid-1990s, another opposition rebel group emerged in Uganda, known as the Allied Defence Forces (ADF). Based in western Uganda along the DRC border, it comprised of self-identified religious crusaders from the Muslim Tabliq sect which opposed the government and engaged in terror attacks on local civilians and Internally Displaced Persons (IDPs) (Forest & Giroux, 2011). Fighters from both the DRC and Uganda were recruited with promises of being offered education and large sums of money. In 1998, the ADF carried out numerous attacks which involved kidnapping 30 students from Mitanda Seventh Day College and abducting more than 100 children from Hoima district in Western Uganda, and the brutal killing of 80 students of the Kichwamba Technical Institute in Kasese district (western Uganda) by setting locked dormitories on fire (Forest & Giroux, 2011). ADF violence peaked between 1997-2001 with 48 explosive devices detonated in and around Kampala, killing approximately 50 and injuring an estimated 200 people (Forest & Giroux, 2011:9).

The major transnational terror attacks in Uganda were witnessed in July 2010 in Kampala during the screening of the 2010 World Cup final. The Al-Shabaab group claimed responsibility of having masterminded the atrocities in which more than 70 people lost
their lives and hundreds were left injured, signifying the beginning of a widening scope of the group's operations (PSC, 2011a).

**Somalia:**

Fundamentalist Islamic groups in Somalia began emerging during the 1990s, some being more radical than others (Lyman, 2009). The Somalia-based *Al-Shabaab* group still remains the major terrorist threat to the security and stability of Somalia and the region at large. It has been reported on several occasions that indigenous networks are engaged in recruitment, radicalisation and resource mobilisation on behalf of *Al-Shabaab*, as the group itself continues to establish functional linkages with other terrorist entities elsewhere in Africa (PSC, 2011a). Furthermore, the Peace and Security Council (2011a) continues to report that the group is exploiting existing human smuggling networks in the region in order to facilitate the entry of individuals travelling from Europe and beyond to join *Al-Shabaab*, as well as the entry of individuals from Somalia seeking to enter other parts of the world.

The *Al-Shabaab* controlled areas of Somalia include Bay and Bakol regions (southern Somalia), the rural middle and lower Juba regions and in northern Somalia along the Golis Mountains. According to the PSC (2012: 1), the group uses these regions to recruit, train foreign and local fighters as well plan terror attacks, with a significant number of foreign fighters estimated between 1,000 and 1,500. Some of the trained *jihadists* are members of *Al-Qaeda* who have been in Somali since the early 1990s, others are global *jihadists* who roam the world in search of terrorist opportunities, while a significant number are young unemployed Africans from East Africa who are in Somalia because they have been inspired by *Al-Shabaab* or are using Somalia as a training ground (PSC, 2012a).
In an effort to scale down on the activities of the \textit{Al-Shabaab} Group, regional initiatives have been heightened by the AU, IGAD and the individual neighbouring countries. The Somali forces, with the help of the AU Mission in Somalia and the Kenyan forces have made significant inroads in their fight against the \textit{Al-Shabaab} and its sympathizers by taking control of Mogadishu (PSC, 2012). Though not completely defeated and eliminated as a threat, the \textit{Al-Shabaab} still engages in suicide attacks, the use of grenade and explosive devices, kidnapping, piracy and targeted political assassinations. The PSC (2010a) is concerned that due to the on-going fighting between \textit{Al-Shabaab}, \textit{Hizbul Islam}, other armed factions and militias and Somalia’s Transitional Federal Government (TFG), Somalia will remain highly unstable, hence providing a conducive environment for terrorist training and transit. It should be noted that the group enjoys possession of a large media at its disposal and its media platform therefore remains an effective tool for the recruitment of fighters and the mobilisation of funding for its activities (PSC, 2012).

2.3.2 Terrorism in the Sahara-Sahel region (West and North Africa)

Recent events show that terrorism and terrorism related crimes have become destabilising factors in the security and stability of the Sahara and Sahel regions of West and North Africa. Countries in the Sahara include Mali, Mauritania, Niger, Chad, parts of Eritrea and Sudan, Morocco, Tunisia, Libya and Algeria. Those whose territories or part of territories that fall in the Sahel region are Nigeria, Burkina Faso, Senegal and also some parts of Mali. However for purposes of this thesis, assessment of case studies will be directed towards Nigeria, Mali and \textit{Al-Qaeda in the Islamic Maghreb} (AQIM). The choice of case studies is because of the increased terrorist activities in the region, which involve both local and transnational terrorist groups. The vulnerability of West Africa to terrorist threats has been heightened by its history of armed conflict, proliferation of
militant groups and armed rebels, the illicit trade in arms as well as the porous borders and sea coastlines that are poorly patrolled (Okereke, 2010).

Nigeria:

The Jama'atu Ahlis Sunna Lidda'awatiwal-Jihad (People Committed to the Propagation of the Prophet’s Teachings and Jihad) also known by its common name Boko Haram continues to wreak havoc in Nigeria. Boko in Hausa means “western education” or “western influence”, while Haram means “sinful” or “forbidden” in Arabic (Human Rights Watch, 2012). As a result, explains Hakeem Onapajo and Ufe Uzodike (2012), members of the Boko Haram seek to distance themselves from the government in power and their private establishments which they consider as being western culture. In 2012, Nigeria was ranked 5th out of 10 countries that had the most terrorist attacks. There were 546 terrorist attacks recorded in total, in which 1,386 people were killed while 1,019 sustained serious injuries (NCSTRT, 2013: 4). Therefore according to the NCSTRT (2013: 4), the average lethality of terrorist attacks in Nigeria (of 2.54 deaths per attack) is more than 50% higher than the global average of 1.6 deaths. The Boko Haram ranked 2nd out of the top 10 perpetrator groups with most terrorist attacks in 2012, where 364 attacks were executed, resulting in 1,132 deaths (NCSTRT, 2013: 7).

The Boko Haram were established in 2002 as an Islamist religious sect, with aspirations of waging a revolution to end the government’s corruption, abusive security forces, strife between the Muslim North and Christian South, as well as end the widening regional economic disparity (Johnson, 2011). Such a revolt would entail the creation of an Islamic state in the entire Nigeria by establishing and enforcing Sharia law and criminal Sharia courts across the nation. According to Adesoji Abimbola (2010) therefore, the adoption of Sharia is viewed from a broader perspective as an effort to pacify a section of Muslims
who have consistently been agitated against the secular nature of the country. 

*Boko Haram* is an Islamist extremist group operating in the Nigerian northern states of Maiduguri, Borno, Yobe, Kano, Potiskum, Bauchi, Kaduna and Gombe. Some of the reasons advanced for the emergence of the group and its brutal activities include corruption of the political elites as the general population continues to languish in poverty, the brutality of security forces against the people in northern Nigeria, and marginalisation.

The *Boko Haram* has on several occasions been linked to several external extremist groups like the *Salafist* Group of Algeria, the *AQIM, Al-Shabaab* in Somalia and even the *Taliban* in Afghanistan (Pham, 2012; Onapajo & Uzodike, 2012). Some of the brutal terror attacks carried out by *Boko Haram* include: the 2009 five day violence which marked a breaking point between *Boko Haram* and the Nigerian security forces; the church bombings on Christmas day in 2011; use of suicide bombers in the UN offices in Abuja; and attacks on police and military posts.

In the words of Toni Johnson (2011), the *Boko Haram* Group itself is an effect and not a cause because it represents a symptom of how decades of failed governance and elite delinquency finally ripens into social chaos. Therefore, the government of Nigeria must rectify the many valid injustices and infringements that have turned meaningful segments of the Northern population amenable to *Boko Haram*’s message of anti-westernisation and pro-Islam. No terrorist threats have been reported in the Southern states of Nigeria. More so, the group’s attack on the UN in Abuja clearly shows that its aspirations, tribulations and intentions are transnational and multi-national in nature, as it seeks to expand its activities beyond the domestic arena (Onapajo & Uzodike, 2012). This should be of great concern not only to Nigeria, but to the African Union and international community at large.
Mali and the *Al-Qaeda* in the Islamic Maghreb:

In Mali, the *Tuareg* rebels, the *AQIM* and other forms of Islamic extremist groups and criminal gangs have continued to encroach upon Northern Mali, as well as the Sahara-Sahel region. The situation was made worse when the Libyan uprising in Libya came to an end and an estimated 2000 armed combatants returned from Libya with unquantifiable arms and ammunitions that had been taken from the Libyan military depots (PSC, 2012). Countries within the region, mainly Algeria, Niger and Mauritania have also experienced hostile effects as a result of being neighbours with Mali. Violence in northern Mali heightened in 2012, when discontented Malian soldiers led a coup to oust President Toure of Mali. Reasons given by the coup leader Captain Amadou Sanogo were mainly, the widespread perception of corruption and looting of government funds by government officials and the poor training facilities and lack of sufficient weaponry to thwart the *Tuareg* rebels in the north-eastern parts of Mali (Gilmour, 2012). On the other hand, Wolfram Lacher and Denis Tull (2013) reiterate that in order to better understand the security crisis in Mali, one has to look below the surface of the three extremist groups in Mali. The three groups include *AQIM*, the Movement for Unity and *Jihad* in West Africa (*MUJAO*) and the *Ansar al Deen* groups. Some of the groups have continued to break apart, forming sub-militia groups. The conflict revolves around tensions between northern elites, where the *Tuareg* tribes of the aristocratic descent saw their hitherto dominant position in Kidal region (found in northern Mali) being eroded by the policies of the Malian leadership under President Touré (Lacher & Tull, 2012).

After deposing the Malian president, the state of Azawad in Northern Mali was declared independent by the *Tuareg* rebels. Consequently, the Islamist extremists also used this opportunity of weakness and fragility to impose *Sharia* law in the region. It should be remembered that Mali consists of 90% Muslim population, 9% subscribe to the
indigenous beliefs, whereas Christians make up just 1% of the total population (Arieff, 2013: 3).

West Africa, particularly Mali is considered important to international/transnational terrorists due to the existence of the rugged terrain, which the terrorists use to carry out their activities and engage in the illegal transit of commodities and people. The vast rocky and ungoverned spaces are incapable of providing adequate security to deter the activities of the terrorists. More so, they are used as terrorist training grounds, of which detection by authorities is difficult. In addition, the AQIM are able to influence events in Northern Mali because the population is largely poor and gullible to fundamentalist propaganda which is suitable for recruitments (Okereke, 2010). The AQIM has been involved in kidnapping attacks for ransom in West Africa. In 2003, 32 Europeans were kidnapped in Southern Algeria towards the Malian border, but were released after a ransom of 5.5 million Euros was paid (Okereke, 2010: 70). Also in March 2008, two Australians were held in Northern Mali after they had been kidnapped in Tunisia (Okereke, 2010: 70). Lacher and Tull (2013) observe that it’s the ransom monies paid for the release of hostages that has created shared interests between terrorist, the tribal leaders and high Malian decision makers, hence fuelling local rivalries.

As Africa and the international community’s concerns over the crisis in Mali heighten, regional and external diplomatic, military and political solutions have been sought. They include interventions by the AU, ECOWAS, the UN, European Union (EU) and France. The three main reasons which have been put forward by the President of France, François Hollande for intervening in Mali are: to fight terrorism, to defend the integrity of Mali and also to protect the country and its neighbours from destabilisation (Boissière, 2013).
**Al-Qaeda in the Islamic Maghreb (AQIM):**

Having originated from Northern Africa, in particular from Algeria, *AQIM remains* the major terrorist threat in the Sahel region. Originally, *AQIM* was a localised Algerian terrorist group known as the *Salafist Group for Preaching and Combat* (GSPC). The GSPC was founded by Hassan Hattab after parting ways with the Islamic Armed Group (GIA), another Algerian terrorist organisation and joining the Al-Qaeda network in 2006. It is therefore in 2006 after joining the *Al-Qaeda* that the GSPC changed its name to *AQIM*. The Sahel connects the Maghreb and Sub-Saharan Africa, stretching 3.8 million square kilometres and acting as paradise for terrorist and other criminal gangs (Jesús, 2010: 26).

The birth of the *AQIM* is also said to have been aided by the U.S invasion of Iraq in 2003 (PSC, 2012a). After the Iraqi war, there was a significant shift in North Africans’ trend in popular support for radical Islam, where the remnants of the war were joined by other extremists to seek greater transnational cooperation in the Maghreb, Europe and the Sahara-Sahel region (Rousselieu, 2011). According to the Centre for Strategic and International Studies (2010), the *AQIM* engages in drug trafficking, money laundering, the black market, and kidnapping to support its operations and therefore became a hybrid terrorist-criminal organisation. The state of weak and fragile states on the Sahara-Sahel region of Africa is one major contributing factor that has exacerbated the criminal activities of the *AQIM*.

**2.3.3 Terrorism in Southern Africa**

South Africa is engulfed in a history of not only state terrorism but also episodic domestic terrorism by local gangs and transnational/international terrorism. For example in the mid-1990s, Cape Town experienced a number of bombings and attacks on popular tourist
spots which were attributed to the organisation, People against Gangsterism and Drugs (PAGAD), as another *Die Boeremag*

Group claimed responsibility for a series of bombings in 2002 on transportation infrastructure and religious temples in Soweto (Forest & Giroux, 2011). The PAGAD Group is believed to have emerged out of the satellite towns which experience a lot of economic hardships and in which the majority of black South Africans live. The group emerged in the 1990s to fight the evils of drugs and crimes in the townships but soon its focus changed to anti-Israel and anti-western activities, and eventually to bombings of cafes and entertainment places (Lyman, 2009).

From terror financing, to access to safe houses and fraudulently acquired South African passports and identity documents as well as the use of its territory as an operational base to strike at other countries, South Africa is emerging as an increasingly attractive terrorist haven (Solomon, 2011). In 2005, Haroon Rashid Aswat\(^4\), was detained in Zambia after it emerged that he had while in South Africa, contacted the suicide bombers involved in the London 2005 attacks. More so the issue of South Africa as an operational base and transit point was confirmed when in 2004 and 2006, *Al-Qaeda* suspect, Ihsan Garnaoui was promoted to an *Al-Qaeda* trainer in South Africa while Mohammed Gulzer and seven others were accused of attempting to hijack and crash at least seven passenger jets flying from London (Solomon, 2011). More recently before the commencement of the World Cup in 2010, a terrorist attack plot on the event was foiled by the South African authorities, in which extremists from Mozambique and Somalia intended to strike. Shortly after, the *Al-Qaeda* in the Islamic Maghreb (*AQIM*) issued a threat in April 2010 to target the same international games, but fortunately their threats were never carried out (Forest & Giroux, 2011).

The reasons as to why South Africa has turned into an alluring terrorist haven is because of its superior transportation links, its infrastructure, international linkages and relative
freedom of movement (Lyman, 2009). Even with the existence of enough evidence indicating an increase in terrorist activities in South Africa, Hussein Solomon (2011) blames South Africa for being slow to adopt and implement more robust counter-terrorism policies, hence enabling the expansion of global Islamist terror networks in and outside of Africa.

2.3.4 Terrorism in Central Africa

The LRA and ADF rebel groups are still very active in the Central African Republic (CAR) and the DRC. The rebel groups have taken advantage of the structural weaknesses of their host environment to diffuse across the multiple borders in Central Africa, accounting for at least 10,000 deaths in their respective campaigns (Forest & Giroux, 2011). While the LRA rotates its movements between South Sudan, the DRC and CAR, the ADF group made up of Ugandan opposition forces operates in North Kivu and both groups are responsible for 137 lootings and 411 abductions in 2012 (PSC, 2012: 3). According to the Peace and Security Report of the Chairperson of the Commission on Terrorism (2012), the LRA continues to spread terror against civilians by ambushing traders and travellers, raiding and looting villages, killing civilians as well as abducting women and children for exploitation as sexual slaves, porters and fighters. At its 299th meeting in 2011, the Peace and Security Council authorised the implementation of the AU-led Regional Cooperation Initiative against the LRA (RCI-LRA) and decided, in line with the relevant AU instruments, to declare the LRA a terrorist group and requested the UN Security Council to do the same (PSC, 2011). Between January and October 2012, the LRA alone carried out 137 lootings and abducted 411 persons and overall have displaced about 470,000 persons in the DRC, CAR and South Sudan (PSC, 2012a).
Anneli Botha (2008) and Peter Gastrow and Annette Hübschle (2006) criticise Africa’s growing participation in the global fight against international terrorism, arguing that its counter-terrorism ventures have been overwhelmingly determined from outside of Africa and hence are foreign for African application. More so, Garba Diallo (2005) accuses African leaders of joining the war on terrorism in a bandwagon style for their own self-interest or sometimes for fear of being accused of being on the side of the terrorists. Diallo (2005) warns that this form of counter-terrorism cooperation is very dangerous to Africa in such a way that it could lead to the exposure of the continent to more aggression and bloodshed, foreign intervention and economic plundering.

2.4 THE OAU CHARTER ON TERRORISM

The Organisation of African Unity (OAU) was formed in 1963 and its founding was marked by the adoption of the OAU Charter. The adoption of the Charter took place in Addis Ababa, Ethiopia on 25th May 1963 and the Charter played the role of directing the activities of the OAU. The OAU was established during the initial stages of Africa’s independence campaign and its initial governance focus was on the elimination of the last vestiges of colonialism, in order to promote the principle of self-determination and to foster the establishment of sovereign states which were free from all forms of external interference (Shinkaiye, 2006; Akokpari, 2004). To the OAU therefore, the principles of sovereignty and non-interference in the domestic affairs of its member states were its top priority. The OAU however failed to live up to its norms and principles and effectively died of a cancer of inefficiency because it had not lived up to its ideals of promoting peace, security and development (Murithi, 2007).

It was actually not until the 1990’s that terrorism was put on the security agenda of the OAU. To assess the role played by the AU in transforming the rules of behaviour against terrorism in Africa, it is important to give credit to the OAU for its counter-terrorism
mechanisms. The African commitment to prevent and combat terrorism dates back to July 1992 when the OAU Heads of State and Governments (HOSG) adopted a declaration against extremism in Dakar and it was aimed at enhancing cooperation and coordination between African states against manifestations of extremism on the continent (Gorendema & Botha, 2004; Ewi & du Plessis, 2012). However, the Dakar resolution was short of in-depth essence and hence was ineffective in countering the purported extremism. It was then followed by the adoption of a Code of Conduct for Inter-African Relations (CCIAR) in which fanaticism and all other forms of extremism were strongly condemned and rejected, specifically those that were based on religion (Gorendema & Botha, 2004). Such acts of extremism were considered harmful to the promotion and maintenance of peace and security in Africa. Even though the declarations were not put to prime use at that time, they were important in initiating the formulation of the OAU Convention on the Prevention and Combating of Terrorism (CPCT). Furthermore, Martin Ewi and Kwesi Aning (2006) argue that adopting the Declaration on the Code of Conduct should be seen as Africa’s first step in the development of an African counter-terrorism regime.

The OAU culture of impunity is one aspect that resulted in its failure to transform the security of Africa during its tenure. Like no other AU organ, the African Peace and Security Architecture symbolises the transformation from the OAU and its often criticised culture of impunity, into the AU which embraces the concept of non-indifference, making the AU a more conflict mediator and peace facilitator (Brosig, 2012). Malte Brosig (2012) asserts that at a minimum, non-indifference entails vague obligations to do something in order to prevent a crisis from deteriorating into a worse situation. The OAU was criticised for playing double standards when it came to non-intervention and respect for the territorial sovereignty of its Member States. The OAU culture of absolute sovereignty and impunity was manifested when Presidents Mobutu of Zaire and Idi Amin of Uganda, who
were notorious brutal dictators, were allowed to serve as elected Chairmen of the OAU. The issue was that the OAU was willing to condemn the internal arrangements of European minorities for example in Rhodesia and South Africa, while its members remained silent in the face of abuses committed by African governments and dictators (Williams, 2007). Therefore it meant that while the OAU was committed to upholding and endorsing human rights, it was not in a position to protect them when it came to African regimes. As Claude Welch expressed:

Two contradicting principles have helped the OAU maintain solidarity: the first recognises that domestic jurisdiction is at the foundation of sovereign equality, while the second stresses that national policies such as apartheid have international consequences. These principles clash directly in the broad era of human rights... (Welch, 1981: 401 & 403).

Due to the fact that the OAU and OAU Charter came into existence during the time of anti-colonial campaigns and sentiments, the Charter neither made mention of terrorism, nor did it provide any explicit counter-terrorism mechanisms for the continent. The OAU therefore played a very minimal role in combating terrorism before the late 1990s. On the other hand, the Charter called upon the OAU member states to coordinate and harmonise their general policies in the fields, among others, of cooperation for defence and security (OAU, 1963). Notwithstanding its limitations, the OAU Charter provided useful prescriptions which established a normative regime for continental behaviour (Adar, Juma & Miti, 2010). Furthermore, in order to ensure cooperation and coordination in combating terrorism and other acts particularly those of transnational nature, the OAU in 2001 considered a Draft Convention on Mutual Legal Assistance in Criminal Matters (PSC, 2010a).

2.5 THE CONSTITUTIVE ACT OF THE AU ON TERRORISM

The Constitutive Act of the AU replaced the OAU Charter. It was adopted by 53 African states in Lomé, Togo, in July 11th 2000, came into force in May 26th 2001 and is comprised of 33 Articles. John Akokpari (2004) explains that the birth of the AU was
rooted in the conviction that the OAU had demonstrated an inability to promote peace and development in Africa. With the adoption of the Constitutive Act of the African Union, the AU took over from the OAU and was specifically set to deal with the peace and security challenges that the continent was facing (Dersso, 2012). Among the circumstances that threatened and continue to threaten the stability, peace and security in Africa are occurrences of subversion and terrorism. Further, the Preamble of the Constitutive Act under Para.5 states that the AU and its Member States are determined to take up the multifaceted challenges that confront the continent and its peoples in light of the social, economic and political changes taking place in the world (AU, 2000). Therefore with the spread of globalisation that has resulted in the multifaceted nature of conflicts in the world, of which terrorism is one of them, the AU is mandated to protect the continent against any forms of terrorism with the help of its Member States. This reiterates one of the hypotheses guiding this thesis, which states that the AU counter-terrorism strategies are less likely to thrive if the organisation’s values and ambitions are not reciprocally shared by its Member States. Therefore in the face of the changing nature of terrorism, AU Member States must be in position to take up the challenges associated with terrorist activities.

One of the objectives of the AU is to promote peace, security and stability on the continent. As evidence of a greater awareness by AU member states of the threat that terrorism presents to their stability and security, the AU Constitutive Act specifically lists among its principles the rejection of acts of terrorism (Gorendema & Botha, 2004). While the OAU Charter emphasized adherence to the principles of sovereignty and non-interference, the Constitutive Act of the African Union advocates at least where circumstances would warrant, the permeability of the sovereignty thesis (Adar, Juma & Miti, 2010). Article 4 (h) states:
that as one of the principles upon which the AU is to function, the AU has the right to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity as well as serious threats to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the PSC (AU, 2000).

With the loss of lives and massive destruction of property that occurs after terrorist attacks have taken place, terrorism can hence be characterised as being a grave circumstance that may warrant the intervention of the AU in any Member State. Therefore, the AU Constitutive Act may authorise reasonable and lawful intervention by the AU when it is required that the sanctity of human life be respected and protected; and this involves rejecting impunity, political assassinations, acts of terrorism and subversion (AU, 2000). Therefore with the establishment of the AU, the Organisation has been more willing to support the development of a culture of accountability to the Member States and African citizens at large, as opposed to the OAU which traditionally condoned the culture of impunity in relation to heads of states who committed atrocities and disregarded the rule of law.

As upheld by the AU Constitutive Act of 2000, respect for the sanctity of human life is very important. This includes the respect for human rights of which acts of terrorism impede. Terrorism violates basic human rights like the right to life, right to security, right to development, freedom of expression, freedom from fear and the right to practice a religion of choice. The PSC (2010) therefore notes that terrorism stands in the way of the aspirations of African peoples, particularly those envisaged by the AU Constitutive Act and other continental frameworks. They include the Grand Bay (Mauritius) Declaration and Plan of Action on Human Rights in Africa (PAHRA), the African Charter on Human and People’s Rights (ACHPR), the New Partnership for Africa’s Development (NEPAD), the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA)
as well as the Abuja Treaty establishing an African Economic Community (AEC) (PSC, 2010).

With regard to unconstitutional changes in government, the AU Constitutive Act (2000) explicitly condemns and rejects any forms of unconstitutional changes, as outlined in Article 4 (p). The article is intended to give protection and legitimacy to democratically elected governments from military coups and the illegal staying of prolonged terms in office (Brosig, 2012). This provision is very important in the analysis of the security crisis in Mali. The AU should therefore take a firmer stand against the rebel forces and growth of extremist groups in Mali who deposed the President into exile by staging a coup and disabling the Constitution of Mali. In order to enforce the requirements of the AU Constitutive Act which condemn such acts, the AU ought to cooperate with other regional actors in finding solutions to the terrorist extremists and criminal gangs in Mali who have undemocratically taken over the government. Nevertheless, Malte Brosig (2012) further warns that much as non-indifference should be upheld for its departure from the dogma of non-intervention, the AU risks to be perceived as an organisation that muddles through crises but is not an actor that can solve them, should non-indifference be combined with improperly developed second norms like non-intervention.

It is thus on that premise that the AU has and still continues to play a vital role in transforming the rules of behaviour against terrorism in Africa, which rules impact not only the AU member states but regional and sub-regional organisations. Regional organisations that have engaged in fighting terrorism include EAC, ECOWAS, IGAD, SADC, COMESA, ECCAS and CEN-SAD. However, the roles played by these actors will be a subject of discussion in another chapter.
2.6 CONCLUSION

The emphasis on the war on terrorism in Africa is based on international terrorism. However, other forms of terrorism (state-sponsored, state/domestic) also exist and pose a greater danger to the lives of many Africans. They should therefore be taken into consideration and addressed as well alongside international terrorism by the African Union as it continues to embark on the transformation of rules of behaviour against terrorism in Africa. African countries remain vulnerable to terrorist activities in their borders and if this is to be resolved as counter-terrorism activities take root, then it is important that possible root causes that encourage individuals to lead, join or support terrorism, are accurately distinguished from permissive factors which allow existing terrorist movements to undertake operations in a given country (Sage, 2007). According to Article 4,

State Parties are obligated to refrain from any acts aimed at organising, supporting, financing, committing or inciting to commit terrorist acts or providing havens for terrorists, directly or indirectly, including the provision of weapons and their stockpiling in their countries and the issuing of visas and travel documents. (OAU, 1999).

At its formation, the OAU/OAU Charter was more pre-occupied with the anti-colonial liberations and terrorism was not a priority. However, the founding of the AU coincided with the increase in international terrorism and evidence of the AU concern was embedded in the drafting of the AU Constitutive Act of 2000. A normative counter-terrorism strategy is therefore essential for the African Union and should endeavour to stay aligned not only with the principles of the Constitutive Act of the African Union but also with the national strategies of the AU member states and other regional partners. This is so because the AU counter-terrorism strategies are less likely to thrive if the Organisation’s values and ambitions are not reciprocally shared by its Member States as hypothesized by this thesis.
CHAPTER THREE

THE AFRICAN UNION AND COUNTER-TERRORISM IN AFRICA:

LEGAL AND INSTITUTIONAL MECHANISMS

3.0 INTRODUCTION

The African Union (AU) plays a vital role in transforming the rules of behaviour against terrorism in Africa, which have implications on its member states and other regional and sub-regional organisations. Recent years have witnessed a growing trend and threat of terrorism on the African continent, which have compelled the AU to boost its existing efforts in order to fight against one of the most visible threats to human security, democracy and development (PSC, 2011a). Counter-terrorism in Africa dates back to 1992 and 1994, when the OAU adopted a Resolution to fight the phenomenon of Extremism, and a Declaration on a Code of Conduct for Inter-African Relations rejecting Fanaticism, Extremism and Religious Violence, respectively. The Resolution and Declaration sought to condemn as criminal all terrorist acts, methods and practices, and also expressed their resolves to enhance cooperation to combat such acts (AU, 2012).

These endeavours gave birth to the realisation of the 1999 OAU Convention on the Prevention and Combating of Terrorism in Africa (CPCTA).

With the prominence of international terrorism in the late 1990s and early 2000s, the transformation of the AU from the Organisation of African Unity (OAU) was as necessary as was the need to combat and prevent terrorists and their activities in Africa. The terrorist attacks on the United States (US) embassies in Nairobi and Dar es Salaam in 1998, followed by momentous attacks on the US in September 11, 2001 and a series of other attacks around the continent sparked a new urgency for counter-terrorism measures in Africa (OSAA, 2010). The AU then undertook to formulate elaborate counter-terrorism policies, which involved the establishment and implementation of both legal and
institutional mechanisms. The 2004 Protocol to the OAU Convention on the Prevention and Combating of Terrorism and the AU Plan of Action, 2002 constitute the AU legal counter-terrorism instruments, whereas the establishment of the African Centre for the Study and Research on Terrorism (ACSRT) and the Peace and Security Council (PSC) in 2004 make up the institutional framework of the AU.

The role of the AU in countering terrorism remains critical in order to fill the gaps where its Member States or Regional Mechanisms are lacking and in that regard, its role should be complimentary and serve as an interface between the continent and the international community, including the United Nations (UN) (Ewi & Aning, 2006). Therefore, guided by the objectives of this thesis, namely: to assess the role played by the AU in transforming the rules of behaviour against terrorism in Africa, and to analyse the significance of the African states’ strategies upon the AU’s counter-terrorism guidelines, this chapter will critically explore both the legal and institutional counter-terrorism frameworks of the AU. The African Union has played a significant role in transforming the rules of behaviour against terrorism in Africa. By establishing both legal and institutional counter-terrorism strategies in Africa, the task undertaken by the AU to ensure a peaceful and secure continent signifies the leadership role of the Organisation when it comes to the security matters affecting the continent. The AU’s role is important because it also nurtures unanimity of its member states in the fight against terrorism in Africa. The 1999 OAU Convention and its Protocol of 2004, the AU Plan of Action of 2002, the establishment of the ACSRT and the PSC have been described by Charles Gorendema and Anneli Botha (2004) as the latest and most comprehensive instruments in Africa to address terrorism.
3.1 THE OAU CONVENTION ON THE PREVENTION AND COMBATING OF TERRORISM/ ALGIERS CONVENTION, 1999

As earlier on mentioned, the OAU Convention on the Prevention and Combating of Terrorism of 1999 was partly as a result of earlier counter-terrorism resolutions of the then OAU. The OAU Convention, also known as the Algiers Convention was adopted by the OAU Member States in 1999. At its inception, Africa had just witnessed its first ever large scale terrorist attacks of 1998 on the American embassies, which led to the loss of lives and destruction of property. Therefore the OAU as well as other regional inter-governmental organisations, recognising the gravity of the terrorism challenge responded with a regional anti-terrorism instrument, the OAU Convention, 1999 (OSAA, 2010). It can therefore be said that the 1998 attacks on African soil, which though targeted the US, but also cost many African lives, created a dynamic on the continent for the OAU (now the AU) to act (OSAA, 2010).


In the Preamble of the OAU Convention of 1999, the OAU Member States acknowledged the principles enshrined in the OAU Charter of 1963, of the need to cooperate for defence and security in fighting against terrorism in Africa. The Preamble provides, in part:

Considering the purposes and principles enshrined in the Charter of the OAU, in particular its clauses relating to the security, stability, development of friendly relations and cooperation among its Member States, member states agreed to reject all forms of terrorism irrespective of its motives...including those in which states are involved directly or indirectly (OAU, 1999).

Among the most important provisions of the OAU Convention of 1999 is the definition of terrorism. Article 1 (3) of the 1999 OAU Convention defines a terrorist act to mean:

b) Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity of 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:
iv) Intimidate, put in fear, 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

v) Disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or

vi) Create general insurrection in a state.

b) Any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii) (OAU, 1999).

Not only did the Convention include a continental definition of terrorism, it also embedded the political exemption principle, which depoliticizes terrorist acts, hence making them punishable as criminal offences within statutory law (Katja, White & Salinas, 2012). With the definition of what constitutes terrorist attacks being well defined by the OAU Convention, states parties are mandated:

- to review their national laws and establish criminal offences for the terrorist acts; make it a priority to sign and ratify or accede to international instruments concerning terrorism and implement the actions as required; and also notify the Secretary General of the AU of legislative measures that have been put in place by the states parties (OAU, 1999).

The OAU Convention also makes provisions for organising cooperation between Member States, particularly through the exchange of information on terrorist groups and networks that finance them (Gorendema & Botha, 2004). Cooperation among the AU Member States involves:

- preventing their territories from being used as bases for planning terrorist attacks..., developing and strengthening methods of monitoring and detecting plans aimed at illegal cross-border transportation..., protecting and ensuring security for persons, diplomatic and consular entities..., ensuring strict laws when assessing asylum seekers..., arresting the perpetrators of terrorist acts... and establishing effective cooperation between the relevant domestic security officials and the citizens of the state parties in order to enhance public awareness of terrorist acts... (OAU, 1999).

Other attributes contained within the OAU Convention, 1999 that are essential in strengthening cooperation of Member States in fighting against terrorism include provisions establishing state jurisdiction, extradition processes and extra-territorial investigations. The convention therefore provides an all-embracing legal framework for preventing and combating terrorism at the continental level (PSC, 2010).
The 1999 OAU Convention on the Prevention and Combating of Terrorism entered into force on 6 December, 2002 and was registered with the UN on 23 July, 2003. By having the OAU Convention registered with the UN, members of the international public are then able to easily request and attain copies of the Convention from the UN Secretariat. The OAU Convention, 1999 has been signed by 49 African states out of a total of 54 as illustrated below.
Figure I: List of countries which have signed, ratified/acceded to the OAU Convention on the Prevention and Combating of Terrorism, 1999

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Source: AU website (2013).
Of the 49 states that have signed the OAU Convention, only 40 have gone ahead to ratify and deposit their instruments of ratification, as of June 2013. However, Zimbabwe and South Sudan have neither signed nor ratified the Convention. Therefore with the exception of Zimbabwe and South Sudan, 12 countries have signed the OAU Convention but are yet to ratify it.\textsuperscript{55}

In order to ensure the effective implementation of the Convention by the AU, it is crucial for all Member States to become parties to the Convention because ratification is seen as a prerequisite for the effective coordination and harmonisation of national counter-terrorism efforts (AU, 2004). Furthermore, Kathryn Sturman (2002) contends that ratification and implementation of the OAU Convention is the first understanding of the Plan of Action. However, a number of challenges have been encountered in the implementation of the 1999 OAU Convention. They include inadequate support from Regional Mechanisms, the slow and inadequate response from Member States, and the lack of adequate capacity both in terms of human and financial resources to fully engage Member States and Regional Mechanisms (AU, 2004).

Being the first continental legislative counter-terrorism instrument, the OAU Convention was not implemented broadly and effectively by the states. While the continued occurrences of terrorist attacks exposed the major deficiencies in the existing legal order, Member States also failed to cooperate against international terrorism (OSAA, 2010). Therefore in order to strengthen the OAU Convention, AU Member States proposed the establishment and adoption of the Protocol to the OAU Convention on the Prevention and Combating of Terrorism.
3.1.1 Protocol to the OAU Convention on the Prevention and Combating of Terrorism, 2004

Following concerns that the OAU Convention had inherent weaknesses that would impair its implementation, the Second High-Level Inter-governmental Meeting requested the AU Commission to prepare an additional Protocol to the Convention (Ewi & Aning, 2006). Martin Ewi and Kwesi Aning (2006) stress that the main concerns over the 1999 OAU Convention were that: it failed to provide for an implementation mechanism and adequate measures for the suppression of terrorist financing, as well as being insufficient in its provisions for human rights protection and the risks of terrorists acquiring weapons of mass destruction (WMD). Therefore in order to improve upon the 1999 OAU Convention, a Protocol, with 12 article provisions was adopted by the AU Assembly in July 2004. Its adoption was a manifestation of a unified front by the African states that the causes of terrorism are complex and hence require to be tackled in a comprehensive manner. It is therefore important to point out that the 2004 Protocol on the OAU Convention was adopted not out of context but rather in the fulfilment of Article 21 (1) of the OAU Convention of 1999 which stipulates that, “Special protocols or agreements may, if necessary supplement the provisions of this Convention” (OAU, 1999).

The main purpose of the 2004 Protocol to the OAU Convention is to enhance the implementation of the OAU Convention, 1999 and give effect to Article 3 (d) of the Protocol Relating to the Establishment of the Peace and Security Council on the need to coordinate and harmonise continental efforts in the prevention and combating of terrorism in all its aspects (PSC, 2010a; PSC, 2011). The Protocol stipulates, in part:

Member States further commit themselves to implement fully the provisions of the Protocol by carrying out a number of activities that include protecting the fundamental human rights of their populations, declining from training terrorist groups, freezing any finances or assets used by terrorist groups, establishing national contact points for the timely sharing of information, combating mercenaries, cooperating with the international community, submitting reports to the PSC on an annual basis, becoming parties to all continental and
international instruments on the prevention and combating of terrorism, and outlawing torture and other degrading and inhumane treatment... (AU, 2004).

Due to the non-existent implementation mechanisms of the 1999 OAU Convention, Article 4 of the Protocol of 2004 gives the Peace and Security Council (PSC) the mandate to oversee the harmonisation and coordination of continental efforts in fighting against terrorism. To this end,

the PSC ought to establish operational procedures for information sharing, processing and dissemination; establish mechanisms to facilitate the exchange of information among state parties on patterns and trends in terrorist acts and the activities of terrorist groups...; present an annual report to the Assembly of the Union on terrorist activities on the continent; examine all reports submitted by Member States on the implementation of the Protocol; and establish an information network with national, regional and international focal points on terrorist (PSC, 2010).

The Protocol to the OAU Convention is yet to enter into force because the ratification process has been very slow and stagnated, as demonstrated by Figure II below.
Figure II: List of countries which have signed, ratified/acceded to the Protocol to the OAU Convention on the Prevention and Combating of Terrorism, 2004

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<td>06/02/2008</td>
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<td>54</td>
<td>Zimbabwe</td>
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</table>

Source: AU website (2013a).
Of the 54 AU Member States, 45 states have signed the Protocol as of June 2013, although only 14 states have actually ratified and deposited their instruments of ratification. Therefore for the Protocol to enter into force, it still requires one additional ratified instrument, of which it will enter into force thirty days after the deposit of the fifteenth instrument of ratification (AU, 2013). During the PSC Meeting (2011a), the Chairperson of the AU Commission stressed the importance of ratifying and implementing the OAU Protocol, stressing that its importance stems from the fact that the Protocol strengthens coherence and coordination by clearly outlining the role of the Regional Economic Communities (RECs), the Commission and the PSC.

3.2 PLAN OF ACTION OF THE AFRICAN UNION HIGH-LEVEL INTER-GOVERNMENTAL MEETING ON THE PREVENTION AND COMBATING OF TERRORISM IN AFRICA, 2002

To give concrete expressions to the commitments and obligations of Member States under the 1999 OAU Convention and other international counter-terrorism instruments, the African Union High-Level Inter-governmental Meeting on the Prevention and Combating of Terrorism held in Algiers in 2002, adopted the African Union Plan of Action (AUPA) (hereinafter, the Plan of Action) (PSD, 2012). The AU Plan of Action therefore acts as a road map for the implementation of the OAU Convention, 1999, as well as international counter-terrorism requirements mandated by the UN Security Council Resolution (UNSCR) 1373 of 2001.

In the Preamble of the Plan of Action (2002), terrorism is recognised as a violent form of transnational crime which exploits the limits of territorial jurisdiction of states, differences in governance systems and judicial borders, porous borders, and the existence of informal and illegal trade and financing networks. The AU Plan of Action is therefore premised on the need to strengthen the capacities of the different African states
through inter-governmental cooperation and coordination, since eradicating terrorism requires firm commitment by member states that pursue common objectives (Sturman, 2002). These common objectives include, *inter alia*:

The exchange of information...mutual legal assistance, exchange of research and expertise, mobilising technical assistance and cooperation both within Africa and internationally, upgrading the scientific, technical and operational capacity of member states. Joint action...at intergovernmental level...includes coordination and border surveillance...developing and strengthening border control points and combating the illicit import, export and stockpiling of arms, ammunition and explosives... (AU, 2002).

The Plan of Action, 2002 makes mention of the fact that to ensure the effectiveness of counter-terrorism measures in Africa, it is essential that resources are pooled together since there are few African governments that can afford to assemble the requisite resources needed to combat the terrorist threat on their own. Generally, member states are mandated by the Plan of Action to sign and ratify not only the African counter-terrorism legislation, but also sign, ratify and fully implement the relevant international instruments concerning terrorism. Furthermore, states are obligated to lookout for and guard against the developing affiliations of terrorism and other related criminal activities of money laundering and corruption, drug trafficking, illicit proliferation and trafficking of small arms and light weapons (SALW). It ought to be recalled that during the adoption of the Plan of Action, specific provisions which are intended for implementation by Member States were emphasized. Member States are therefore expected to:

i.) enhance their border control capacity, including through the issuing of more secure travel and identity documents and provision of regular training for immigration, customs and other related officials;

ii.) Update and harmonise legal systems, both national and regional. To keep abreast with any challenges and finalise African extradition and mutual legal assistance instruments;

iii.) Suppress the financing of terrorism, including through the strengthening of legislative measures and the establishment of financial intelligence units (FIUs) within Member States;

iv.) enhance the exchange of information and intelligence relating to terrorist groups, entities and individuals, their methods of work, means and sources of finances, and

v.) establish contact points at regional level to help with the implementation of the Plan of Action, which in effect embraces coordination efforts at regional, continental and international levels (PSC, 2010).

Therefore according to Martin Ewi and Kwesi Aning (2006), the Plan of Action seeks to provide robust guidelines and strategies for the collective and individual states actions
against terrorism by incorporating regional and international counter-terrorism standards. The other important aspect that is underscored by the Plan of Action is the recognition of the importance of eradicating poverty and marginalisation, critical in the fight against terrorism. It is assumed that severe conditions of poverty and deprivation experienced by large sections of African populations provide a fertile breeding ground for terrorist extremism (Ewi & Aning, 2006). Ewi and Aning (2006) also consider it an innovative contribution of the AU Plan of Action, fostering the establishment of the African Centre for the Study and Research on terrorism, which will be the discussed later.

However, the establishment and realisation of the African Union Plan of Action has not passed without any challenges. The biggest challenge relates to the lack of capacity at the level of Member States to implement the Plan of Action and other decisions taken by the policy organs of the Union, in addition to the inadequate technical capacity at the level of the Commission to effectively implement the Plan of Action (AU, 2004).

3.3 THE RATIFICATION PROCESS OF AFRICAN COUNTER-TERRORISM INSTRUMENTS

Ratification of legal instruments refers to the final establishment of consent by the parties to a treaty to be bound by it, usually including the exchange or deposit of the instruments of ratification (Garner, 2004). When the UNSCR 1373 was passed, one of the main obligations bestowed upon states was not only to put in place comprehensive counter-terrorism laws and other counter-measures, but also to ratify and fully execute the various regional and international instruments concerning terrorism. Jolyon Ford (2011) therefore argues that in order to assess African counter-terrorism responses, it is important to assess the degree of uptake, by ratification and implementation of both regional and international legal frameworks. However, Ford (2011) goes further by stating that the primary responsibility for acting on the global consensus of ratifying and implementing
counter-terrorism measures does not lie with any international organisation, but with the
individual states themselves. This reverts back to one of the objectives of this thesis that
intends to analyse the significance of African states’ counter-terrorism strategies upon the
AU’s counter-terrorism guidelines. Ford’s assertion (2011) thus intends to confirm that
establishing, ratifying and implementing both national and international counter-terrorism
legal frameworks is of great significance to the realisation of the AU’s counter-terrorism
policies and guidelines. In that manner, the ratifying of legal instruments creates a solid
foundation for the implementation of counter-terrorism strategies, while depending on
both the national and international justice systems.

As indicated by Figures I & II showing the ratification patterns of counter-terrorism
legislation in Africa, there is a noticeable deficient and imbalanced pattern of the
ratification process. Even with the constant reminders that have been channelled out by
the AU Assembly, African leaders, UNSC and General Assembly to have African states
ratify the counter-terrorism legislation; the process has been very slow and somewhat
stagnated for some major instruments. Therefore there is still a lot of work to be done by
the individual African states to speed up the ratification and implementation process of
both the continental and international legal frameworks, if the continent is to realise its
efforts against the threat of terrorism. Nevertheless, it ought to be noted that ratification is
not sufficient enough, as implementation of the ratified instruments is as important as
ratification itself, and seemingly Africa continues to be marked by relatively poor rates of
conversion of ratifications into coherent national strategies (Ford, 2011). Under Article 2
of the OAU Convention on the Prevention and Combating of Terrorism (1999), Member
States undertake to consider as a matter of priority, the signing and ratification of or
accession to the international instruments listed in the annexure which they have not yet
signed, ratified or acceded to. This is followed by an undertaking to review their national

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laws and establish criminal offences for terrorist acts as defined in the 1999 OAU Convention, making such acts punishable by appropriate penalties that take into account the grave nature of such offences (Gorendema & Botha, 2004).

Whereas the AU's counter-terrorism legal framework is a significant element of Africa's overall counter-terrorism scheme that has helped place global counter-terrorism norms into an African context (Ford, 2011), a number of obstacles have ensued during the ratification process of the AU's anti-terrorism legislation. Firstly, Jolyon Ford (2011) identifies three factors which may be responsible for the action and lack thereof of the ratification process, namely: resistance, relevance and reservation.

a). Resistance: One reason for the lack of a more ample ratification process in Africa is the resistance to counter-terrorism policies from various social and political constituencies (Ford, 2011). Such entities which have been known to campaign against counter-terrorism legislations, policies and strategies in Africa include human rights groups and organisations, religious sects, opposition political groups and civil society organisations. The resistance often stems from the lack of belief and confidence in governments' intentions, and concerns over people's human rights and protections, civil liberties and government assault on political minorities. More so, the lack of adequate response to the ratification and implementation of global counter-terrorism legislations is linked to the quite natural perception of such legislation being an external priority that is imposed and pushed by outsiders on African states (Ford, 2011). Therefore, Jolyon Ford (2011) asserts that African states may genuinely object to what they perceive to be forced action, a lack of concern for their own priorities and the forced acceptance of a foreign driven policy agenda, especially when it comes to complying with UNSCR 1373.
b). Relevance: Terrorism may not be a national priority in some African countries, that consider resources, disease, security and development priorities as more relevant issues to deal with. Therefore the ratification of regional and international counter-terrorism instruments becomes less significant so long as national/domestic issues are pending. On the other hand, the existence of transnational terrorist groups and organisations in regions like East and North Africa makes terrorism a significant threat that may warrant the relevancy of ratifying and implementing anti-terrorism legislation. For that reason, one primary factor that is holding back AU coordinated responses to terrorism is the divergence in threat perceptions among AU members, not forgetting the competing priorities within the AU PSC (Ford, 2011). This assertion tends to confirm the hypothesis that the AU counter-terrorism strategies are less likely to thrive if the organisation’s values, ambitions and prospects are not reciprocally shared by its Member States.

c). Reservation: Reservation is a political factor which in some way is linked to the low terrorism threat perception. For example in the mid-2000s, officials in some African countries privately expressed reservations about the consequences of full and swift compliance with global counter-terrorism efforts, arguing that they believed that they would attract the attention of transnational terrorist networks if they undertook initiatives driven by the UN or the US (Ford, 2011). Therefore, such assumptions make it important for some states to reserve the status quo of disassociating themselves from the influence of international counter-terrorism mechanisms and legal frameworks.

The aspect of economic costs has also obscured the quickening of the ratification and implementation processes of counter-terrorism legal frameworks in Africa. States may anticipate that undertaking compliance and execution of such measures can result in the diversion of limited, yet crucial public service resources to issues of terrorism. In conclusion therefore, assessing legal mechanisms in Africa without taking into account
the nature or levels of threat of terrorism in the different states is difficult, making ratification difficult to secure or else all African states would be parties to all instruments (Ford, 2011).

3.4 THE AFRICAN CENTRE FOR THE STUDY AND RESEARCH ON TERRORISM (ACSRT)

The establishment of the ACSRT in 2004 is one of the AU’s post-September 11 2001 counter-terrorism institutional mechanisms, mandated by the AU Plan of Action under Provisions 19-21 as follows:

Member States undertake to establish an African Centre for the study and Research on Terrorism in Algiers, Algeria...and serve to centralize information, studies and analyses on terrorism and terrorist groups and develop training programs by organising, with the assistance of international partners, training scheduled, meetings, and symposia... (AU, 2002).

It functions as the operational arm of the AU Commission for counter-terrorism in Africa. The ACSRT is headquartered in Algiers, Algeria and was officially launched during the Second High-Level Intergovernmental Meeting on the Prevention and Combating of Terrorism that took place from 13-14 October, 2004. The declaration adopted by the meeting underscored the significance of the ACSRT as an achievement in collective efforts in Africa to outlaw and eradicate the scourge of terrorism (Ewi & Aning, 2006). The Centre’s goal is to help strengthen the capacities of the African Union in the areas of prevention and fight against terrorism in Africa, while the final objective of the ACSRT is to eliminate the threat that terrorism poses to peace, security and to the development of Africa (ACSRT, 2010). In this regard therefore, the main purpose of the ACSRT as mandated by the AU Plan of Action (2002) is to centralise information, studies and analyses on terrorism and terrorist groups, and develop training programs by organising with the assistance of international partners, training schedules, meetings and symposia. The ACSRT has therefore provided a forum for interaction and cooperation.
among Member States and the Regional Mechanisms through their focal points, thereby providing technical assistance by developing technical expertise in a number of counter-terrorism areas (PSC, 2010a).

The ACSRT also has the primary responsibility of assisting AU Member States to draft appropriate legislation, intended to incorporate and reconcile the African Model Law with the States’ existing criminal codes, while bearing in mind the different African legal systems (OSAA, 2010). The Centre has been conceived as an independent research centre for cooperation, capacity building and consensus on counter-terrorism issues in the African Union (Ford, 2011). Therefore during the Meeting on Resolution 1373 of 2001 at the UN (2010), the then acting director Dr. Liess Boukra acknowledged as a centre of excellence the ACSRT, which was tasked with providing the AU with the necessary expertise for realising the Organisation’s counter-terrorism objectives while translating the continental and international commitments of Member States into concrete actions.

Apart from the main responsibilities required of the ACSRT, the Centre also engages in the following functions:

- developing methodologies for the collection, processing and dissemination of information;
- updating and strengthening the AU’s policies and programs for combating terrorism;
- create and maintain a database;
- develop programs of cooperation and assistance;
- undertake studies converging on other global security issues related to terrorism in Africa;
- develop early warning capabilities;
- undertake research and analysis; and perform other tasks that could be requested by the African Union Commission of the PSC in the area of combating terrorism in Africa (Boukra, 2010).

When it comes to the capacity building activities, the ACSRT has engaged in various activities in order to enhance the counter-terrorism capabilities of AU Member States and RECs, through seminars and workshops for evaluating and assessing the threat of terrorism and vulnerabilities to terrorism and related crimes (ACSRT, 2010). Focal points, both regional and national are a priority for the ACSRT since they play a major role of assisting in the development and implementation of counter-terrorism instruments of the AU members. A Focal Point (FP) is a governmental body that coordinates the
activities of all the actors involved in the prevention and combating of terrorism at the national level (PSD, 2013). Focal Points were established by the AU Member States and REC's in line with the 2002 Plan of Action and the 2004 Protocol to the OAU Convention. Article 3 (1) (d) of the Protocol to the OAU Convention, 2004 specifically provides, in part:

States Parties commit themselves to implement fully the provisions of the Convention. They also undertake, among other things, to establish national contact points in order to facilitate the timely exchange and sharing of information on terrorist groups and activities at the regional, continental and international levels, including the cooperation of States for suppressing the financing of terrorism (AU, 2004).

The focal points are obligated to follow up and liaise on matters relating to the implementation of the Plan of Action, as well as facilitate the timely exchange and sharing of information on terrorism at the national, regional and international levels (PSD, 2012). The ACSRT has so far designated 43 National Focal Points (NFPs) and 7 Regional Focal Points (RFPs), with particular emphasis directed towards the building of local expertise and sharing of resources and experiences among states and the RECs. It was during the 3rd Meeting of Focal Points, 17-19 June, 2009, organised by the ACSRT that a Continental Treaty and Vulnerabilities Assessment was presented, as well as the adoption of the ACSRT 2010-2013 Strategic Plan.

The Strategic Plan is premised on three pillars of enhancing information sharing and dissemination through the operationalization of the counter-terrorism early warning systems, launching a number of publications, and strengthening the capacity of national and regional terrorism focal points (PSC, 2011a). In November 2011, the ACSRT recognised focal points as necessary role players in providing a communication medium between and among Member States and the AU. The ACSRT continues to encourage focal points to focus more on eliminating emerging threats throughout the continent. Such threats include rapidly expanding areas affected by terrorism, the proliferation of arms
including small arms and light weapons, and the emerging linkages between terrorist
groups and other transnational organised criminal syndicates (PSD, 2012).

In addition to the growing focal point network, the ACSRT is seeking to develop a
confidential database that would include information submitted by the focal points on
terrorist threats and trends, as well as names of terrorists and terrorist groups and their
sources of funding across the continent (Cockayne, Ipe & Millar, 2010). With regard to
information sharing, the ACSRT is endeavouring to put in place a data bank of African
experts on terrorism in order to help AU members capitalise on expertise. The ACSRT
considers it very critical for those states which have not yet designated national focal
points to do so as soon as possible in order to avoid stalling continental counter-terrorism
mechanisms.

The Centre has identified a number of other priority areas for which it needs the
assistance of international partners and they include the extensive and continuous training
of African expertise in the four areas of combating terrorist financing, money laundering,
detection and neutralisation of explosives, critical infrastructure protection, and the
radicalisation/de-radicalisation techniques (OSAA, 2010). Martin Ewi and Kwesi Aning
(2006) consider the establishment of the ACSRT a major breakthrough for the AU with
respect to the realisation of the AU’s counter-terrorism regimes. However, although the
potential exists for the ACSRT to be a major partner with the AU and UN systems, its
biggest challenge is still the lack of capacity in terms of human and financial resources
that have affected its overall effectiveness (OSAA, 2010). On the other hand, Samuel
Katja, Nigel White and Ana Maria Salinas (2012) propose that the ACSRT should be
restructured to align its human and financial resource capacities with its current mandate.
This can be possibly achieved if the Centre engaged relevant civil society and other
institutions in joint anti-terrorism activities, by extension consolidating its training capabilities, research and information gathering.

3.5 THE PEACE AND SECURITY COUNCIL (PSC) OF THE AFRICAN UNION

The OAU became engaged in conflict resolution in Africa almost from its inception in 1963, though the Organisation was more intrigued by settling border disputes and adjudicating ideological differences resulting from the Cold War (Powell, 2005). Efforts to strengthen conflict resolution mechanisms culminated in the establishment of the Mechanism for Conflict Prevention, Management and Resolution (MCPMR). The OAU Conflict Resolution Mechanism failed to realise its intended objectives due to various reasons, the main one being the OAU’s undisputable allegiance to the sovereignty and non-interference principles, respect for territorial borders and integrity. As a result of the ineffectiveness of the OAU Mechanism, African leaders in the newly formed AU embarked on conceiving a new security regime to carry out extensive peace and security functions. The OAU Mechanism for Conflict Prevention, Management and Resolution was replaced with the Peace and Security Council (PSC) of the African Union.

The AU PSC was established as a legal institution of the Union through the Protocol Relating to the Establishment of the Peace and Security Council (Vine, 2013). The Protocol was adopted by the 10th Ordinary Session of the Assembly of the AU in Durban, in July 2002 and entered into force on 26 December, 2003. The PSC Protocol, 2002 consists of 22 articles which establish a variety of factors that range from definitions, structure, objectives, functions, principles and procedures that govern the PSC, as well as determining other sub-organs of the PSC. Since its adoption, the PSC Protocol, 2002 has been signed by 53 of the 54 AU Member States, with the exception of Tunisia even though it has gone ahead to ratify it.
Figure III: List of countries which have signed, ratified/ acceded to the Protocol Relating to the Establishment of the Peace and Security Council, 2002

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<th>OF</th>
<th>DATE OF RATIFICATION</th>
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<td>Tunisia</td>
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<td>52</td>
<td>Uganda</td>
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<td>Zimbabwe</td>
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<td>02/02/2004</td>
<td>09/09/2004</td>
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Source: AU website (2013b).
Of the 53 states that have signed the PSC Protocol, only 47 have gone ahead to ratify and deposit the instrument. As Figure III indicates, the remaining states which have signed but not ratified the Protocol include the Central African Republic, Cape Verde, the Democratic Republic of Congo, Liberia, Seychelles, Somalia and South Sudan.

Pursuant to Article 5 (2) of the AU Constitutive Act which states that, “other organs of the African Union may be established upon the decision of the Union,” Article 2 (1) of the PSC Protocol established the PSC as a standing decision-making organ for the prevention, management and resolution of conflicts (AU, 2002a). This envisages the PSC as a collective security and early warning arrangement that facilitates timely and efficient response to conflict and crisis situations in Africa (Williams, 2009). The PSC is supported by the AU Commission (AUC), a Panel of the Wise (PW), Continental Early Warning System (CEWs), an African Standby Force (ASF) and a Special Fund (SF). The PSC as established by the PSC Protocol, 2002 is the sole organ within the AU, responsible for decision making on all issues related to the promotion of peace, security and stability in Africa. It is composed of 15 members of whom 10 are elected for a two year term, while the remaining 5 are elected for a three year term (AU, 2002a). It is important to note that membership of the PSC is based on the principle of equitable regional representation from the North, South, East, West and Central regions of Africa. This helps in the coordination of security issues within the different REC members. Paul Williams (2011) further reiterates that regional clusters play the key role of taking the lead in formulating the PSC’s response to sub-regional issues. Such regional coordination endeavours are fundamental to the prevention and combating of terrorism in Africa.

Among the objectives for which the PSC was established is to coordinate and harmonise continental efforts in the prevention and combating of international terrorism in all its aspects (AU, 2002a). With a wide range of powers conferred upon the African Union
PSC, the Council is empowered to ensure the implementation of the 1999 OAU Convention and other relevant international and regional Conventions and instruments and also harmonise and coordinate efforts at the regional and international levels (AU, 2002a). According to the Peace and Security Council Report (2012), it is also the duty of the PSC to present an annual report to the AU Assembly detailing the prevalence of terrorism in Africa, in addition to monitoring, evaluating and making recommendations on the implementation of the African Union Plan of Action.

3.6 CONCLUSION

Whereas the OAU played a very minimal role in combating terrorism in Africa with weak implementation mechanisms, it was able to set a basis for a common counter-terrorism legal framework in the 1999 OAU Convention on the Prevention and Combating of Terrorism. However with the transformation of the AU from the OAU came a stronger counter-terrorism network in the form of the OAU Protocol of 2004, the 2002 Plan of Action, the ACSRT and the rejuvenated PSC/PSD of the African Union. These have added value to Africa’s counter-terrorism legal regime, especially in enabling individual states to coordinate and harmonise their national anti-terrorism mechanisms with those of the AU and UN. While the AU wants to be an effective counter-terrorism partner, the regional body itself and its Member States still suffer from inadequate technical, human and financial resources to enable the organisation meet its expectations. Nevertheless, the AU, its member states and Regional Mechanisms should continue to work in tandem so as to complement each other and share responsibilities as provided for in the Plan of Action and OAU Protocol, if the effective implementation of AU counter-terrorism legal and institutional structures is to be realised (PSC, 2004).
CHAPTER FOUR
COUNTER-TERRORISM COOPERATION BETWEEN THE AFRICAN UNION AND THE REGIONAL ECONOMIC COMMUNITIES (RECs)/REGIONAL MECHANISMS (RMs), UNITED NATIONS (UN) AND THE EUROPEAN UNION (EU)

4.0 REGIONAL ECONOMIC COMMUNITIES (RECs)/REGIONAL MECHANISMS (RMs)

The Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Standby Brigades of Eastern Africa and Northern Africa (hereinafter the MoU) (2008) defines Regional Economic Communities (RECs) to mean the eight RECs recognised by the African Union. To serve as building blocks towards the eventual integration of the African continent, the 1991 Treaty establishing the African Economic Community (AEC) (also known as the Abuja Treaty), proposed the creation of RECs as the basis for African integration (Darkwa & Attuquayefio, 2009). Article 88 of the Abuja Treaty states that, the foundation of the African Economic Community is the progressive integration of the activities of the RECs, with the establishment of full continental economic integration as the final objective towards which the activities of existing and future RECs must be geared (Abuja Treaty, 1991). Therefore, the primary objectives of the RECs are regional economic integration though common markets and common economic spaces among their members, including the facilitation of easy travel of their nationals from one member state to another within their respective sub-regions (OSAA, 2010)

The African Union plays a vital role in transforming the rules of behaviour against terrorism in Africa, with implications on its member states, RECs and sub-regional organisations. Therefore with the establishment of the African Union (AU) in 2002, the
significance of RECs in assisting the African Union to achieve its goals and objectives was re-affirmed. Seen as critical building blocks of Africa’s development, the maintenance of peace and security in their various regions became an important addition to the mandates of the RECs (Darkwa & Attuquayefio, 2009). However, continuous conflicts in the different regions of Africa have made the realisation of maximum economic development impossible. Therefore according to Linda Darkwa and Philip Attuquayefio (2009), the politically unstable sub-regions became unattractive destinations for investment and trade, hence implying that peace, security and stability were important preconditions to the realisation of the goals of the RECs.

Against this backdrop, the RECs have ensured that they cooperate with the African Union to tackle issues exacerbating insecurity in Africa, including terrorism. In January 2008, a MoU on Cooperation in the Area of Peace and Security between the African Union and the RECs was adopted. The Memorandum recognises the need for collaboration between the African Union and the Regional Mechanism for Conflict Prevention, Management and Resolution in order to address the problems posed by the illicit proliferation of small arms and light weapons (SALW), landmines, the threat of terrorism and organised crime (AU, 2008). The MoU includes two other bodies which are not categorised as RECs but serve the purpose of maintaining peace and security. They are the East Africa Standby Brigade Coordination Mechanism (EASBRICOM) and the North Africa Regional Capability (NARC). The MoU mandates parties to:

1. Institutionalize and strengthen their cooperation...towards their shared goal of ridding the continent of the scourge of conflicts...;
2. (i) contribute to the full operationalization and effective functioning of the African Peace and Security Architecture;
   (ii) ensure the regular exchange of information between the parties...;
   (iii) foster closer relationship between the parties...and enhance coordination between their activities;
   (iv) develop and implement joint programmes and activities in the area of peace, security and stability in Africa;
(v) ensure that the activities of the RECs and coordinating mechanisms are consistent with the objectives and principles of the AU;
(vi) facilitate coordination...between parties...and the United Nations... (AU, 2008).

Therefore, RECs and other Regional Mechanisms are mandated to cooperate not only with the African Union but with other agencies like the UN and other relevant international organisations to foster peace, security and stability in Africa. Among the areas of cooperation outlined by the MoU of 2008 under Article 5 (vi) is counter-terrorism and the prevention and combating of trans-national organised crime. More so, the Peace and Security Council (PSC) Protocol of 2002 recognises the role played by RECs in preventing conflict.

Article 16 (1) is to the effect that Regional Mechanisms are part of the overall security architecture of the Union, which has the primary responsibility for promoting peace, security and stability in Africa. Therefore, RECs are considered as important counter-terrorism actors that assist the AU to realise its counter-terrorism mechanisms in the different African regions. In return, RECs are expected to fully and continuously inform the PSC of their activities and ensure that these activities are closely harmonised and coordinated with the activities of the PSC. As an AU institution obligated to ensure African peace and security, the PSC is also expected to engage the chief executives and officials in charge of peace and security within the RECs in annual meetings, whenever specific questions or matters of interest arise. In this regard, Article 16 of the PSC Protocol provides a very detailed framework aimed at enhancing cooperation between the AU and the RECs. It allows the African Peace and Security Architecture (APSA) of the AU to address and clarify the nature and scope of the relationship between the AU and RECs, whose lack of coordination with the former OAU was identified as the main obstacle to the promotion of effective continental mediation and conflict prevention (Baboucarr & Bosco, 2011).
Kristiana Powell (2005) argues that the prominent role that the AU has assigned to the RECs will allow the AU to build on their comparative advantage, experience and establish frameworks and conflict mechanisms for conflict prevention, management and resolution. However, Powell warns that if not properly articulated, the construction of a continental security architecture built on regional capacities may be undermined by the fact that the AU and RECs have been unable to formalise a clear division of labour (Powell, 2005). The UN Office of the Special Adviser on Africa (OSAA) (2010) asserts that each region and sub-region has its own dynamics and terrorist threat-levels requiring specially devised sub-regional initiatives that are compatible with the level of terrorism. The AU is therefore expected to strengthen the counter-terrorism capacities of the RECs, enhance and institutionalise cooperation among the REC intelligence organisations and promote democratic governance, which will in turn enable the AU and RECs to facilitate the counter-terrorism capacity-building of their member states (OSAA, 2010). Furthermore, the OSAA (2010) advises that in order to clearly assess the roles played by the RECs in countering terrorism, one has to take into consideration the trans-regional nature of the terrorism challenge, in particular the contiguous and porous borders between countries and regions. For example when dealing with the terrorism aspect in West Africa, consideration should also be given to the fact that the terrorism threat in the region also has connections with that in North Africa in the form of the Al-Qaeda in the Islamic Maghreb (AQIM) which traverses though the Sahel-Saharan region.

For the five African regional blocks (Central, East, West, North and Southern Africa), there are eight designated RECs as stated above. The OSAA (2010) is concerned about the overlapping or trans-sub-regional membership of some of the RECs, as well as having some RECs that do not necessarily include all states in their respective geographic sub-regions. The concern stems from the fact that overlapping or the exclusive membership of
some RECs may result in counter-terrorism complexities, as this state of affairs has resulted in mixed, if not sometimes uneven results (CGCC & ISSP, 2012; Pirrozi, 2009).

The Economic Community of West African States (ECOWAS)\textsuperscript{75} is responsible for West Africa, while the Inter-governmental Authority on Development (IGAD)\textsuperscript{76} and the East African Community (EAC)\textsuperscript{77} govern the East African region. The Southern African Development Community (SADC)\textsuperscript{78} is the main regional body in Southern Africa, while the Arab Maghreb Union (AMU)\textsuperscript{79} is the main regional body in Northern Africa. The Economic Community of Central African States (ECCAS)\textsuperscript{80} deals with issues in Central Africa, with the Community of Sahel-Saharan States (CEN-SAD)\textsuperscript{81} having the mandate over the Sahel-Saharan region. On the other hand, the Common Market for Eastern and Southern Africa (COMESA)\textsuperscript{82} encompasses states from two African regions, that is, the Eastern and Southern regions.

Titilope Ajayi (2008) states that in principle, the relationship between the AU and the RECs is subsidiary and yet in reality, the relationship is unclear. This is because the AU seems to have more influence over the activities of the RECs that seem to have relatively lesser experience of conflict management, notably in Eastern and Southern Africa (Ajayi, 2008). The levels of counter-terrorism enthusiasm across the regions in which the RECs operate significantly differ in formulation and actual implementation. As hypothesized by this thesis, the AU counter-terrorism strategies are less likely to thrive if the Organisation’s values and ambitions are not reciprocally shared by its member states.

Alex Vines (2010: 1105) characterises the different African regions as follows:

West Africa stands out as the region that has done the most to meet the APSA timetable...; Southern Africa has the potential to support the APSA, although in practical terms it has some way to go; East Africa has overcome some obstacles to put the architecture in place, albeit in a limited manner; Central Africa has made limited progress due to the political fragility of the region and the lack of a strong regional body; and North Africa could make a significant contribution but is hindered by the tension within the region and the competing demands for attention from Middle East issues.
Even though the RECs have been given the mandate to foresee the establishment and implementation of counter-terrorism mechanisms, only two of the eight RECs have actually established significant counter-terrorism capacity building programmes in their respective sub-regions for the benefit of their members (OSAA, 2010). The two RECs are ECOWAS and IGAD, whose counter-terrorism strategies have been acknowledged as the best of all other RECs in Africa. Consequently, the following discussion attempts to analyse the roles that ECOWAS and IGAD have played in cooperating with the AU in its fight against terrorism in Africa. This is important to gauge how effective the AU counter-terrorism strategies have been in Africa, since the AU mandates RECs and sub-regional organisations to foster and implement peace and security in their respective regions. The analysis entails ECOWAS and IGAD counter-terrorism strategies that have been put in place, as well as the establishment of sub-regional bodies by the RECs to assist them combat terrorism in their regions of influence.

4.1 THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

Compared to other RECs and sub-regional organisations in Africa, ECOWAS has made a significant contribution to the fight against terrorism in Africa, West Africa in particular. When ECOWAS was established in 1975, its main purpose was to promote economic cooperation, integration and development in its member states. Article 2 of the Treaty establishing ECOWAS outlines the aims of the Community as follows:

It shall be the aim of the Community to promote cooperation and development in all fields of economic activity particularly in the fields of industry, transport, monetary and financial questions and in social and cultural matters for the purpose of raising the standards of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent (ECOWAS, 1975).

The ECOWAS is headquartered in Abuja, Nigeria and has fifteen member states. Starting in 1989 however, ECOWAS was faced with a host of political crises, conflicts and civil wars that undermined the political and economic stability of the sub-region,
hence forcing ECOWAS to expand its mandate to include the promotion of sub-regional
peace and security (Cockayne, Ipe & Millar, 2010; O’Brien, 2010; Haacke & Williams,
2008). Specifically, the Protocol Relating to the Mechanism for Conflict Prevention,
Management, Resolution, Peacekeeping and Security of 1999 can be considered as one of
the best conflict prevention instruments in Africa. The Mechanism put in place a number
of institutions and strategies to address regional peace and security issues. These included
the Mediation and Security Council (MSC) which operates at the level of Heads of State
and Governments (HOSG), ministers and ambassadors that make decisions that impact on
peace and security; the Defence and Security Commission (DSC) is composed of defence
chiefs and military experts; and the ECOWAS Ceasefire Monitoring Group (ECOMOG)
which after engagements in Liberia and Sierra Leone was established as a multi-purpose
Standby Force (Baboucarr & Bosco, 2011).

The 2001 Supplementary Protocol on Democracy and Good Governance (SPDGG) is
another important instrument intended to foster peace and security in West Africa. It
enunciates key democratic principles to guide the Community, which include separation
of powers, the empowerments and strengthening of parliaments, the guarantee of
parliamentary immunity, and free, fair and transparent elections (O’Brien, 2010). The
other relevant ECOWAS counter-terrorism instruments include the 2001 ECOWAS
Protocol on the Fight Against Corruption (FAC); the 2008 ECOWAS Conflict Prevention
Framework (CPF); the 2006 ECOWAS Convention on Small Arms and Light Weapons,
their Ammunition and other Related Materials; the 1994 Convention on Extradition; the
1992 ECOWAS Convention on Mutual Assistance in Criminal Matters; the 1982
Convention for Mutual Administrative Assistance in Customs Matters; the 1981 Protocol
on Mutual Assistance in Defence; the 1987 Protocol on Non-Aggression; and the 1977
Framework Agreement of the Protocol on Non-Aggression and Assistance in Defence

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With such peace and security instruments in place, ECOWAS is determined to see to it that peace, security and stability in West Africa prevails, including fighting against terrorism that has continued to destabilise the region. However, Mitchell O’Brien (2010) warns that much as the ECOWAS peace and security instruments provide a viable framework for addressing conflict and security issues, it is still unclear whether ECOWAS will effectively translate these regional conflict prevention mechanisms into long-term tangible results.

Terrorism, as a security concern in West Africa has been on the ECOWAS agenda for serious consideration. The new ECOWAS Counter-terrorism Strategy, whose process began in 2009, has been put in place. Though it is still early to access the implications and achievements of the ECOWAS Counter-Terrorism Strategy, credit ought to be given to the ECOWAS for its relentless fight against terrorism in West Africa. At its 42nd Ordinary Session in Yamoussoukro, Cote d’Ivoire in February 27-28, 2013 for example, the HOSG of the ECOWAS adopted a Political Declaration on a Common Position Against Terrorism (PDCPAT) that included a Counter-Terrorism Strategy and Implementation Plan (CTSIP). The principle purpose of the Declaration and the Strategy is to prevent and eradicate terrorism and related criminal acts in West Africa, as it also seeks to give effect to regional, continental and international counter-terrorism instruments, conducive for sound economic development and well-being of all ECOWAS citizens (Ewi, 2013). Overall, ECOWAS intends to use the Counter-Terrorism Strategy to build a common operational counter-terrorism mechanism for regional action.

The Strategy was initiated as a requirement by the UN Global Counter-Terrorism Strategy that mandates regional, sub-regional and individual states to put in place mechanisms to
fight against terrorism in all its forms. The objectives of the ECOWAS Counter-Terrorism Strategy are:

To give effect to regional, continental and international counter-terrorism instruments and provide a common operational framework for the prevention and combating of terrorism and related crimes in West Africa; operationalize regional and international counter-terrorism instruments in West Africa; promote and consolidate cooperation, coordination, harmonisation and synergies in national counter-terrorism actions; ensure adequate protection of fundamental human rights in states counter-terrorism activities; and to strengthen the ECOWAS role including that of states, civil society organisations and media networks in the prevention and combating of terrorism (Barakamfitiye, 2013: 15).

The ECOWAS Declaration and Counter-Terrorism Strategy envision three pillars, upon which counter-terrorism in West Africa may be based, that is, prevent, pursue and reconstruct. Under the pillar of prevention, ECOWAS member states are required to ensure that they put in place mechanisms to prevent terrorist activities in their territories. These include establishing, ratifying and implementing all relevant counter-terrorism legal instruments, curbing extremism and radicalisation, protecting human rights, creating and enhancing early warning and intelligence services, as well as ensuring the promotion and practice of democracy (Barakamfitiye, 2013). Under the pursue pillar, member states are obligated to engage in fast and timely reactions/responses to terrorist occurrences to avoid escalations. This involves investigating and disrupting the activities, plans and networks of the terrorists by freezing their assets and those of their financiers (Barakamfitiye, 2013). The last pillar, which is reconstruction, is meant to deal with the aftermaths of terrorist activities (Barakamfitiye, 2013). Its purpose is to help reconstruct the affected communities by helping the society and its peoples heal from the physical, emotional, social and economic wounds resulting from not only terrorist activities, but also from counter-terrorism actions.

The ECOWAS Counter-terrorism Coordination Unit, ECOWAS Arrest Warrant and an ECOWAS Black List of Terrorist and Criminal Networks, make up the most important elements of the ECOWAS Strategy. The implementation plan will be the Strategy’s
central authority that will provide the practical modalities for action. Since the ECOWAS Declaration and Strategy are the first major policy documents to specifically tackle the phenomenon of terrorism in West Africa by ECOWAS, Martin Ewi (2013) speculates whether the documents will be able to solve the complicated nature of terrorism in West Africa, which is often intertwined with transnational criminality. Their effectiveness will depend on their implementation, systematic actions and the commitment of not only the ECOWAS members but other regional and international partners who will need to practically translate the Strategy’s provisions (Ewi, 2013).

Concerns over the implementation of the Strategy have already been expressed, with doubts about the lack of political will and the common problem of contending priorities between other issues and counter-terrorism activities. Whereas the Strategy may not be a complete answer to terrorism in West Africa, Martin Ewi (2013) asserts that the Strategy does provide a robust mechanism for containing terrorism, especially if it is enforced at both the national and regional levels. In addition to enforcing the ECOWAS Declaration and Counter-Terrorism Strategy, ECOWAS should continue coordinating other counter-terrorism policies among its member states. One of the activities initiated by the ECOWAS in its attempts to address the threat of terrorism has been the establishment of a sub-regional mechanism to combat money laundering and terrorism financing, known as the Inter-governmental Action Group against Money Laundering (GIABA).

4.1.1 The Inter-governmental Action Group against Money Laundering (GIABA)

Trafficking and West Africa have a long common history that dates back to the Moorish and Tuareg caravans that had been crossing the Sahara for decades, all the way to Chad, Sudan and south to the Congo River (Shehu, 2009). It has been estimated that the Al-Qaeda in the Islamic Maghreb has accumulated between US$40-65 million since 2008.
through kidnap ransoms and protecting the smuggling rackets of the Tuaregs in the Sahel, which has enabled it to become a major political and military force in the region (Aning & Pokoo, 2013: 8). Such criminal actions by the AQIM, especially money laundering, have enabled the growth of the group and enhanced their operations beyond the Sahel, to the southern states of West Africa. Money laundering (ML) is a process by which proceeds from criminal activity are disguised to conceal their illicit origin and hence involves the proceeds of criminally derived property rather than the property itself (Schott, 2006).

According to GIABA (2012), money laundering and the financing of terrorism (ML/FT) have severely undermined sustainable development by eroding social and human capital, threatened social and political stability, caused an artificial rise in the cost of business and driven away potential investors in West Africa. This has made it impossible for states in Western Africa to realise accelerated development trends. Realising the influence that human and drug trafficking were having on terrorist activities, ECOWAS undertook the leading role on counter-terrorism financing through the establishment of the Intergovernmental Action Group against Money Laundering in West Africa (GIABA). GIABA was established by the ECOWAS authority of HOSG in 2000 with the mandate to:

Ensure the adoption of standards against money laundering and the financing of terrorism in accordance with acceptable international standards and practices including the Financial Action Task Force (FATF) 40+9 Recommendations; facilitate the adoption and implementation by member states of measures against money laundering and financing of terrorism, taking into account specific regional peculiarities and conditions; function as a forum where members can discuss matters of regional interest and share experiences; organise self-evaluations and mutual evaluations to determine the efficacy of measures adopted, including their conformity to acceptable international standards; and to coordinate and provide support to member states to establish and implement anti-money laundering/countering the financing of terrorism (AML/CFT) regimes, including the implementation of laws against the proceeds of crime through mutual legal assistance, and also in the establishment and maintenance of financial intelligence units (FIUs) (GIABA, 2012).
Therefore, the OSAA (2010) considers GIABA to be a specialised institution and the single most important response and contribution of ECOWAS to combating money laundering and terrorism financing in West Africa. It should be remembered that GIABA member states are the same members that constitute the ECOWAS, while the Republic of Sao Tome and Principe enjoys observer status. There are also other organisations which enjoy GIABA observer status. GIABA on the other hand has been granted observer status to the Financial Action Task Force (FATF), hence making it a FATF Style Regional Body (FSRB). This means that apart from acting as an ECOWAS specialised institution, GIABA on the other hand performs the core functions of a FSRB which involve mutual evaluation to determine its members’ compliance with the FATF standards, offering typologies exercises to determine money laundering trends and methods, and offering technical assistance (GIABA, 2012).

In order to fully implement and achieve its mandate, GIABA sets up a Strategic Plan of Action (SPA) to be achieved in a specified period of time based on the GIABA objectives. The first SPA was inaugurated in 2006 and was a three year plan from 2007-2009. The newest SPA was approved in 2010 and will be implemented from 2011 to 2014. Under this Strategic Plan, four priority goals have been identified as important in anti-money laundering and countering the financing of terrorism (AML/CFT). With regard to institutional development, GIABA aspires to offer more technical support to its member states so that they can improve upon their AML/CFT capabilities. GIABA’s second goal under the 2011-2014 Strategic Plan is to ensure that its member states comply with their individual mandates (GIABA, 2012). This will entail GIABA monitoring the mutual evaluations, while encouraging them to carry out the recommendations contained in their monitoring and evaluation reports. Carrying out research is another goal that GIABA envisages to achieve. This will be realised through
the identification of key money laundering and terrorist financing threats to West Africa and seeking strong partnership with academia, research institutions, non-governmental organisations (NGOs) and other civil society groups in carrying out studies on ML/FT (GIABA, 2012). GIABA (2012) acknowledges the efforts of all its member states that have endorsed the FATF 40+9 Recommendations and agreed to implement them within an agreed timeframe. This action by the GIABA member states is proof that they are committed to furthering their obligations towards accomplishing GIABA’s mandate of fighting against money laundering and the financing of terrorism in West Africa. Not only does GIABA seek to foster coordination and cooperation within its member states, but is also striving to integrate the ECOWAS region with the rest of the global society in order to promote the research and development of innovative interventions (GIABA, 2012).

Despite GIABA’s progressing operations within the West African region, three main challenges still affect the even implementation of its mandate. Member states still have a low absorptive capacity when it comes to acquiring and implementing the necessary international standards expected of economies (GIABA, 2012). GIABA has also noted that the compliance levels of its member states are still very low, which makes it extremely tedious for GIABA to implement, supervise and evaluate its mandate and activities. Lastly, concerns over the quality of information provided by GIABA member states have been raised. The quality of information provided has been described as being sub-standard, which makes it difficult to obtain or put together reliable hard data on socio-economic issues in the region (GIABA, 2012). Despite the challenges faced, there is evidence that GIABA member states are committed to fighting against money laundering and the financing of terrorism in West Africa. This is an important element of regional cooperation and if GIABA is to achieve maximum success throughout the
ECOWAS region, then all the national governments in the region, together with continued support from ECOWAS should be strengthened.

4.2 THE INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

The recurring and severe droughts and other natural disasters between 1974 and 1984 that caused widespread famine, ecological degradation and economic hardship in the East Africa region prompted Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda to form the Inter-governmental Authority on Drought and Desertification (IGADD) in 1986 to tackle the problems (Adar, 2000). The six countries, with the help of the UN officially established IGADD in January 1986 in Djibouti. Sally Healy (2011) notes that the name of the organisation (IGADD) betrayed no political ambition for greater regional integration since its mandate was confined to functional coordination on environmental protection, food security strategies and natural resource management. However, at the time IGADD was formed, interrelated conflicts within the Horn of Africa were erupting in the different IGADD member states. There were violent civil wars in Ethiopia and Uganda, continuing instability in the Darfur region and within Sudan and hostility between Eritrea and Ethiopia. The conflicts therefore necessitated the creation of a peace and security agenda, which resulted in a decision to include peace and security in the IGADD mandate.

The decision to expand IGADD’s mandate to include peace and security was taken at an Extraordinary Summit held in Addis Ababa in April 1995, with a new mandate put in place to tackle peace and security issues in the Horn of Africa adopted in Nairobi, in 1996 (Adar, Yoh & Maloka, 2004; Adar, 2000). IGADD was hence given a new name, the Inter-governmental Authority on Development (IGAD). IGAD member states include Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda, South Sudan (which joined in 2012).
and Eritrea (whose membership has been suspended since 2007) (Sousa, 2013). In practice, the AU looks to the sub-regional organisations to lead on crisis management within their own regions and this has certainly been the case with IGAD since its founding in 1996 (Healy, 2011). IGAD operates in one of Africa’s most unstable regions, engulfed by state to state conflicts and terrorist activities. Whereas Somalia continues to provide a recruiting and training ground for terrorists, the Al-Qaeda and Al-Shabaab terrorist groups have continued to pose serious threats to the Horn of Africa countries. The Horn of Africa is therefore considered as one of the regions that is most vulnerable to terrorism together with the Middle East and Southeast Asia, based not only on the socio-economic and cultural outlook of the region, but also on the actual terrorist incidences in the region (Barno, 2007).

The seriousness of terrorist activities in the East African region were manifested in the 1998 US embassy bombings in Nairobi (Kenya) and Dar es Salaam (Tanzania). The realities of terrorism since 1998 necessitated counter-action by the Horn of Africa states and have resulted in the formation of both administrative and legal counter-terrorism measures. However, the efforts of the individual member states were not enough to combat the terrorism, given its trans-national nature in which terrorists traverse from one country to another while recruiting, training and carrying out their activities. As a designated REC in Eastern Africa, IGAD during the 2002 summit in Khartoum discussed the necessity of having a regional counter-terrorism strategy. The meeting was followed by a conference on the prevention and combating of terrorism in Addis Ababa in June 2003, where a Draft Implementation Plan to counter-terrorism in the IGAD region was presented and approved in October 2003 (Barno, 2007). The Draft Counter-Terrorism Implementation Plan among other things, requested IGAD member states to see to it that a regional counter-terrorism mechanism was put in place, with provisions for counteracting
illegal border crossings, and the financing of terrorism, as well as boosting information sharing and the protection of human rights. The IGAD Council of Ministers approved the IGAD Counter-terrorism programme in 2005 that emanated from the Draft Implementation Plan. As a regional mechanism to assist IGAD implement its counter-terrorism strategy, the IGAD Capacity Building Programme (ICPAT) was launched in 2006, based in Addis Ababa, Ethiopia (Baro, 2007).

4.2.1 IGAD Capacity Building Programme Against Terrorism (ICPAT)
The UN, through its Office of the Special Adviser on Africa has acknowledged ICPAT's programme as being comprehensively formulated and has highly recommended it as an example for the other RECs to emulate. IGAD, through its IGAD Capacity Building Programme against Terrorism (ICPAT) engaged in developing programmes aimed at counter-terrorism capacity building of its member states, resisting terrorism and promoting regional security cooperation (OSAA, 2010). Capacity and confidence building being its main goal, ICPAT targeted operations in the five areas of, enhancing judicial measures; working to promote greater inter-agency coordination on counter-terrorism within individual IGAD member states; enhancing border control; providing training, sharing information and best practices; and promoting strategic cooperation (Kimunguyi, 2011).

Enhancing member states' judicial mechanisms: According to ICPAT, supporting and strengthening judicial measures in the IGAD region was crucial to combating terrorism. This was aimed at assisting individual countries ascertain, ratify and implement international counter-terrorism conventions and protocols. ICPAT therefore supported member states in building the capacity of their national judicial systems, which included training investigators, prosecutors and judges in matters concerning terrorism. Under this
component, ICPAT carried out reviews of extradition agreements between IGAD countries in order to avoid the stalling of any judicial procedures. For example, in its first six months of existence, there was legal research carried out in Uganda, Ethiopia and Djibouti. The adoption of the IGDA Anti-money Laundering and Extradition Conventions between 2008 and 2009 became one of the most notable achievements of ICPAT (CGCC & ISSP, 2012).

**Working to promote greater inter-agency coordination:** The aim of this component was to ensure that ICPAT made proper identification of national actors in each individual IGAD state to ensure the proper use of counter-terrorism resources. By implication, ICPAT was able to gauge the coordination and relationships between the national actors and other sub-actors. Ultimately, it led to information sharing and coordination among different actors in a national set-up while establishing national anti-terrorism coordination centres where they were lacking (Barno, 2007).

**Enhancing border control:** The East African region has often been characterised by its weak and porous borders that allow free and illegal movement of persons from one country to another without proper travel identification and documents. Therefore, ICPAT under this aim fostered activities and programmes to improve border management across the IGAD region. According to Richard Barno (2007) therefore, it was ICPAT’s long term goal to adopt and facilitate an assessment of border control practices aimed at improving inter-departmental cooperation at all the region’s border points.

**Providing training, sharing information and best practices:** The primary tools used by ICPAT in its support of member states were seminars, trainings and applied research to inform and influence policy (Desta & Cockayne, 2012). This involved the invention of a standardized and comprehensive counter-terrorism course of action for the IGAD region.
This component therefore established provisions for training and terrorism lectures to countries upon request and the convening of meetings at which best practices and standards in all aspects of counter-terrorism were shared (Barno, 2007). Through its seminars and workshops, ICPAT promoted the ratification of all international counter-terrorism instruments, and more so the UN International Convention for the Suppression of the Financing of Terrorism. In all these forums conducted by ICPAT, the extent of ratification or otherwise by all member states would be openly discussed to create subtle peer pressure on member states that were lagging behind in their ratifications (Desta & Cockayne, 2012).

**Promoting strategic cooperation:** ICPAT operated in a region that is less privileged in terms of human and financial resources when it comes to counter-terrorism. Therefore, it was the duty of ICPAT to initiate strategic partnerships with other organisations involved in counter-terrorism, both regionally and globally. ICPAT was funded by the European Union (EU) for its counter-terrorism programmes, while the Institute for Security Studies (ISS) provided the organisation with the necessary research and networking experience in the areas of security (OSAA, 2010). More so, IGAD through ICPAT established a joint venture with the ISS in which AML/CFT issues were addressed. The other organisations that ICPAT partnered with in its fight against terrorism in the IGAD region were the African Centre for the Study and Research on Terrorism (ACSRT), International Criminal Police Organisation (INTERPOL), East African Police Chiefs Cooperation Organisation (EAPCCO), UN Counter-Terrorism Committee (CTC), UN Counter-Terrorism Executive Directorate (CTED), UN Office on Drugs and Crime (UNODC), International Maritime Organisation (IMO), US Army, FATF, and the International Organisation for Migration (IOM) (Desta & Cockayne, 2012).
In December 2010, IGAD member states approved the IGAD Peace and Security Strategy, which recognised the changing security situation in the IGAD region to include a convergence of various transnational crimes (CGCC & ISSP, 2012). ICPAT was hence restructured to become the IGAD Security Sector Programme (ISSP) in October 2011. The ISSP is mandated to enhance the capacity of IGAD member states to combat terrorism, deal with maritime security threats, contain the intensity and impact of organised crime, and provide security efficiently and effectively through security sector reform with capacity building as an overarching component (CGCC & ISSP, 2012).

Despite the successes that were achieved by ICPAT during its tenure, there were a number of challenges that still derailed the achievement of maximum counter-terrorism operations. Many of these challenges still exist and may probably become obstacles for the IGAD Security Sector Programme (ISSP). The first and most cited challenge concerns the absence of Eritrea from the IGAD forum, which creates a negative impact on the efforts of IGAD. With the continued tensions that exist between Eritrea and Ethiopia, Eritrean participation in the IGAD Counter-Terrorism Strategy is still lacking, something that continues to fuel mistrust among the IGAD member states. Mistrust also results from the low levels of interaction among the states’ bureaucracies, as well as past or current differences, which are manifested in the high level of scepticism encountered in the implementation of the counter-terrorism programmes (Barno, 2007).

According to the Centre on Global Counter-Terrorism Cooperation (CGCC) and the IGAD Security Sector Programme (ISSP) (2012), IGAD has repeatedly been told that the development of a common list or database of groups or individuals that member states can agree to treat as terrorist suspects would greatly simplify cooperation on counter-terrorism in the region. However, this suggestion continues to be met with resistance from governments, human rights and civil society groups who assert that such a measure is
likely to be corrupted and lead to abuse. Counter-terrorism cooperation has further been obstructed by the varying perception levels, definitions and lack thereof of terrorism, counter-terrorism and transnational crime. These challenges have also been exacerbated by language barriers, with the IGAD sub-region consisting of English, Arabic, French and other local language speakers (CGCC & ISSP, 2012). With the weak justice institutions in almost all the countries in the IGAD region, problems of internal coordination are bound to arise. If countries cannot rely on each other's judicial systems to provide efficient, timely and reliable evidence and extraditions, then counter-terrorism cooperation is hampered, thus creating pressure for speedy and unreliable results by any method rather than relying on proper legal counter-terrorism processes (CGCC & ISSP, 2012).

Africa is still vulnerable to terrorism, which has manifested itself in various forms in the different sub-regions of Africa. Membership of RECs is therefore much more important for states in contemporary times because RECs have the potential to play a more pronounced role in the politics of states than they have in the past (Darkwa & Attuquayefio, 2009). Even though many African countries have undertaken major counter-terrorism policies as required by the AU and UN, the role of RECs in combating terrorism has also led to the increase in comprehensive counter-terrorism strategies. ECOWAS and IGAD for example, are two representative RECs that have spearheaded the fight against terrorism in Africa as mandated by the AU, under Article 16 of the 2002 Protocol Establishing the Peace and Security Council. The successes of the two regional organisations, together with the sub-regional bodies (GIABA and ICPAT) created to supplement the efforts of ECOWAS and IGAD respectively have established a new and exceptional approach to counter-terrorism in Africa. Therefore, in order to realise the full implementation of the AU counter-terrorism strategy, the AU should engage the various
RECs and other sub-regional organisations, by supporting and encouraging them to borrow from the ECOWAS and IGAD counter-terrorism initiatives. In general terms, the development, implementation and success of the APSA depends upon the RECs because without regional cooperation and commitment, the APSA cannot be effectively implemented at continental level (Okubo, 2010).

4.3 COUNTER-TERRORISM COOPERATION BETWEEN THE UNITED NATIONS (UN) AND THE AFRICAN UNION (AU)

To assess the role played by the African Union in transforming the rules of behaviour against terrorism in Africa, it is important to take into consideration the UN-AU relationship in the organisations' policies towards terrorism and counter-terrorism in Africa. The United Nations (UN) has identified the three most important reasons why a UN-AU partnership is important. These include the African Union's (AU) proximity to any crisis that develops in Africa, its interest in resolving conflicts in its backyard, and AU’s familiarity with the actors and issues involved in specific conflicts (Aning & Danso, 2011). The AU is therefore considered as the major UN counterpart on peace and security concerns in Africa. The relationship between the UN, AU and other regional organisations has received significant attention due to the preponderance of conflicts on the African continent (Ajayi, 2008). UN cooperation with the AU over peace and security matters has predominantly been in the area of peacekeeping operations in various war ravaged states. In December 2006, a framework agreement was concluded between the AU and UN organisations (Pirrozi & Miranda, 2010).

The framework provides the basis upon which the AU receives assistance from the UN, under a ten-year capacity building programme. UN support to the AU is overseen by the Department of Political Affairs, which is tasked with implementing the leading UN initiatives in the area of peace and security with emphasis on capacity building efforts.
(Pirrozi & Miranda, 2010). Kwesi Aning and Ferdinand Danso (2011) on the other hand argue that aside from the common objective of ensuring peace and security, regionalism is the basic assumption underlying the UN-AU partnership since the component of multilateralism constitutes a superior strategy for peacekeeping. The UN Charter gives legitimacy to operations of regional organisations like the AU, provided the actions being undertaken by those regional organisations are consistent with the UN principles. Under Chapter VIII concerning Regional Arrangements, Article 52 of the UN Charter is to the effect that:

1. Nothing in this Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the UN.

2. The members of the UN entering into such arrangements or constituting such agencies shall make every effort to achieve peaceful settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council... (UN Charter, 1945).

Whereas the Charter provides no specific definition of what entails the regional arrangements or agencies, it is implied that such entities may include treaty based organisations or a group of states intending to handle serious regional actions. In the African context, the 2002 PSC Protocol makes provision for a relationship between the UN, other international organisations and the AU through its Peace and Security Council (PSC) when it comes to matters concerning African peace, security and stability. Article 16 states that:

1. In the fulfilment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Peace and Security Council shall also cooperate and work closely with other relevant UN Agencies in the promotion of peace, security and stability in Africa.

2. Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Unions' activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of
Chapter VIII of the UN Charter on the role of Regional Organizations in the maintenance of international peace and security.

3 ... the Peace and Security Council shall also cooperate and work closely with other relevant international organizations on issues of peace, security and stability in Africa. Such organizations may be invited to address the Peace and Security Council on issues of common interest, if the latter considers that the efficient discharge of its responsibilities does so require (AU, 2002a).

Therefore, collaboration of the AU and other organisations is not limited to its RECs and the UN, but is also made possible for all other organisations, including the European Union (EU) when it comes to matters of African peace, security and stability. After the September 11, 2001 terrorist attacks on America, there was an increase in the number of regional organisation collaborations with the UN to tackle international terrorism as a security priority. According to Anne Xiaohui (2009), the transnational and cross border nature of terrorism operations made improved regional cooperation and enhanced regional capacities a necessity. With the adoption of the UN Global Counter-Terrorism Strategy in 2006, collaboration between the UN and other regional organisations assigned a strong role to regional entities to advance international peace and security within a comprehensive global framework and plan of action (Cockayne, Ipe & Millar, 2010).

Before the UN General Assembly (UNGA) adopted the UN Global Counter-terrorism Strategy, the UN Security Council (UNSC) had adopted several resolutions pertaining to terrorism, which started right after the September 11, 2001 attacks had taken place (Cockayne, Ipe & Millar, 2010).

Resolution 1373 of 2001 was a rapid response by the UNSC just two weeks after the September 11 terrorist attacks. It signalled a new and relatively controversial quasi-legislative role for the UNSC by imposing legally binding obligations on states to undertake wide-ranging legal reforms and introduced several new counter-terrorism measures, focusing heavily on prevention through the targeting of persons and entities that support and finance terrorism (du Plessis, 2007). Resolution 1373 (2001) called upon
all UN member states to sign and ratify the international UN Conventions and protocols against terrorism, as well as requiring every country to freeze the financial assets of terrorists and their supporters by denying them travel or safe haven and preventing terrorist recruitment. In the words of Anton du Plessis (2007), Resolution 1373 is different from previous UNSC resolutions in a way that it is not time bound or limited in application to a specific group or territory. Therefore it is an open-ended type of resolution that imposes wide counter-terrorism legal responsibilities on all UN member states. It is also under Resolution 1373 that the UN Counter Terrorism Committee (CTC) was created as a subsidiary organ of the Council, consisting of all the fifteen members of the UNSC. Its primary function has been to monitor and evaluate the counter-terrorism measures adopted and implemented by individual member states. With the support of the Counter-Terrorism Executive Directorate (CTED) that was created to assist the CTC carry out its work, the CTC’s role in counter-terrorism is to ensure the actual implementation of Resolution 1373.

Resolution 1373 was strengthened through the adoption of other resolutions which included resolutions 1267, 1456, 1540 and 1566. Resolution 1267 that had been passed in 1999 has been subsequently modified by resolutions 1390 of 2002, 1455 of 2003, 1526 of 2004 and 1617 of 2005. Resolution 1267 of 1999 had been passed to oversee the implementation of sanctions (including freezing of assets, arms embargo and travel bans) on Taliban-controlled Afghanistan for its support of Osama bin Laden after the simultaneous bombings of the US embassies in Nairobi and Dar es Salaam (Romaniuk, 2010). Resolution 1456 was subsequently passed in 2003 in order to address the contentious issue of the relationship between human rights and counter-terrorism. Paragraph 6 of the declaration attached to the resolution states that, “states must ensure that any measures taken to combat terrorism comply with all their obligations under
international law...in particular international human rights, refugee and humanitarian law” (UNSCR 1456, 2003). Another Resolution, 1540 was passed and adopted in the immediate aftermath of Abdul Qadeer Khan’s confession of sharing nuclear technology with Iran, Libya and North Korea in 2004 (du Plessis, 2007). This resolution aimed at addressing the problem of weapons of mass destruction (WMDs) (that is, nuclear, chemical and biological weapons) proliferation with regard to non-state actors, including terrorists (Romaniuk, 2010). It obligates states to refrain from supporting such actors in their attempts to develop, acquire, manufacture, possess, transport, transfer or use of such weapons and their delivery (UNSCR 1540, 2004).

The Security Council’s response to terrorism was further broadened through a Russian-initiated Resolution 1566 of 2004, passed in the wake of the hostage crisis and massacre of more than 330 people, including 186 children at a school in Besla, North Ossetia (Romaniuk, 2010: 74). A working group was established by the Council to identify practical measures that could be pursued against individuals, groups or entities involved in or associated with terrorist activities, but not already identified by the Al-Qaeda-Taliban sanctions committee (UNSCR 1566, 2004). Acting under Chapter VII of the UN Charter, majority of the resolutions passed by the UNSC are legally binding on all member states and hence provide avenues through which individual states can contribute to the fight against international terrorism. However, the UN Global Counter-Terrorism Strategy is one important global instrument which aims at enhancing national, regional and international efforts to combat terrorism with a common strategic approach (du Plessis, 2007). Upon this background therefore, the following discussion will attempt to analyse the regional implications and cooperation of the UN global counter-terrorism, especially with regard to Africa and the AU.
4.3.1 The UN Global Counter-Terrorism Strategy and Cooperation in Africa

In September 2006, the UN reached an important milestone with the General Assembly’s unanimous endorsement of the UN Global Counter-terrorism Strategy (hereinafter, the Strategy), which symbolised a consensus to address the threat of terrorism as a global peace and security challenge (Xiaohou, 2009). According to the Strategy (2006), terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes is strongly condemned because it constitutes one of the most serious threats to international peace and security. Annexed to the Strategy is a Plan of Action outlining the four pillars on which the Strategy is founded. These are:

- measures to address the conditions conducive to the spread of terrorism;
- measures to prevent and combat terrorism;
- measures to build states’ capacity to prevent and combat terrorism and to strengthen the role of the UN system in this regard; and
- measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism (UN, 2006).

**Pillar 1 Measures to address conditions conducive to the spread of terrorism:** Under the Strategy, various conditions which provide conducive environment that favour the flourishing of terrorist activities have been listed. However, the Strategy asserts that the elements mentioned are not limited to the ones listed by the Strategy. They include prolonged unresolved conflicts, dehumanisation of victims of terrorism in all its forms and manifestations, lack of the rule of law and violation of human rights, ethnic, religious and national discrimination, political exclusion, socio-economic marginalisation and lack of good governance (UN, 2006). Furthermore, the Strategy reiterates that the listed conditions cannot in any way justify acts of terrorism. Eric Rosand et.al, (2008) have argued that achieving consensus at the global level on how best to address these conditions and deciding which ones deserve priority treatment is a challenging task for the actors involved in counter-terrorism policies. Therefore it has been suggested that in order to reinforce the global fight against terrorism, then the peaceful resolution of such conflicts should be encouraged at all levels, more so in regional and sub-regional
dimensions. This is because tackling these concerns is more likely to succeed if taken up by local stakeholders.

**Pillar 2 Measures to prevent and combat terrorism:** The main purpose of this pillar is to undertake measures that deny terrorists access to any means that are essential to carrying out their activities. They include,

Refraining from organising, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities by taking appropriate practices to ensure that territories of member states are not used as safe havens...extraditing or prosecuting any person who supports, facilitates, participates or attempts to participate in terrorist activities...intensifying the timely and accurate information sharing concerning the prevention and combating of terrorism...coordinating with other states in combating crimes that might be connected with terrorism...considering becoming parties to the UN Convention against Transnational Organised Crime and its protocols...ensuring timely and full realization of the development goals...and putting in place national systems of assistance to promote the needs of victims of terrorism... (UN, 2006).

Therefore, regional and sub-regional organisations have been identified as suitable key players in monitoring the implementation of preventative counter-terrorism strategies. Regional and sub-regional organisations are more likely to foster such counter-measures because they have comparative advantage in organising their member states to combat terrorism, as opposed to the UN which has been slow in addressing terrorism related crimes in a coherent manner (Rosand et.al, 2008).

**Pillar 3 Measures to build states’ capacity to prevent and combat terrorism and to strengthen the role of the UN system in this regard:** According to the UN Global Counter-Terrorism Strategy (2006), capacity building is recognised in all states as the core element of the global counter-terrorism effort. Therefore it is the duty of states to coordinate and cooperate with the UN in order to develop and facilitate the delivery of efficient capacity-building mechanisms to assist them in combating international terrorism. Capacity-building programmes may take the form of both bilateral and multilateral efforts. The UN Strategy provides some of the capacity-building programmes that include:
Encouraging member states to make voluntary contributions to UN counter-terrorism programmes...sharing best practices in capacity-building...establishing appropriate mechanisms to rationalize states' reporting requirements in the field of counter-terrorism...undertaking regular informal meetings among member states, the UN and its bodies and other relevant international, regional and sub-regional organisations and donors in order to facilitate frequent exchanges of information on cooperation and technical assistance...encouraging the CTC and its Executive Directorate...United Nations Office on Drugs and Crime...International Monetary Fund...World Health Organisation...International Maritime Organisation...and the International Atomic Energy Agency, to enhance their cooperation with states by providing them with technical assistance... (UN, 2006).

This is possible if a unified set of regional, sub-regional and international priorities are developed. The priorities must ensure that they cut across a wide range of areas to enable the UN, as an international body understand the needs and priorities of individual countries, regions and sub-regions (Rosand et.al, 2008).

**Pillar 4 Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism:** Concerns over human rights issues in the war against terrorism have been raised by different states and non-state actors. The UN Strategy reaffirms that respect for human rights is an essential aspect in the fight against terrorism, since counter-terrorism measures and the protection of human rights are complementary to each other. Therefore the UN Strategy suggests the following actions to be undertaken in order to promote and protect the rights of victims of terrorism:

States must ensure that any measures undertaken to combat terrorism comply with international law...states should become party to all core international instruments on human rights law...develop and maintain an effective and rule of law based national criminal justice system...the UN must continue to promote the rule of law and respect for human rights by supporting the Human Rights Council...and the operation capacity of the Office of the UN High Commissioner for Human Rights... (UN, 2006).

In sum, all counter-terrorism mechanisms must be grounded within the context of human rights and the rule of law.

Even though the UN Global Counter-Terrorism Strategy highlights the important role played by the UN in combating terrorism, regional, sub-regional and civil society organisations have also been acknowledged for their role in fighting against terrorism, especially when it comes to working with states in implementing the UN Strategy. The
UN Strategy distinctively outlines the role to be played by regional organisations, which is an important aspect for all regional and sub-regional organisations including the African Union. Given that the maintenance of peace and security has traditionally been regarded as a national issue, and the perceptions of terrorism threats and responses to them are usually shaped by domestic concerns (Xiahou, 2009), the UN has endeavoured to maintain close ties with the AU in order to improve the regional counter-terrorism mechanisms. Anne Xiaohui (2009) further states that implementing the provisions of the UN Strategy and other related counter-terrorism measures does not simply mean obligations for regional and sub-regional organisations, but also affords them the opportunity to enjoy the rich resources of the global platform in order to advance their own counter-terrorism programmes.

The AU and Africa at large have therefore enjoyed assistance and cooperation from the UN, through their interaction with the UN itself and its agencies like the CTC, CTED, Counter-Terrorism Implementation Task Force (CTITF) and the Terrorism Prevention Branch of the UN Office on Drugs and Crime (UNODC/TPB). Discussions within the different sub-regional organisations (like the PSC, ACSRT and among the IGAD ministers of justice) have ensued to propose a better way in which the UN Strategy can be understood and implemented in an African context. For example, it has been recognised that in order to maximize the impact of the Strategy on the continent, its implementation must take into account local and sub-regional contexts, with African institutions and other stakeholders especially the RECs assuming the key roles of implementing it (Xiaohui, 2009). Regional organisations like the AU and RECs/Regional Mechanisms (RMs) are best suited for this because they tend to have thorough knowledge and expertise over their particular regions of influence, in addition to having actual presence and legitimate political platform. However, the UN Office of the Special Advisor on Africa (2010)
contends that while cooperation efforts have been made between the UN counter-terrorism agencies and the African regional and sub-regional organisations, the UN must demonstrate greater flexibility and deploy increased technical resources, including expanded presence in the field in order to be able to respond to emerging new and complex terrorism challenges.

The UN Counter-Terrorism Committee/Counter-Terrorism Executive Directorate (CTC/CTED) is mandated to monitor the adoption and implementation of Resolution 1373 by UN member states, as well as facilitating the delivery of counter-terrorism technical assistance. However, its programmes in Africa have yielded poor results. Despite the significant capacity gaps in the IGAD (East African) region where it has tried to establish contact with the sub-regional actors, the CTC/CTED’s interactions and impact have been limited, having conducted site visits to only two countries in the region (that is Kenya and Uganda) (CGCC & ISSP, 2012). Generally, according to the CGCC and the ISSP (2012), difficulties in sustaining a dialogue between the CTC/CTED and Eastern Africa for over six years of its work has been partly due to the limited amount of information the CTC/CTED receives from those countries, coupled with difficulties of interacting with the local counter-terrorism practitioners. Recent interactions between the CTED and the East African Region were in May 2013, where the first in a series of five sub-regional workshops for the East African law enforcement officers and prosecutors took place. The three day event held in Kampala, Uganda brought together practitioners from Burundi, Kenya, Rwanda, Tanzania and Uganda to discuss the practical ways to enhance domestic and cross-border criminal justice cooperation to prevent and counter terrorism (CTED & CGCC, 2013). Realising the need to maintain close relationships between investigators and prosecutors, experts from the ACSRT, the Australian Attorney-General’s Department, International Criminal Police Organisation (INTERPOL), the
Institute for Security Studies, ISSP and the UN High Commissioner for Human Rights in Uganda also attended and participated in the training.

The CTC through its CTED has also been active in West Africa. State visits by the CTED were carried out in Mali, Mauritania and Niger to ensure that the larger group of West African States together cooperate to address the lack of technical and financial resources, which factors have hindered the full implementation of counter-terrorism obligations in the region (Renard, 2010). Even with efforts to improve the interaction between the CTC/CTED and African regional and sub-regional organisations, the Centre on Global Counter-Terrorism Cooperation warns that as long as the CTC/CTED staff is continuously based in New York, then it will have trouble interacting with the counter-terrorism implementation administrators on the ground. Therefore, the CGCC and ISSP (2012) strongly advise the UN to consider moving some of its staff from New York into UN country and/or regional offices, where more sustained and on-going interaction can take place with national counter-terrorism practitioners, regional and sub-regional organisations, civil society and other relevant local actors.

The most active UN counter-terrorism agency in Africa is the UN Office on Drugs and Crime Terrorism Prevention Branch (UNODC/TPB), based in Vienna. The TPB’s main activities include promoting the ratification and implementation of universal counter-terrorism legal conventions and protocols; analysing national legislation and regional/sub-regional counter-terrorism conventions and providing advice on effective implementation and application of laws; assisting where required with legislative drafting of counter-terrorism legislation; training criminal justice officials on application of new laws; and organising regional and sub-regional workshops on counter-terrorism (Cockayne, Ipe & Millar, 2010). For many years, UNODC had been tackling issues concerning international terrorism. However in 2002, the General Assembly had the UNODC TPB mandate
extended. The expanded programme focuses on the provision of assistance to states upon request, in the legal and related aspects of counter-terrorism, especially for ratifying and implementing the universal legal instruments against terrorism (UNODC/TPB, 2009). In addition to assisting states in legal counter-terrorism matters, the TPB coordinates capacity-building initiatives of member states, further assisting their criminal justice systems to apply the mandates of the international counter-terrorism instruments while conforming to the rule of war.

In 2003, the TPB launched the Global Project on Strengthening the Legal Regime against Terrorism, and has provided technical assistance and training to more than 336 countries, including over 45 in Africa (du Plessis, 2007). The TPB takes keen interest in maximising the impact of its activities by engaging in close collaboration with other relevant actors/organisations. Therefore technical assistance activities are undertaken in close partnership and cooperation with various international, regional and sub-regional organisations, and by partnering with other agencies or organisations, the duplication of counter-terrorism efforts is minimised. In Africa, UNODC/TPB collaborates with the Indian Ocean Commission (IOC), AU, Economic and Monetary Community of Central Africa (EMCCA), COMESA, ECCAS, ECOWAS, The West African Economic and Monetary Union (WAEMU), SADC, IGAD and the Association of Regional Magistrates of Southern Africa (ARMSA). It should be observed that the technical assistance activities of TPB are undertaken in full compliance with the decisions and policy guidance of the Security Council’s CTC (du Plessis, 2007).

Capacity-building programmes and cooperation between the UNDOC/TPB and African RECs (IGAD, ECOWAS, SADC and ECCAS) have ensued, especially in the Eastern and Western African regions. Eric Rosand (2009) has acknowledged TPB’s regional and sub-regional workshops as productive because they have allowed cross-border
networking, exchange of information and trust building that is essential for the effective combating of terrorism. In West Africa, the TPB enforces its activities through ECOWAS. The ECOWAS countries have, for example, had National Integrated Programmes (NIPs) set up by UNODC/TPB, even though their proper functioning has been hindered by the limited funding (Aning & Pokoo, 2013). In addition, the West Africa Coast Initiative (WACI) has been launched with the collaboration of UNODC, the UN Department of Peacekeeping Operations, UN Office on West Africa (UNOWA) and International Criminal Police Organisation (INTERPOL).

The WACI aims at strengthening the national capacities of some fragile states in the sub-region (Guinea-Bissau, Liberia and Cote d’Ivoire) and is also part of a growing cooperation among UN actors and agencies to address the threat posed by illicit drug trafficking and organised crime in West Africa (Cockayne, Ipe & Millar, 2010). Among the crucial activities of the WACI, UN police personnel have been placed on the ground to act as mentors to the local authorities. The UNODC/TPB has also played a great role in countering drug trafficking and other terrorism related crimes in the sub-region, since they are major factors that have fuelled terrorist activities in the region. Integrated programmes have been launched to address these threats and one notable initiative was an informal West African ministerial meeting convened in Vienna by UNODC with special focus on the Sahel region. Among the needs that were identified for technical assistance were counter-narcotics, anti-corruption, border management, intelligence sharing and a halt to the illicit trade in small arms (Cockayne, Ipe & Millar, 2010). Through its Operations Directorate therefore, UNDOC/TPB has and continues to offer technical assistance bilaterally with individual ECOWAS member states or through regional or sub-regional arrangements.
According to the CGCC & ISSP (2012), UNDOC has been upheld as an important counter-terrorism actor in the IGAD region by establishing numerous specialized legal services, including training and legislative guidance to member states. Furthermore, to help sustain its involvement in the IGAD sub-region, UNODC established a formal working relationship with ICPAT in 2006 in order to enhance the overall impact of its counter-terrorism technical assistance for IGAD member states (CGCC & ISSP, 2012). Under this arrangement, ICPAT was accorded UNODC support when it came to the establishment of several joint counter-terrorism operations in the form of legislative drafting, dissemination of joint technical assistance tools and the training of criminal justice officials. Nevertheless, the CGCC and its ISSP counterpart (2012) suggest that as UNODC continues with its work in the region, it is important to ensure that its capacity-building programmes are in line with a wider strategic UN approach that provides in-depth and substantive trainings that will result in long term counter-terrorism achievements.

The absence of national coordination centres in many countries has been identified as a significant challenge that has hampered the effective implementation of the UNODC/TPB’s mandate. Without the national coordination centres, the TPB finds it difficult to coordinate, conduct and sustain constructive exchange of ideas with the relevant parties. Therefore in order to maximise the impact of the UN Global Counter-Terrorism Strategy in Africa, then efforts to further its implementation need to reflect a bottom-up approach, rather than be dictated by the UN in New York or Vienna. (OSAA, 2009). A bottom-up approach may be defined to mean that local actors participate in decision making about the strategy and in the selection of the priorities to be pursued in their local areas for their own benefit.
4.4 EUROPEAN UNION (EU) COLLABORATION WITH THE AFRICAN UNION ON COUNTER-TELEORIS IN AFRICA

Whereas the European Union (EU) remains the major aid provider in Africa, the Organisation has since the 1990’s tended to expand its exclusive development role to a more political one through the greater involvement in security issues (Gibert, 2006). The European Union Counter-terrorism Strategy adopted in 2005 mandates the EU to combat terrorism globally while respecting human rights, to be achieved in part by tackling the factors or root causes which can lead to radicalization and recruitment in Europe and internationally (CEU, 2005). Under the EU Strategy therefore, the EU is obligated to tackle terrorism in all its forms and with international, regional or sub-regional organisations, including the AU. The 2007 Africa-EU Partnership specifically mentions the fight against terrorism, drugs and organised crime as key areas of cooperation between the EU and the AU, notably through the exchange of information, law enforcement and institutional capacity-building and judicial cooperation (Renard, 2010).

Therefore the EU considers the African Union as its most principal partner when it comes to issues of peace and security in Africa. The proximity of Northern Africa to Europe has often been cited as the main reason as to why Europe’s attitude to Africa has changed in the past few decades to embrace an EU-AU peace and security agenda. Being vulnerable to international terrorist activities, the EU has continued to collaborate with the AU to realise the APSA and hence assist the AU counter radicalisation and extremism characterising Northern Africa. The fear of the EU is that terrorism spill-over effects are now a reality between Northern Africa and Europe. This is because the EU is deeply concerned that terrorist activities across North Africa, stretching through the Sahel-Sahara region negatively impact upon Europe.
Against that background therefore, the EU also encourages individual member states to engage in bilateral cooperation with African countries since it plays a major role in the security and peace on the African continent. On the other hand, a continuing Africa-EU dialogue takes place through the AU-EU Summits that are held every three years, periodic ministerial-level meetings, the PSC dialogue, and annual meetings between the European Commission (EC) and the African Union Commission (AUC) (Vines, 2010). The African Peace Facility (APF), funded through the European Development Fund (EDF) under the Cotonou Agreement is the main financing tool supporting the Africa-EU partnership on peace and security (Pirrozi & Miranda, 2010). Under the new Joint Africa-EU Action Plan 2011-2013, Africa and the EU envisage that their interdependence will focus on two several partnerships, most notably those of peace and security, and democratic governance and human rights. At the Joint Africa-EU Action Plan Summit, progress achieved in the implementation of the APSA venture between the AU and EU was welcomed, with further work encouraged on cooperation between the EU and the African RECs/RMs. Under the democratic governance and human rights partnership, the EU envisions joint AU-EU action to address key issues of common concern with the view of formulating shared governance agendas and recommendations under the newly established Platform for Dialogue on Governance and Human Rights.

There are three particular geographical areas that have predominantly been accorded EU attention in its counter-terrorism agenda. The Sahel in Africa is one of the regions, where the *Al-Qaeda* in the Islamic Maghreb (AQIM) has slowly expanded its activities beyond the Sahel into Western Africa. The other two areas of concern to the EU are South Asia and Yemen (Renard, 2010). According to Thomas Renard (2010), it is in the Sahel that the EU has made the most valuable contribution to regional security for purposes of indirectly fostering Europe’s security. This is because the geographical proximity factor
creates concerns within the EU and its member states over the consequences of political
instabilities that are likely to spill over to Europe’s borders whether through migration or
other forms of smuggling (Renard, 2010). The EU has described the Sahel region as a
hotbed of terrorist threats to Europe, as demonstrated by the cases of kidnappings for
ransom of several EU citizens since 2009 (Renard, 2010). Apart from the AQIM, the
Moroccan Islamic Combat Group (MICG) linked to the Al-Qaeda funded and planned
attacks in Casablanca, Morocco in 2003 and the Madrid train bombings in Spain in 2004,
is also of great concern to the EU since the group and its activities worsen the already
fragile security in the Sahel region. Therefore in March 2011, the Sahel Strategy,
identifying Mali, Mauritania and Niger was adopted by the EU Foreign Affairs Council.
The Sahel Strategy argues that, allied terrorist and criminal groups in the Sahel region
represent immediate and longer-term risks to European interests because of their growing
ability to take advantage of weak states (Bello, 2012). The other factors which the Sahel
Strategy document identified as facilitators of terrorism that need addressing are fragile
governance, extreme poverty, unresolved internal tensions, frequent food crises,
corruption and the rapid population growth (Bello, 2012). However, Franz Ender (2011)
criticises the EU counter-terrorism policy for being shaped more by EU’s desire for
regional stability and greater trade relations and energy security, than by the goal of
promoting democratic values and human rights.

The involvement of sub-regional bodies in the Sahel has been selectively done by the EU,
with ECOWAS and the AU having only been slowly drawn into implementation
processes. Despite the slow inclusion of other sub-regional organisations, ECOWAS is
regarded as one of the lucky beneficiaries of the EU’s regional partnership when it comes
to the fight against terrorism. ECOWAS is greatly benefitting from EU’s counter-
terrorism assistance that includes intelligence gathering and general capacity-building,
with 60 million Euros having been awarded as funds to the ECOWAS Peace and Security Project and the ECOWAS Drug and Crime Action Plan from 2012-2017 (Bello, 2012: 15). Other than the ECOWAS, the EU also provides monetary funding and capacity-building programmes to the Sahel Security College and the West African Police information system. Despite the intense EU counter-terrorism efforts in the Sahel region, the Malian crisis has presented a seemingly bigger challenge for the EU’s fight against terrorism. Oladiran Bello (2012) has even suggested that the EU should move beyond its own self-image as a ‘soft power’ in the Sahel region and instead engage in a more robust military intervention, or else the Sahel Strategy approach will become inadequate for coherent and effective counter-terrorism in the Sahel region. In addition to the Malian crisis, the EU will not be able to comprehensively realise the mandate of the Sahel Strategy if it fails to engage Nigeria, Algeria and ECOWAS together since they are the most principal regional security actors.

Besides its counter-terrorism efforts in the Sahel region, the EU has partnered with other RECs such as IGAD and SADC, as well as individual African states. The EU has funded counter-terrorism programmes of IGAD. The funding was allocated to IGAD’s ICPAT to an amount of one billion Euros (Kimunguyi, 2011: 18). As from the end of 2012, SADC through its Regional Political Cooperation will receive funding totalling to 18 million Euros from the EU (Joint Africa-EU Strategy, 2012). The EU-SADC support is intended to strengthen the SADC Secretariat’s mandate to carry out its activities in the areas of disaster management, governance, coordination of humanitarian assistance, politics, peace and security, and combating trafficking in persons. Furthermore, the EU intends to continue supporting the AU with its early warning mechanisms for Central Africa, including the ECCAS maritime security in the Gulf of Guinea. To this end, a new Support Programme for Peace and Security has been set up for 14.2 million Euros (Joint Africa-
EU Strategy, 2012). Nicolleta Pirrozi and Valerie Miranda (2010) have even proposed as possible, a triangular working relationship of an EU-AU-UN dialogue. The argument is that since both the EU and UN already support the AU politically, institutionally, financially and technically by equipping it with necessary capabilities to ensure peace and stability, time has to come when the three actors must think and propagate a shared approach to Africa’s long-term peace security and stability (Pirrozi & Miranda, 2010). However, the UN and EU imply that such a dialogue is impossible, because the AU does not seem to be interested in a fully-fledged triangular dialogue, instead favouring separate interactions with the EU and UN.

4.5 CONCLUSION

In order to realise progressive counter-terrorism efforts in Africa, the AU should endeavour to support and encourage RECs to take up security issues in their respective sub-regions, since their role is critical for the overall functioning and success of the AU security architecture. Therefore the more engaging the AU becomes with the various RECs and sub-regional organisations, the more likely it is to succeed in its fight against terrorism in Africa. This may not be possible if only two of the eight designated RECs are the only ones that have developed comprehensive counter-terrorism strategies. On the other hand, the African Union’s efforts to transform the rules of behaviour against terrorism have been boosted by the support of the UN and EU, who continue to provide financial, technical, and human resources not only to the AU but to RECs/RMs, states and other African sub-regional organisations.
5.0 Summary

What is considered as terrorism in Africa today has evolved from its form in which it was contextualised in the years before and after the independence period. During the struggle for independence and decolonisation, many of the activities of the freedom fighters were labelled as terrorist. However, that type of terrorism has evolved into other forms of terrorism today, considering the context in which the 1999 OAU Convention on the Prevention and Combating of Terrorism defines what constitutes a terrorist act; making a distinction between the acts of terrorism and the acts of people fighting for self-determination. It cannot be said that terrorism only takes place within the confines of an individual state, without having an impact on neighbouring states. Terrorism has evolved into being international/transnational in nature and it remains one of the major security concerns in many African countries. In the period before the September 11, 2001 terrorist attacks on the US, the Organisation of African Unity (OAU) played a very limited role in preventing and combating terrorism in Africa. It served mainly as a political institution for expressing collective will against colonialism. However, some of the actions of the OAU helped to define the political trend on terrorism and counter-terrorism in Africa, especially after the re-structuring of the Organisation into the African Union (AU).

After the September 11, 2001 terrorist attacks, state and non-state actors undertook extensive fundamental policies in a bid to prevent and combat terrorism. The events of September 11, 2001 brought radical changes to the expectation that terrorism is generally a domestic issue and resulted in considerable attention to issues of the internationalisation of terrorist activities (Kikaya, 2003). The AU is among the African regional institutions which embraced the war on terrorism. This thesis was therefore compelled by the urge to
understand the key role played by the African Union in preventing and combating terrorism in Africa. The foundation of this thesis is premised on the argument that the AU plays a vital role in transforming the rules of behaviour against terrorism in Africa, with implications on its member states and regional organisations. This thesis, guided by two objectives (to assess the role played by the African Union in transforming the rules of behaviour against terrorism in Africa, and to analyse the significance of African States' counter-terrorism strategies upon the AU’s counter-terrorism guidelines) addressed two research questions. The AU as a regional institution is responsible for ensuring the stability of the African continent, however, it cannot function nor can it survive on its own. As an institutional entity therefore, the operations, guidelines and strategies of the AU can only be realised if its Member States are united against any threats to African peace and security, including terrorism.

Chapter Two of the thesis set out to understand the threat of terrorism in Africa and how it has evolved from the post-colonial stereotyped terrorism to international terrorism. International terrorism, which involves terrorist acts across national frontiers on foreign targets, has been of major concern across Africa since the 1998 terrorist bombings of the US embassies in Nairobi and Dar es Salaam. The Al-Qaeda terrorist organisation is the biggest international terrorist group in Africa. The Group has been able to acquire both local and regional affiliates, as well as many self-generated cells aligned with the Al-Qaeda structure. Its terrorist activities have been witnessed in Egypt, Algeria, Morocco, East and Southern Africa and across the Sahel-Saharan region.

State-sponsored terrorism is another form of terrorism that has existed in Africa since the Cold War. As with terrorism, the lack of a universal definition for state-sponsored terrorism is reflective of the basic disagreement over the elements that constitute terrorism itself. However, the US State Department (2011) describes state sponsors of
terrorism as those countries that have repeatedly provided support for acts of international terrorism. Sudan remains the only African country implicated by the US List of States-Sponsors of Terrorism, after Libya was removed from the list in 2006 after pledging to commit to the 12 international anti-terrorism conventions and protocols.

Traced to anti-colonial wars, state terrorism, which also includes domestic terrorism, is another form of terrorism that exists in Africa. It involves the use of indiscriminate and illegitimate forms of violence against civilians/non-combatants by agents of the state. The use of states agents/organs like the police, military and para-military to terrorise the general public is a characteristic of many African internal civil crises and spill-overs from regional wars and government opposition conflicts. On the other hand, domestic terrorism is carried out by persons or local groups within a state, in an effort to redress domestic grievances, of which the government is aware of but chooses to ignore (Imobighe, 2007). Armed groups like the Revolutionary United Front (RUF) in Sierra Leone; Lord’s Resistance Army (LRA) in Uganda, Central African Republic (CAR), Democratic Republic of Congo (DRC) and South Sudan; the warlords in Somalia; Boko Haram in Nigeria, the Tuareg rebels in Northern Mali; and the Mai Mai in Eastern DRC, have been accused of engaging in domestic terrorist attacks against civilians.

In order to determine the extent to which terrorism has undermined African peace, and security, an analysis has been made to determine the vulnerability of the different African regions to terrorism. In Eastern Africa, Uganda, Kenya and Somalia are the case studies examined to explore the history and development of terrorism in the region. In the Sahel-Saharan region (West and North Africa), Nigeria and Mali provide an insight into the activities of both local and international terrorist activities. The Al-Qaeda in the Islamic Maghreb (AQIM) has been pinpointed as the major terrorist group in the region and also having influence on local Islamist/extremist groups. Though not actively participating in
major terrorist activities in the region, the People against Gangsterism and Drugs (PAGAD) and Die Boeremag gangs have demonstrated terrorist traits in Southern Africa. On the other hand, South Africa has emerged as an attractive terrorist haven to the Al-Qaeda terrorist organisation that uses the South African territory as an operational base to strike at other countries (Solomon, 2011).

To understand the role played by the OAU and AU in formulating the African counter-terrorism policies, the OAU Charter of 1963 and AU Constitutive Act of 2000 provide a general perception of the origins of Africa’s counter-terrorism strategies. Even though the OAU Charter makes no mention of preventing and combating terrorism, commitment to fight against terrorism by the OAU dates back to the early 1990s. In 1992, the OAU adopted a Declaration against Extremism, whose aim was to enhance cooperation and coordination between African states against any manifestations of extremism. Due to the ineffectiveness of the 1992 Declaration against Extremism, a Code of Conduct for Inter-African Relations (CCIAR) was adopted, condemning and rejecting fanaticism and all forms of extremism, especially those based on religion. Such efforts signified the first step in the establishment of an African counter-terrorism regime. Realising the threat that terrorism poses to peace and security in Africa, the newly founded African Union organisation through its Constitutive Act of 2000 rejected all acts of terrorism. Unlike the OAU which embraced the culture of absolute sovereignty, the AU Constitutive Act compromises on the sovereignty theory when it is required that the sanctity of human life and human rights be protected. Therefore, terrorism which may be characterised as a grave circumstance may warrant the intervention of the AU in any Member State.

Chapter Three examines the African Union legal and institutional counter-terrorism framework. Based upon the principles enshrined in the OAU Charter of 1963, the OAU
Convention on the Prevention and Combating of Terrorism in Africa, 1999 (CPCTA) acknowledges the need to cooperate for defence and security in fighting against terrorism in Africa. Article 1 of the 1999 OAU Convention is considered as one of the most important provisions of the Convention, as it establishes the definition of terrorism from an African perspective. The definition goes further to exempt acts of self-determination from being categorised as terrorist acts. It is considered crucial for all AU Member States to become parties to the Convention to ensure the effective implementation of the Convention by the AU. However, not all states have been able to ratify and implement the instrument, with some like Zimbabwe and South Sudan having not signed yet. As a result of lacking a proper implementation mechanism, the OAU Convention, 1999 was not broadly and effectively implemented. This resulted in the adoption of the Additional Protocol to the OAU Convention of 2004. It is meant to supplement the OAU Convention by providing an implementation mechanism and adequate measures for the suppression of terrorist financing. However, the Protocol is not yet in force as a result of the poor ratification trends by the AU Member States.

When the AU took over from the OAU, the African Union Plan of Action (AUPA) was adopted in 2002 to give concrete expressions to the commitments and obligations of Member States under the 1999 OAU Convention. The AU Plan of Action recognises terrorism as a violent form of transnational crime and a threat to the peace, security and stability of Africa. The AU Plan of Action is premised on the need to strengthen the capacities of its Member States through inter-governmental cooperation. The instrument also appeals to its Member States to pool resources together since few African governments can afford to assemble the requisite resources needed to prevent and combat terrorism.
Chapter Three also underscores the levels of ratification patterns among the AU Member States. It has been noted that the primary responsibility and implementation of counter-terrorism instruments lies with individual states and not with regional, sub-regional or international organisations. However, the low levels of ratification and implementation of counter-terrorism legal regimes has resulted in the slow and uncoordinated fight against terrorism in Africa. This may be attributed to, resistance from the various social and political groups (civil society organisations, human rights, religious and political opposition groups); the relevance of the instruments vis-à-vis matters of national/domestic priority; and reservation, a political factor linked to the low terrorism threat perceptions of some countries.

Among its institutional establishments, the AU founded the African Centre for the Study and Research on Terrorism (ACSRT) and the Peace and Security Council (PSC) to help strengthen the institution’s efforts of preventing and combating terrorism in Africa. Established in 2004, the ACSRT is an important counter-terrorism institution for the AU’s fight against terrorism. Its main goal is to strengthen the capacities of the AU and its Member States against terrorism and hence is purposed to centralise information, studies and analyses on terrorism and terrorist groups, and develop training programmes by organising with the assistance of international partners, training schedules and symposia (AU, 2002). It is also tasked with the responsibility if liaising with both National and Regional Focal Points in coordinating the activities of all actors involved in the prevention and combating of terrorism at the national and regional levels.

The PSC is the security organ of the AU. It replaced the OAU Mechanism for Conflict Prevention, Management and Resolution (MCPMR), which had failed to realise its intended objectives of ensuring African peace and security that was as a result of the OAU’s undisputable allegiance to the sovereignty, non-interference and the respect for
territorial border principles. The PSC is an AU standing decision-making organ for the prevention, management and resolution of conflicts in Africa. Among the objectives for which the PSC was established is to coordinate and harmonise Africa’s fight against international terrorism and all its aspects.

While the primary responsibility for combating and ensuring global cooperation against terrorism remains that of the United Nations (UN), the AU has remained committed to working with the international community and continues to play its rightful role in Africa in the global war on terrorism (GWOT) (PSC, 2012a). Therefore, Chapter Four analyses counter-terrorism collaboration between the AU and regional, sub-regional and international organisations. Regional Economic Communities (RECs) are considered to be Africa’s critical development building blocks, as well as propagators of peace and security in their regions of influence. The AU has designated eight RECs to assist in the implementation of the AU counter-terrorism strategies. They are the East African Community (EAC), Inter-Governmental Authority on Development (IGAD), Arab Maghreb Union (AMU), Community of Sahel-Saharan States (CEN-SAD), Common Market for Eastern and Southern Africa (COMESA), Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), and the Southern African Development Community (SADC). To represent the role played by African RECs in combating terrorism in Africa, ECOWAS and IGAD have been examined as case studies with the best counter-terrorism strategies on the continent. The Arab Maghreb Union is yet to sign the Memorandum of Understanding with the AU in order to be realised as an official North African REC. ECOWAS and IGAD have also gone ahead to establish sub-regional bodies which have played a very significant complementary role to that of the RECs. While ECOWAS established the Inter-governmental Action Group against Money Laundering in West Africa (GIABA) to fight
against terrorist related crimes like drug trafficking that have contributed to the survival of terrorist activities in West Africa; IGAD, through its counter-terrorism strategy established the IGAD Capacity Building Programme against Terrorism (ICPAT) aimed at strengthening its member states’ capacity-building programmes against terrorism. Therefore, the development, implementation and success of the AU’s African Peace and Security Architecture (APSA) depend on the influence and work of the RECs in their respective regions. RECs are also mandated to cooperate not only with the AU but with other international and regional organisations.

The AU-UN partnership has also played an important role in the AU’s fight against terrorism in Africa. This is because the AU is considered as a major UN partner when it comes to African peace, security and stability issues. The 2002 Protocol Establishing the Peace and Security Council provides for an AU relationship with the UN and other international organisations. The UN also collaborates with other regional and sub-regional African organisations in maintaining peace and security on the continent, including the fight against terrorism. Through its agencies (Counter-Terrorism Committee (CTC), Counter-Terrorism Executive Directorate (CTED), Counter-Terrorism Implementation Task Force (CTITF) and the UN Office on Drugs and Crime Terrorism Prevention Branch (UNODC/TPB)), the UN has been able to foster the implementation of the 2006 UN Global Counter-Terrorism Strategy by engaging with the RECs, especially on issues of capacity-building and combating terrorism related activities.

On the other hand, the European Union (EU) has undertaken a more political role to expand its development role in Africa. The role played by the EU in improving and maintaining Africa’s peace and security was strengthened by the 2007 Africa-EU Partnership. The Partnership specifically mentions the fight against terrorism, drugs and organised crime as key areas of cooperation between the two organisations. Like the UN,
the EU considers the Africa Union as its principal collaborator when it comes to security matters in Africa, especially in North Africa. This may be as a result of the EU’s concern over terrorist activities in Northern Africa and across the Sahel-Saharan region, whose effects negatively impact upon Europe. Other than working with the AU, the EU also cooperates with other regional, sub-regional and even individual African states in fighting against terrorism, by supporting and funding their capacity-building programmes.

5.1 RECOMMENDATIONS

The main challenges facing the African Union in its efforts to transform the rules of behaviour against terrorism in Africa remain the ratification and operationalization of its counter-terrorism legal instruments. Therefore, the AU should strive to strengthen the ACSRT, by giving it the necessary human and financial resources required. Being the most important AU counter-terrorism institution, the AU should devise means to establish sufficient funding to the ACSRT to enable the Centre establish contact with the National and Regional Focal Points. This can be achieved by establishing an active network of coordination especially with the international organisations and donors.

Collective work among the AU and RECs should be encouraged, since it’s the RECs that are regularly involved in peace and security issues in their regions of influence. The implementation of the AU counter-terrorism strategy should take into consideration the local and regional aspects of terrorism and security. The fight against terrorism would be best coordinated if the RECs and other sub-regional organisations are left to assume the key role of spearheading the fight against terrorism. This is important because having actual presence and thorough knowledge of their regions’ security; RECs are best suited to foster the implementation of the AU counter-terrorism legal regime. However, where international organisations are involved, it would be more benefiting if they increased
their operations and presence in the field in order to be able to keep pace with the changing terrorism challenges, other than operating from their overseas offices.

More so, AU counter-terrorism programmes should contribute directly to the programmes of the RECs so as to bridge the gap between the activities of the AU and RECs. This could also help avoid the duplication of counter-terrorism activities, which in the end result in the wastage of scarce resources. Therefore, the AU should encourage the RECs to draw their counter-terrorism strategies based on the African Union’s overall counter-terrorism programme so as to strengthen the implementation of counter-terrorism policies and regimes that have been adopted by the AU and its institutions/organisms.

Furthermore, any regional, inter-governmental or international organisations involved in the fight against terrorism in Africa should strive to eliminate the tendency of side-lining the terrorism threat in favour of national or domestic priorities by states. The African Union should confront its member states who have still refused to recognise the seriousness of terrorism, claiming to be more concerned about health and food crises, poverty and internal politics. After all, terrorism also constitutes the same threat as HIV/AIDS, civil wars, poverty and food scarcity to the stability of the continent.

In conclusion, the task undertaken by the African Union to ensure that terrorism does not continue to threaten the peace, security and stability of the continent and more so that of its Member States cannot be underrated. Even though a comprehensive implementation of the AU counter-terrorism regime is still lacking among individual states, the AU has played a significant in transforming the rules of behaviour against terrorism in Africa.
ENDNOTES

1For example, Ali Khan, Walter Laquer, Alex Schmid, Ali Mazrui, Bruce Hoffman and Martha Crenshaw.
2For example, the UN, AU, EU, USA, various national laws and multilateral treaties.
5See preamble of the OAU Protocol.
7See Provision 9, AU Plan of Action.
8Article 3 (d).
9Article 2 (1).
11Operating in Algeria.
12Operating in North Africa.
13Group is international, with affiliations in parts of Africa.
14Operating in Eastern Africa.
15Operating in Nigeria.
16Operating in Egypt and Sudan.
17Operating in Egypt and Sudan.
18Found in Algeria and operating in the Maghreb region.
19In Egypt, Sudan and Algeria.
20Noam, Chomsky (2001). Rouge States, in an interview conducted by Christopher Gunnes. See www.uk/conferences/.../274-Elu.
23Al-Qaeda is translated to mean “the base”. It is a consolidation of global Islamic terrorist organizations and affiliations that share a common philosophy and worldview (Matt, 2010).
24 Jihad is conventionally translated as “holy war”, though this definition has been rejected by Muslims as being too narrowly Christian. In Arabic it means to strive or exert oneself with regard to religion (Cook, 2005).

25 The other designated state sponsors of terrorism are Iran, Syria and Cuba.

26 A state is guilty of passive terrorism support if it knowingly allows terrorist groups to raise money, enjoy a sanctuary, recruit or otherwise flourish without interference, but does not directly aid the group itself. For example prior to September 11, 2001 terrorist attacks, Al-Qaeda recruited and raised money in Germany without interference, enjoyed financial support from Saudis in Saudi Arabia unobstructed by the government and planned operations in Malaysia (Byman: 2005).

27 The group is named after its leader who is a veteran Palestinian terrorist. And his name translates to mean “father of the struggle” in Arabic. www.cfr.org/israel/abu-nidal-organisation.

28 259 passengers on board and 11 people in the Lockerbie village were killed.


30 It is translated to mean “the Islamic group” and it seeks to install an Islamic regime in place of the secular Egyptian government. www.cfr.org/egypt/jamaat-al-islamiyya/p9156.

31 HAMAS is translated to mean “fear” and is an acronym for the group’s Arabic name which is Harakat Al Muqawama Al Islamiyya (Zanotti, 2010).

32 Others include: Colombia, Haiti, Myanmar, Uzbekistan, Kashmir, Palestine, Chechnya, Tibet, North Korea, Indonesia and the Philippines.

33 Boko in Hausa language means “western education” and Haran means “sinful or forbidden” in Arabic.

34 Tuareg is an Arabic word meaning “abandoned by God”. www.bradshawfoundation.com/tuareg.

35 Salafist is derived from the word salafi which is used by conservative Sunni Muslims and Islamic groups of different shades and orientations. It therefore connotes doctrinal purity and therefore affords a defense of religious and political legitimacy to whoever describes himself as a salafist (Hegghammer, 2011).

36 Mai Mai means water and derives from the traditional practice of soldiers dousing themselves in water before going into battle in the belief that it will confer immunity from bullets (Coalition to Stop the Use of Child Soldiers, 2010).

37 Mungiki is a gikuyu word taken from the etymological root word muingi which means masses or people (Wamue, 2001).

38 www.peaceau.org.
39 Mau Mau were Kenyan freedom fighters. Its etymology is a mystery (Kennedy, 1992).

40 Comoros - 98%, Djibouti - 94%, Eritrea - 50%, Ethiopia - 50%, Kenya - 10%, Somali & Somailand - 100%, Sudan, Tanzania - 35%, Uganda - 16%.

41 Section 212 of Immigration and Nationality Act concerns the general classes of aliens ineligible to receive visas and those ineligible for admission, as well as waivers if inadmissibility, while the USA Patriotic Act of 2001 is an Act is intended to deter and punish terrorist acts in the USA and around the world, and to enhance law enforcement investigatory tools and other purposes (USA Patriotic Act, 2001).

42 Tabliq means to reach out the message/propagate the message of Islam (Ansari, 2009).


44 A South African right-wing activist group with white separatist aims. Its name translates to “Boer force/power” (Schoneteich & Boshoff, 2003).

45 He is a British citizen of Indian origin, masterminded the 2005 London bombings and has ties to Al-Qaeda.

46 Found in Eastern Democratic Republic of Congo.

47 AHG/Res.213 (XXVIII) and AHG/Dec.2 (XXX)

48 240 Kenyans, 11 Tanzanians and 12 Americans died, while more than 5000 were injured.

49 Article 2, OAU Convention, 1999.

50 Articles 4 and 5.

51 Articles 6 and 7.

52 Articles 8, 9, 10, 11, 12 and 13.

53 Articles 14, 15, 16, 17 and 18.


56 Article 2 (2).

57 Algeria, Benin, Burundi, Ethiopia, Gabon, Guinea, Lesotho, Libya, Mali, Mozambique, Niger, Rwanda, South Africa and Tunisia.

58 Preamble of Plan of Action, Para.7.

59 Para.10.

60 Para.11.

61 Para.12.

62 Para.13.
63 Para.14.
64 Para.15.
65 For example in Kenya, the Suppression of Terrorism Bill, 2003, met with strong resistance from Islamic and human rights groups and constituencies (Forest, 2011:58).
66 Certainly in southern Africa and also in central and West African states’ explanation for the low rates of ratification is the low level of perceived threat of terrorism in some of those states (Ford, 2011: 53).
67 Paragraph 20, AU Plan of Action.
68 EAC, ECOWAS, IGAD, ECCAC, COMESA, SADC, CEN-SAD.
69 In particular, the creation of the African Journal on Terrorism Studies.
70 Article 13, PSC protocol, 2002.
71 They are: the East African Community (EAC), Inter-governmental Authority on Development (IGAD), Southern African Development Community (SADC), Economic Community of West African States (ECOWAS), Arab Maghreb Union (AMU), Community of Sahel-Saharan States (CEN-SAD), Common Market for Eastern and Southern Africa (COMESA), and the Economic Community of Central African States (ECCAS).
74 Article 16 (4-6) PSC Protocol, 2002.
75 ECOWAS countries are: Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Gambia, Niger, Senegal, Sierra Leone, Nigeria, and Togo.
76 IGAD countries are: Djibouti, Eritrea (suspended), Ethiopia, Kenya, Somalia, Uganda, Sudan and South Sudan.
77 EAC countries are: Uganda, Kenya, Tanzania, Rwanda and Burundi.
78 SADC countries are: Angola, Botswana, DRC, Lesotho, Madagascar, Malawi, Mozambique, Mauritius, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.
79 Algeria, Libya, Mauritania, Morocco and Tunisia belong to AMU.
80 ECCAS countries are: Cameroon, CAR, Chad, Congo, Equatorial Guinea, Gabon and Sao Tome & Principe.
81 CEN-SAD countries are: Burkina Faso, CAR, Chad, Djibouti, Egypt, Eritrea, Gambia, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Somalia, Sudan, Togo and Tunisia.
82 COMESA countries are: Angola, Burundi, Comoros, DRC, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.
83 Member states are: Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.
84 Article 1 (a), Supplementary Protocol on Democracy and Good Governance, 2001.
The Moor peoples were of Berber origin and are believed to have created the Arab civilization. They originated from Europe (Spain) and settled as refugees in Northern Africa between the 11th and 12th centuries.

The Central Banks of signatory states, INTERPOL, European Union, the Common Wealth Secretariat, IMF, World Bank, Regional Securities and Exchange Commissions, French Zone Anti-Money Laundering Liaison Committee, African Development Bank, UNODC, and the FATF are organizations eligible for observer status within GIABA.

These include 40 recommendations of international standards on combating money laundering and the financing of terrorism and proliferation. They are global AML/CTF standards which countries should implement to combat ML/TF, as well as the proliferation of WMDs (FATF, 2010). The other 9 Recommendations are special recommendations which are combined with the 40 Recommendations to detect and suppress the financing of terrorist financing and terrorist acts (FATF, 2010).

Dr Abdul Qadeer Khan is a famous Pakistani nuclear scientist and a metallurgical engineer. He is suspected of having given nuclear technology to North Korea to get ballistic missile technology in exchange and allegedly sold nuclear technology to Iran.

Paragraph 1, UNSC Resolution 1540 of 2004.

Besla, North Ossetia is found in Russia.

Paragraph 9, UNSC Resolution 1566 of 2004.

Chapter VII concerns action with respect to threats to the peace, breaching of the peace and acts of aggression.

Definition is obtained from the European Leader Association for Rural Development website. www.elard.eu.


A political and security crisis erupted in the first half of 2012 when military officers deposed the Malian president, leading to a Constitutional crisis and growing criminality in Northern Mali (Affa’a-Mindzie & Perry, 2013.).

Soft power means the ability to get what you want through attraction rather than coercion or payment (Nye, 2004).
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