

# Implementing the UN Global Counter-Terrorism Strategy in Southern Africa

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Center on Global  
Counterterrorism  
Cooperation



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## Acronyms

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ACSRT	African Center for Study and Research on Terrorism (AU)
APRM	African Peer Review Mechanism (NEPAD)
ARNTACT	African Research Network on Terrorism and Counter-Terrorism
AU	African Union
CTC	Counter-Terrorism Committee (UN Security Council)
CTED	Counter-Terrorism Executive Directorate (UN Security Council)
ESAAMLG	Eastern and Southern African Anti-Money Laundering Group
EU	European Union
FATF	Financial Action Task Force
GPML	Global Programme against Money Laundering (UNODC)
ICPAT	Intergovernmental Authority on Development's Capacity Building Program against Terrorism
ICAO	International Civilian Aviation Organization
IMO	International Maritime Organization
IMF	International Monetary Fund
ISS	Institute for Security Studies
NEPAD	New Partnership for Economic Development (AU)
NGO	Non-Governmental Organization
OAU	Organization of African Unity
OECD	Organization for Economic Co-Operation and Development
OHCHR	Office of the UN High Commissioner on Human Rights
PIA	Preliminary Implementation Assessment (CTED)
REC	Regional Economic Commission
SADC	Southern African Development Community
SARPCCO	Southern African Regional Police Chiefs Cooperation Organization
TPB	Terrorism Prevention Branch (UNODC)
U.S.	United States (of America)
UN	United Nations
UNDP	United Nations Development Programme
UNDPA	United Nations Department of Political Affairs
UNESCO	United Nations Education, Scientific and Cultural Organization
UNHCR	Office of the UN High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization

# Executive Summary

Adopted unanimously by the UN General Assembly on 8 September 2006, the UN Global Counter-Terrorism Strategy (UN Strategy) elaborates a broad range of counterterrorism measures and acknowledges that national governments, different parts of the UN system, regional and sub-regional bodies, and civil society each have important roles to play to promote and ensure its effective implementation. With the inclusion of the existing Security Council imposed counterterrorism mandates and socio-economic and political measures related to addressing conditions conducive to the spread of terrorism in the context of a framework endorsed by all UN member states, the Strategy may help reconcile the security agenda of the global north with the development priorities of the global south.

Because the nature of the threat varies from region to region, however, it is important for each region and sub-region to determine how best to implement the Strategy's generally broad provisions to maximize its impact on the ground. Nowhere is this more true than in southern Africa, given the political sensitivities surrounding counterterrorism initiatives in the sub-region, particularly those originating from outside the continent. Effective implementation of the Strategy will therefore need to take into account local needs, perspectives, and priorities and involve the active participation of key sub-regional stakeholders, including national governments, sub-regional bodies, and civil society. Efforts to sell the Strategy in the sub-region must be clearly aligned with these needs, perspectives, and priorities.

The report discusses the political significance of the broad-based Strategy for a sub-region where the

threat of international terrorism is seen as less pressing than that posed by violent crime, poverty, HIV/AIDS and other infectious diseases, and corruption, and where the lack of both a common perception of the terrorist threat and capacity has impeded efforts to develop a coherent sub-regional response.

The report concludes that in building support for Strategy implementation efforts, emphasis should be placed on those aspects that resonate with political leaders in southern Africa. For example, the inclusion of “conditions conducive to the spread of terrorism” in the Strategy could help overcome the traditional political ambivalence in the sub-region regarding the relevance of the international counterterrorism agenda—UN or otherwise—to the local population. The Strategy could be used as an instrument to promote broader rule of law and criminal justice development in the sub-region as well as the linkages between the Strategy's goals and the Millennium Development Goals, which receive explicit mention in the Strategy. Addressing fundamental issues related to improving governance and addressing corruption will be necessary in order to ensure that Strategy implementation efforts are sustainable, given the more fundamental capacity issues that often dwarf any perceived counterterrorism shortcomings in the sub-region.

The report highlights the contributions that relevant stakeholders such as the UN Counter-Terrorism Implementation Task Force (Task Force), the individual UN entities represented on the Task Force, the African Union (AU) and its component parts, relevant sub-regional bodies, in particular the Southern African Development Community (SADC),

civil society, and states, both in and outside of the sub-region, can make to Strategy implementation.

It provides an independent assessment of the challenges and opportunities for implementing the Strategy in southern Africa and enumerates a series of recommendations for carrying forward the Strategy and implementing it in southern Africa. These include: 1) raising awareness of and articulating the relevance of the Strategy in the sub-region, which will require more sustained leadership from the Task Force and the Secretary-General in New York and more active involvement of the AU and SADC; 2) deepening engagement of the UN Development

Programme (UNDP), the UN Education, Scientific and Cultural Organization (UNESCO), and other UN entities that have important roles to play in addressing those aspects of the Strategy that are likely to have the most traction in the sub-region; 3) stimulating a more coordinated and field-based UN approach to engaging with southern Africa on Strategy implementation issues; and perhaps most importantly, 4) changing labels, by moving the rhetoric on “counterterrorism” toward emphasizing concepts such as good governance, rule of law, and criminal justice reform, all of which are more appealing to stakeholders in the sub-region.

## Summary of Key Recommendations

The following outlines some of the recommendations directed at the relevant stakeholders discussed in the report and expanded on in the annex.

### UN SYSTEM

- Raise and sustain awareness of the UN Strategy outside of New York to ensure a coherent UN counterterrorism presence that has support from local stakeholders in southern Africa. This could involve 1) appointing a Task Force representative or UN focal point for Strategy-related issues for southern Africa; 2) establishing an informal sub-regional Strategy implementation task force; and/or 3) inviting a representative from one or more sub-regional bodies in southern Africa to join the Task Force.
- Enhance the capacity of the Task Force and UN technical assistance providers either through the regular UN budget or voluntary contributions.
- Sustain leadership and commitment from the Secretary-General and those within the Task Force charged with spear-heading Strategy implementation efforts, including by 1) appointing a Special Envoy of the Secretary-General to promote Strategy implementation and 2) appointing a full-time Task Force coordinator.

- Change the perception that the UN system’s efforts to implement the Strategy are primarily focused on its law enforcement and other security-related aspects.
- Invite the Office of the UN High Commissioner for Refugees (UNHCR) to join the Task Force, while continuing to remain mindful of the need to avoid making unwarranted connections between refugee protection and threats of terrorism.
- Produce greater synergies among counterterrorism, anti-organized crime, rule of law, and anti-corruption activities within the UN.
- Ensure that Strategy-related technical assistance is part of a long-term capacity-building program in each recipient country and includes the necessary follow-up.

### GOVERNMENTS IN SOUTHERN AFRICA

- Ensure that national parliaments and all relevant ministries are informed of the Strategy and that efforts are made to incorporate the Strategy, or elements thereof, into national policies and programs.
- Use the holistic and consensus framework of the Strategy as a means to convince local constituencies to take the steps necessary to implement the global counterterrorism framework.

- Become parties to and implement the 1999 Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism and its 2002 AU protocol and the international conventions and protocols related to the Strategy, which include those related to terrorism, organized crime, corruption, and human rights.
- Offer space to civil society organizations to engage in work that supports a range of Strategy-related issues.

### CONTINENTAL AND SUB-REGIONAL BODIES

- Endorse the Strategy and identify ways to promote its implementation, including by ensuring that all relevant training and other workshops are presented in the context of broader efforts to implement the Strategy.
- Amend the AU's 2002 Plan of Action on the Prevention and Combating of Terrorism in Africa to enumerate steps that each AU member and the relevant AU institutions would take to promote Strategy implementation.
- Strengthen coordination and cooperation among SADC, the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO), and the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG).
- Adopt, in its current form, the AU draft model counterterrorism legislation that is pending before the AU Peace and Security Council.
- Incorporate continental standards for Strategy implementation into the African Peer Review Mechanism (APRM).
- Encourage SADC to assume a leadership role in promoting and coordinating Strategy implementation in the sub-region; in doing so, SADC should consider developing innovative partnerships with research or other non-governmental organizations (NGOs) as well as donors from outside the sub-region.

### NON-GOVERNMENTAL AND OTHER CIVIL SOCIETY ORGANIZATIONS

- Establish broad-based civil society groups and partnerships consisting of a range of NGOs and other groups embracing the holistic approach to addressing terrorism enshrined in the Strategy.
- Build partnerships among researchers, practitioners, institutions, and other stakeholders to raise awareness of and build support for the Strategy; the African Research Network on Terrorism and Counter-Terrorism (ARNTACT) should take the lead in this effort, which could be the first step in developing a global network of civil society representatives from around the world committed to promoting Strategy implementation.

### DONORS

- Fund sub-regionally identified priorities for technical assistance, which may not always be counterterrorism *per se* but relate more generally to building state capacity, working with the SADC secretariat and its member states to identify priorities.
- Provide key technical assistance providers in the UN system and the Task Force the necessary resources and political support.
- Enhance coordination among assistance providers working with southern African states to improve efficiency and minimize the burden on recipient countries.
- Ensure that recipient countries have the necessary institutional capacity to absorb and benefit from Strategy-related assistance.
- Establish procedures to facilitate more regular exchange of information among the UN and other technical assistance providers to avoid duplication of training programs, workshops, and seminars.



# Introduction

This report focuses on the challenges of and priorities for implementing the UN General Assembly's Global Counter-Terrorism Strategy (UN Strategy) in southern Africa.<sup>1</sup> It analyzes the Strategy in a sub-regional context. In doing so, it considers how the UN Strategy can be used as a guide for governments in and outside the sub-region, the UN, and other multilateral bodies and civil society to contribute more effectively to addressing the terrorist threat. The Strategy can also serve as a basis for improving the overall coordination and cooperation in the sub-region in combating terrorism. In general, effective implementation will require contributions from a wide range of stakeholders in addition to the states in the sub-region. These include the relevant parts of the UN system, other multilateral bodies, the private sector, civil society, and interested donor states outside the sub-region. Whether the principles outlined in the Strategy can be transported to the sub-region depends to a great extent on whether the UN and other relevant multilateral bodies at the international, regional, and sub-regional levels can develop effective partnerships and programs aimed at promoting their implementation.

Annexed to this report is a series of findings and policy-relevant recommendations, some of which will be discussed and referred to in the report itself. The recommendations are directed at the different stakeholders and identify ways in which each can contribute to effective and sustained

implementation of the Strategy in southern Africa. They suggest steps that could be taken in the short, medium, and long-term, including some that could be taken immediately by the relevant actors, and others that might require parliamentary action and/or a decision by one or more inter-governmental bodies.

This assessment is the second component of a broader effort being undertaken by the Center on Global Counterterrorism Cooperation to enhance implementation of the UN Strategy in different regions over the next two years. The Center completed an assessment of the Asia-Pacific region in April 2007 and intends to conduct similar assessments of other regions before August 2008. It will then convene a meeting in New York to discuss the recommendations from each regional exercise and identify and share best practices, which can then be presented to the wider UN membership prior to the General Assembly's scheduled September 2008 review of UN Strategy implementation efforts. The intention is to reinforce and enhance ongoing implementation efforts at the national, regional, and international levels, particularly those of the UN Secretary-General's Counter-Terrorism Implementation Task Force (Task Force), which is working with the wider UN system to promote better coordination and cooperation among the twenty-four different parts of the system involved in implementation of the Strategy.

<sup>1</sup> For the purposes of this project, "southern Africa" is defined as the member states of the Southern African Development Community (SADC): Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, the United Republic of Tanzania, Zambia, and Zimbabwe.

# I. The UN Global Counter-Terrorism Strategy and the UN Counter-Terrorism Implementation Task Force

Adopted unanimously by the General Assembly on 8 September 2006, the UN Strategy calls for a holistic, inclusive approach to counterterrorism. It includes not just security-related preventative measures that have been the Security Council's focus since September 2001, but also gives priority attention to addressing underlying conditions conducive to the spread of terrorism, as well as respect for human rights and the rule of law. One of the UN Strategy's achievements is that for the first time, the UN's global membership has agreed that addressing conditions conducive to the spread of terrorism is an essential part of an effective and comprehensive strategy to combat and prevent terrorism. According to the UN Strategy, these conditions include: "poverty, prolonged unresolved conflicts, dehumanization of victims of terrorism, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance."<sup>2</sup> By elaborating a broad range of counterterrorism measures, underpinned by the commitment to uphold the rule of law and human rights, the UN Strategy reinforces what many terrorism experts have long felt, namely that an effective counterterrorism strategy must combine preventive measures with efforts to address both real and perceived grievances and underlying social, economic, and political conditions.

Unanimous adoption of the Strategy by the General Assembly is an important achievement. Part

of the Strategy's significance lies in the fact that it is an "instrument of consensus" on an issue where consensus has been difficult to achieve. Although it does not add anything not already contained in pre-existing UN counterterrorism resolutions, norms, and measures, the Strategy pulls them together into a single, coherent, and universally adopted framework. Its call for a holistic, "whole of government" approach to addressing terrorism and its inclusion of not only security-related issues, but also ones related to conditions conducive to the spread of terrorism, such as poverty and lack of good governance, gives it broader appeal than the Security Council counterterrorism program, which has dominated the UN's post-September 2001 response to terrorism. Although the provisions of the Strategy are often broad and ambiguous in nature, this ambiguity allows more room for the development of regional and sub-regional approaches to implementation that can be tailored to local needs and interests.

The Strategy's significance also lies in the fact that it signals a shift away from the Security Council-led approach, which has defined the UN's post-September 2001 response to terrorism. The central role the Security Council has played in imposing and monitoring global counterterrorism obligations, in particular Resolution 1373, has created a perceived lack of legitimacy due to its limited membership. Many countries, particularly from the global south that were not on the Security Council when it adopted its counterterrorism resolutions,

<sup>2</sup> United Nations General Assembly, United Nations General Assembly Resolution 60/288, A/RES/60/288, New York, 8 September 2006, Section I.

questioned that body's authority to impose general, legal obligations on all states and lacked a sense of ownership in the program. Some states also resent the Security Council's narrow approach, which fails to take into account the underlying socio-economic conditions that may give rise to terrorism. All of this has had a negative impact on the willingness of some states to cooperate fully with the Security Council effort. With the inclusion of the Security Council mandates in the context of a broader framework unanimously adopted by all 192 UN member states, a truly global counterterrorism framework in which all states voluntarily committed to implementing those obligations has been established for the first time. As such, it might help narrow the divide between the Security Council and the General Assembly, and more fundamentally help to reconcile the security agenda of the global north with the development priorities of the global south.

In the year since its adoption, much of the UN Strategy-implementation work has focused on the UN system, under the leadership of the Task Force, which brings together twenty-four entities operating under mandates from different bodies, specialized agencies, funds, and programs within that system.<sup>3</sup> The Task Force has launched some important initiatives, including the UN Counter-Terrorism Handbook<sup>4</sup> and the establishment of a series of working groups comprised of relevant Task Force members. It has begun to solicit voluntary contributions for projects to be carried out under the auspices of the different working groups and is also working to better engage regional, sub-regional, and civil society organizations in the Strategy's implementation.

Despite the existence of the Task Force, which includes representatives from those parts of the UN system focused on the "softer" side of counterterrorism, *e.g.*, UNDP, UNESCO, and the UN Department of Political Affairs (UNDPA), the perception remains in many circles that the Security Council continues to be the main counterterrorism

actor within the UN system and that Strategy implementation efforts are therefore primarily focused on its law enforcement and other security-related aspects. As indicated in recommendation 11, greater efforts should be made to dispel this perception, including by deepening the engagement of the Task Force representatives that focus on those aspects of the Strategy related to conditions conducive to the spread of terrorism. Such an effort could also involve the establishment of different Task Force working groups on these issues. In addition, the Secretary-General and Task Force members should seek to frame Strategy implementation efforts in the context of the UN's broader, and less politically sensitive efforts to promote the rule of law, good governance, and institution building. This might allow for improved cooperation and coordination across the different parts of the UN system represented on the Task Force.

## Exporting the UN Strategy Outside of New York

Although the UN Strategy represents a political milestone for the international community, there is a big difference between achieving consensus on a non-binding General Assembly resolution in New York and building the political will within each member state to implement the commitments on the ground. To date, the Strategy has had little practical impact in southern Africa and there is a general lack of awareness of the Strategy outside of the foreign ministries. For it to have a sustained impact on global counterterrorism efforts, UN member states must translate the paper commitments into action. As a first step, as indicated in recommendation 19, this means that each member state needs to ensure that its national parliament and all of the relevant ministries are informed of the Strategy and efforts are made to incorporate the Strategy, or elements

<sup>3</sup> The twenty-four different entities represented on the CTITF are: the Counter-Terrorism Committee's Counter-Terrorism Executive Directorate, the Department for Disarmament Affairs, the Department of Peacekeeping Operations, the Department of Political Affairs, the Department of Public Information, the Department for Safety and Security, the Expert Staff of the 1540 Committee, the International Atomic Energy Agency, the International Civil Aviation Organization, the International Maritime Organization, the International Monetary Fund, the International Criminal Police Organization (although technically not part of the UN system), the Monitoring Team of the 1267 Committee, the Office of the High Commissioner of Human Rights, the Office of Legal Affairs, the Organization for the Prohibition of Chemical Weapons, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the United Nations Development Program, the United Nations Educational, Scientific and Cultural Organization, the United Nations Interregional Crime and Justice Research Institute, the United Nations Office on Drugs and Crime, the World Customs Organization, the World Bank, and the World Health Organization.

<sup>4</sup> The Online Handbook is available at: <<http://www.un.org/terrorism/cthandbook/>> (accessed 14 October 2007).

thereof, into national counterterrorism programs and plans.

Because the nature of the threat varies from region to region, and often even within regions, a one-size-fits-all approach to implementation is unlikely to be effective or appropriate. Rather, regions and sub-regions need to determine how best to implement the Strategy's generally broad provisions to maximize its impact on the ground. Further, given the political sensitivities involved in counterterrorism, effective strategies need to reflect local conditions, be seen as home-grown, and avoid the perception of being imposed by the UN or other external actors. As will be discussed in Section II, in the case of southern Africa it will be important to ensure that implementation of the Strategy reflects an "African voice." Effective implementation will require contributions from a wide range of stakeholders in addition to member states, including the relevant parts of the UN system, other multilateral bodies, the private sector, and civil society. With a consensus-based UN framework now in place, sub-regional and local stakeholders should tailor it to fit the needs and interests of the sub-region. Sub-regional and local buy-in will be essential to make the Strategy relevant to southern Africa, which will, in turn, increase the likelihood of implementation. As with previous attempts to impose an external agenda on southern (as well as other parts of) Africa, implementation of the UN Strategy will fail "without strong domestic ownership and local agents of change within and outside government."<sup>5</sup>

A prerequisite to building support for the Strategy among sub-regional and local stakeholders in southern Africa is raising and sustaining awareness of its existence outside of New York and Vienna. Both the Task Force and the Secretary-General himself have important roles to play in this regard. As noted in recommendation 10, there is a need for sustained leadership and commitment from both the Secretary-General and those within the Task Force charged

with spear-heading Strategy implementation efforts. To date, apart from a short speech in February 2007 on the occasion of the launch of the Task Force's handbook, the new Secretary-General has yet to closely associate himself with the Strategy and make it a policy priority.<sup>6</sup> In addition, the Task Force coordinator, while performing an admirable job with the limited resources he has been given to operate, also serves as the Assistant Secretary-General for Policy Coordination and Strategic Planning. He thus has to advise the Secretary-General on a range of other policy matters, limiting his day-to-day involvement in overseeing the Task Force.

A number of steps could be taken to address this situation. The Secretary-General, for example, as provided in recommendation 10, should assert more ownership of the Strategy. This could include: 1) using the stature of his office to promote Strategy implementation efforts wherever possible; 2) appointing a special envoy to promote Strategy implementation outside of New York; and/or 3) appointing a full-time Task Force coordinator, who is not tasked with other responsibilities. For its part, as stated in recommendation 7, the Task Force should: 1) ensure that capitals in southern Africa are made fully aware of its work and larger Strategy implementation efforts and that they recognize the practical relevance of the Strategy to their own domestic priorities; 2) establish a sub-regional implementation task force consisting of representatives from relevant multilateral bodies, including the SADC, SARPCCO, and ESAAMLG, and representatives from parts of the UN system represented on the Task Force with a presence or office in southern Africa; 3) expand its own composition to include seats for a representative from one or more of the relevant sub-regional bodies in southern Africa; and, as noted in recommendation 10, 4) provide states and other stakeholders with a periodic review of the efforts of the UN and other stakeholders to implement the Strategy and identify where more work is needed.

<sup>5</sup> Jakkie Cilliers, "Africa, Root Causes and the 'War on Terror,'" *African Security Review*, 15:3 (2006), p. 70.

<sup>6</sup> "Statement by UN Secretary-General Ban Ki-Moon to the General Assembly on the follow-up to the adoption of the UN Global Counter-Terrorism Strategy," 16 February 2007. Available online at: <<http://www.un.org/News/Press/docs/2007/sgsm10884.doc.htm>> (accessed 15 October 2007).

## II. Southern Africa: Threat and Vulnerabilities

Perhaps the most significant challenge to implementing the Strategy in the sub-region is the lack of any urgent or common perception of the threat posed by international (as opposed to domestic) terrorism. Although many states in southern Africa have suffered and continue to suffer from domestic terrorism over the years, they have tended to view international terrorism, the focus of the UN counterterrorism program, as primarily a Western problem, seeing it as less salient to their own concerns than, for example, HIV/AIDS and crime. For example, although the majority of victims of the al-Qaida bombings in Dar es Salaam in 1998 were locals, many Tanzanians still see terrorism “as a clash between al-Qaida and the United States, in which Tanzania just happened to be one venue for the attack,”<sup>7</sup> rather than a key concern to their daily lives.

This attitude is not surprising, given the limited resources available in such countries and the fact that many more people are directly affected by HIV/AIDS and other infectious diseases, crime, poverty, and hunger, than by global terrorism.<sup>8</sup> Further, the public demands placed on often weak public institutions to address these concerns, as well as the

demands posed by corruption and efforts to promote democratic reforms, frequently overshadow any calls for enhanced domestic efforts to respond to terrorist threats and vulnerabilities. This situation has been exacerbated by the limited amount of information governments in the sub-region make available about the terrorist threat and vulnerabilities in southern Africa and the impact a terrorist attack would have on the sub-region.<sup>9</sup>

A mixture of history and politics has made counterterrorism and its associated measures a potentially contentious issue for many countries in southern Africa and elsewhere across the continent. Sitting governments in a number of southern African states came to power only after having fought as “freedom fighters” in national wars of liberation—for example, the African National Congress was labeled a “terrorist” organization by the United States and the United Kingdom. The result of these dynamics, according to Professor Julius Nyang’oro, “is often an ambivalent posture by some countries—for instance South Africa—towards a generalized global war against terror.”<sup>10</sup> This complex legacy means that some countries in southern Africa have been less

<sup>7</sup> Julius E. Nyang’oro, “Terrorism Threats and Responses in the Southern African Development Community Region,” in *African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives*, Andre Le Sage (ed.), (Washington, DC: National Defense University Press and Potomac Books; 2007), p. 106.

<sup>8</sup> According to Trevor Nielson, Executive Director of the Global Business Coalition on HIV/AIDS, “there are the equivalent of 20 jumbo jets full of people dying of AIDS around the world every day...” Vithal C. Nadkarani, “Killing Us Softly: AIDS beats Terrorism,” *The Economic Times* (India), 14 July 2004. Available online at: <<http://www.economictimes.indiatimes.com/articleshow/776991.cms>> (15 October 2007).

<sup>9</sup> Andre Le Sage, “Terrorism Threats and Vulnerabilities in Africa,” in *African Counterterrorism Cooperation*, Andre Le Sage (ed.), (Washington, DC: National Defense University Press and Potomac Books; 2007), p. 10.

<sup>10</sup> Nyang’oro, p. 106.



willing to sign onto international counterterrorism efforts, particularly when those measures are security focused, like the post-September 2001 Security Council-led counterterrorism program.<sup>11</sup>

In fact, there is a widespread perception in the sub-region that the international counterterrorism agenda—UN or otherwise mandated—is something imposed from the “outside,” dominated by the United States, and is of little relevance to countries in the region. Voicing the sub-region’s ambivalence about joining the international counterterrorism campaign, South African President Thabo Mbeki used his 2004 address to the General Assembly to, among other things, criticize the United States and others, stating that the powerful states make “the determination that terrorism and war constitute the central and principal threat and challenge that human civilization faces....What they will decide will translate into a set of obligatory injunctions issued by this Organization [the UN], which all member nations will have to accept and implement.”<sup>12</sup>

Although terrorism has not been viewed as a top priority in the sub-region as a whole, according to the Security Council’s Counter-Terrorism Committee’s (CTC) Executive Directorate (CTED), some states have made progress in strengthening their counterterrorism capacities since September 2001.<sup>13</sup> However, concerns about internal governance issues, in particular the proliferation of drug trafficking and other transnational criminal activities, have generally been the motivating factor for countries to take the necessary actions to adopt counterterrorism or counterterrorism-related legislation—for example tightening border controls—rather than terrorism *per se*.<sup>14</sup> Despite this recent progress, significant capacity gaps remain, whether it be the lack of a legal framework to deal with terrorism, limited capacity

to prevent terrorist financing, low ratification of international counterterrorism instruments, or lack of effective border controls.

In addition, although a few countries in the sub-region have adopted comprehensive counterterrorism legislation and a number have relevant legislation pending in national parliaments or awaiting parliamentary approval,<sup>15</sup> many of these same states have been reluctant to become parties to the international and continental conventions and protocols related to combating terrorism, instruments which generally can help facilitate international law enforcement cooperation in bringing suspected terrorists to justice.

It is not clear whether lack of resources and capacity, which stems partly from not treating counterterrorism as an urgent priority, or ambivalence at the political level, is the principal reason southern African states have generally not taken the necessary steps at the domestic level to implement fully their international and regional counterterrorism commitments. Political ambivalence is partly the result of differing priorities. Some political leaders may sign onto multilateral counterterrorism initiatives to not appear out of step with the rest of the international community, but are then often unable to get political support for implementing these initiatives from their domestic constituencies because these groups insist that the limited government resources be devoted to more urgent priorities. To avoid this happening with the Strategy, which all countries in southern Africa endorsed at the political level in New York, the political leadership in the national capitals needs to be convinced that terrorist attacks, or even the threat of attacks, can undermine progress in pursuing more pressing national priorities such as promoting

<sup>11</sup> Anton du Plessis, “The Role of the United Nations in Providing Technical Assistance in Africa,” in Wafula Okumu and Anneli Botha eds., *Understanding Terrorism in Africa: In Search for an African Voice*, Institute for Security Studies, Seminar Report, 6 and 7 November 2006, p. 89.

<sup>12</sup> Address of the President of South Africa, Thabo Mbeki, at the 59th Session of the UN General Assembly, New York, 22 September 2004. Available online at: <<http://www.info.gov.za/speeches/2004/04092216571001.htm>> (accessed 15 October 2007).

<sup>13</sup> United Nations Security Council, *Report of the Counter-Terrorism Committee to the Security Council for its consideration as part of its comprehensive review of the Counter-Terrorism Committee Executive Directorate*, Appendix I: Semi-Annual Comprehensive Report on the Work of the Counter-Terrorism Committee Executive Directorate for the Period 1 January to 30 June 2006, S/2006/989, p. 20 New York, 18 December 2006.

<sup>14</sup> Nyang’oro, pp. 108-109.

<sup>15</sup> As of mid-2007, of the fifteen SADC countries only four had comprehensive counterterrorism legislation: Mauritius, the Seychelles, Tanzania, and South Africa. Other countries in the region are in the process of drafting counterterrorism and related legislation and/or include discrete terrorist acts as offenses under their criminal codes. Information regarding relevant legislation in southern Africa is available online at the Southern African Legal Information Institute <<http://www.saflii.org/>> (accessed 8 October 2007).

economic development, trade, foreign investment, and tourism.

Southern Africa has not received much international attention in connection to transnational terrorism. There is no indication of any groups associated with al-Qaida or its global terrorist network operating in the region and southern Africa is not currently a hot-bed for recruitment and radicalization. Nevertheless, the sub-region must not be ignored. In the past decade much of the focus on the problem of transnational terrorism in Africa has focused on the Horn of Africa and the Maghreb, where many of the most prominent attacks have taken place. Yet the threat of global terrorism in southern Africa is also a matter of concern based on connections between the region and terrorist activities in Africa and further afield, where so called 'militant Islamic formations' in countries such as Mozambique and Tanzania are reported to be serving as corridors for "international jihadis going to the Western Cape and Gauteng provinces in South Africa."<sup>16</sup> A number of al-Qaida or al-Qaida-related operatives, including nationals from southern African countries, have been arrested in the sub-region or captured transiting through it.<sup>17</sup>

The sub-region, asserts Kurt Shillinger, an expert at the South African Institute of International Affairs, "comprises a mix of economic strengths and state weaknesses, demographics and social 'seams,' and historical links and attitudes that provide ample attraction and opportunity for terror-related activity."<sup>18</sup> For example, while certain countries have well-developed financial and transportation infrastructure, the sub-region generally suffers from lengthy and porous borders, small arms trafficking, political instability, the lack of a strong legal counterterrorism framework, easily available travel documentation, poor bureaucratic

capacity, corruption, mineral and other commodity smuggling, unique migration patterns, understaffed, under-resourced law enforcement agencies, and poverty, all of which create conditions related to the existence and spread of terrorism. Interrelated armed conflicts, resource exploitation, and the growth of transnational organized criminal networks also present challenges and create a permissive environment that may foster and facilitate terrorism.<sup>19</sup> In addition, Andre Le Sage of the National Defense University in Washington has noted that some governments have "coopted the rhetoric of counterterrorism to legitimize internal security measures that suppress expressions of political opposition."<sup>20</sup> Weakening democratic standards for human rights and governance, he argues, serves only to fuel the cycle of violence.<sup>21</sup>

In the case of South Africa, it is a major transportation hub with direct flights to both US and European capitals. Having many tourist sites and serving as host of the 2010 Soccer World Cup, South Africa offers numerous potential targets for terrorist attacks. Finally, many analysts have noted with some concern growing radicalization among southern Africa's migrant populations—including cases where terrorists from South Asia and the Middle East have been harbored—and pointed out that South Africa's own Muslim population, while historically moderate and peaceful, is not immune to radicalization.<sup>22</sup>

Given the complexity of the challenges in southern Africa, a narrow security and law enforcement-focused strategy, particularly one so closely identified with the United States, is unlikely to gain political traction among local stakeholders or adequately address the wide range of political, economic, and social conditions that create an environment conducive to the spread of terrorism. Only a strategy that focuses on much-needed institutional capacity-

<sup>16</sup> D. Fleming, "Islamic Militancy in Southern Africa," *Jane's Terrorism and Security Monitor*, 23 November 2004. Available online at: <[http://www.janes.com/security/international\\_security/news/jtsm/jtsm041123\\_1\\_n.shtml](http://www.janes.com/security/international_security/news/jtsm/jtsm041123_1_n.shtml)> (accessed 15 October 2007).

<sup>17</sup> According to the Institute for Security Studies' Anneli Botha, "two South Africans were also arrested after a long shoot-out with Pakistani authorities in an alleged al-Qaida safe house in Pakistan in 2004, along with ... a Tanzanian national in US custody, [who] was allegedly involved in the 1998 Nairobi and Dar es Salaam embassy bombings." Anneli Botha, "Africa's vulnerability to terrorism and its ability to combat it," in Okumu and Botha (eds.), *Understanding Terrorism in Africa*, p. 30.

<sup>18</sup> Kurt Shillinger, "Al-Qaida in Southern Africa: the Emergence of a New Front in the War on Terrorism," *Armed Forces Journal*, May 2006. Available online at: <<http://www.armedforcesjournal.com/2006/02/1813653/>> (accessed 15 October 2007).

<sup>19</sup> Kwesi Aning "Africa: Confronting Complex Threats," *Coping with Crisis Working Paper Series*, International Peace Academy, February 2007.

<sup>20</sup> Andre Le Sage, "Terrorism Threats and Vulnerabilities in Africa," in Andre Le Sage (ed.), *African Counterterrorism Cooperation*, p. 3.

<sup>21</sup> Ibid.

<sup>22</sup> See, e.g., Shillinger, 2006.



building and includes elements aimed at “reduc[ing] the hospitable environment for terrorists to recruit and thrive and ... deal[ing] with the prevalence of poverty, economic duress, interlocking conflicts, poor governance, and criminal networks, which are often exploited by terrorists,”<sup>23</sup> and in which states in the sub-region have a sense of ownership, will be effective. The UN Strategy, which was negotiated and endorsed by those states, outlines this type of approach and is qualitatively different from the international and continental conventions and protocols, which are generally more narrowly focused on law enforcement cooperation.

Yet, implementation must be considered within the context of the nature of the states in the sub-region and the realities on the ground. Here, more fundamental capacity problems often dwarf any perceived counterterrorism shortcomings and the political sensitivities surrounding notions of “counterterrorism,” even if broadly defined as in the Strategy, make it difficult for political leaders to allocate limited resources to addressing counterterrorism issues.

Therefore, to maximize the chances for getting the necessary support for Strategy implementation in the sub-region, a change in terminology is needed to make the UN framework more politically appealing. There should be a move away from the use of the more politically sensitive “counterterrorism” rhetoric to more politically appealing notions of good governance, rule of law, institution building, and criminal justice reform, all of which are core parts of the Strategy.

This shift should be part of an effort to move away from a state-centric approach that focuses on short-

term, security-related counterterrorism measures, to a broader-based one that includes a range of stakeholders, including civil society, and focuses on what Professor Samuel Makinda has termed “a long-term values-oriented formula based on institutions, development and social justice.”<sup>24</sup> In building support for UN Strategy implementation efforts, emphasis should be placed on those aspects of the Strategy that resonate with political leaders in southern Africa, including for example, “conditions conducive to the spread of terrorism,” how the Strategy could be used as an instrument to promote broader rule of law and criminal justice development in the sub-region, and the linkages between the Strategy’s goals and the Millennium Development Goals, which receive explicit mention in the Strategy.

In addition, political leaders in southern Africa (and any other region facing a range of threats, including those seen as more pressing than the threat of terrorism) should recall the interconnected nature of today’s threats. As a 2006 Oxford Research Group report on sustainable security notes,

Contemporary threats are often interconnected.... [I]nternational terrorism or armed conflict cannot be dealt with in isolation from extreme poverty or environmental degradation. These are all global issues, which threaten human security as well as state security, and they recognize no national borders. 9/11 demonstrates in the most dramatic way that rich countries cannot insulate themselves from developments taking place elsewhere. Poverty is not just a development issue; HIV/AIDS is not just a disease ... terrorism does not just happen in failed states—these have security implications for every country.<sup>25</sup>

<sup>23</sup> Statement by Ibrahim Gambari, Under Secretary-General for Political Affairs, UN New York, *Africa’s Response to Terrorism*, 17 February 2006, para. 9. Available online at: <<http://www.aionline.org/files/FullReportTerrorismSymposium2006.pdf>> (accessed 15 October 2007).

<sup>24</sup> Samuel M. Makinda, “Terrorism, Counter-Terrorism and Norms in Africa,” *African Security Review* 15:3 (2006), p. 19, 27.

<sup>25</sup> C. Abbott, P. Rogers, and J. Slaboda, “Global Responses to Global Threats—Sustainable Security for the 21st Century,” briefing paper, Oxford Research Group, June 2006, p. 5. Available online at: <[http://www.oxfordresearchgroup.org.uk/publications/briefing\\_papers/pdf/globalthreats.pdf](http://www.oxfordresearchgroup.org.uk/publications/briefing_papers/pdf/globalthreats.pdf)> (accessed 11 October 2007).

# III. The Role of Regional and Sub-Regional Organizations

Although the provisions of the UN Strategy are mainly directed toward UN member states and/or different parts of the UN system, regional and sub-regional bodies have a central role to play in devising tailor-made approaches for implementing each of its four pillars: 1) addressing the conditions conducive to the spread of terrorism; 2) preventative measures; 3) capacity-building; and 4) promoting human rights and the rule of law while countering terrorism. As practical realities vary from region to region (and even country to country), such bodies are well-suited to develop approaches that take into account cultural and other contextual issues and undertake region or sub-region-specific initiatives or other actions that complement and build upon global counterterrorism objectives. They often have at their disposal knowledge and expertise of such conditions and can thus play an important role in transporting and explaining the global framework to regional, sub-regional, and local actors, increasing their sense of ownership of the UN Strategy.

Although there are a number of regional and sub-regional bodies active in southern Africa,<sup>26</sup> this report will focus on those that are most relevant to effective implementation of the Strategy: those at the regional or continental level, *i.e.*, the AU and its Algiers-based African Centre for Study and Research on Terrorism

(ACSRT) and the New Partnership for Economic Development (NEPAD), and those at the sub-regional level, *i.e.*, SADC, ESAAMLG, and SAARPCO.

Mirroring the debates that have taken place within individual African states, each intergovernmental body engaged in counterterrorism in Africa “has had to confront, at the practical level, the debate which emerged after 9/11 as to whether terrorism, in its current state and manifestations, constitutes a serious threat to the continent on the same scale as poverty, the health crisis and internal conflicts.”<sup>27</sup> This, as well as the need, particularly in the context of the U.S.-led “Global War on Terror,” to protect and maintain Africa’s focus on development, has complicated the efforts of some multilateral bodies in Africa to contribute to implementing the global counterterrorism framework.<sup>28</sup>

## Continental/Regional Level

At the continental level, the fifty-three-member AU, whose objectives include the promotion of collective security and common values in Africa and whose membership includes all countries on the continent (except Morocco), can play an important role in promoting implementation of the UN Strategy

<sup>26</sup> Other relevant regional and sub-regional bodies include the African Capacity Building Foundation, the Common Market for Eastern and Southern Africa, the Indian Ocean Commission, the New Partnership for Economic Development, the Southern Africa Customs Union, and the Southern African Defense & Security Management Network.

<sup>27</sup> Martin Ewi and Kwesi Aning, “Assessing the Role of the African Union in Preventing and Combating Terrorism in Africa,” *African Security Review*, vol 15 no 3. 1 October 2006, p. 33.

<sup>28</sup> *Ibid.*, p. 38.

among its member states. As a catalyst, the AU can 1) serve to empower states and regional economic commissions (RECs) and complement their activities where necessary and 2) act as an interface and bridge between the continent, its sub-regional bodies, and the UN system.

Drafted by two African academics, the AU model counterterrorism legislation is an example of a practical contribution the AU can make to promote the implementation of the UN Strategy. A completed draft of the model law has been with the AU Peace and Security Council awaiting consideration by the AU member states for more than a year. The draft includes substantive, jurisdictional, and judicial cooperation elements and is designed to provide African states with a template for the implementation of both African and international counterterrorism instruments.<sup>29</sup> As recommendation 28 suggests, the adoption of the current draft of the model law, which is fully consistent with the international counterterrorism instruments that form the basis of the technical assistance work of the UN Office on Drugs and Crime (UNODC) Terrorism Prevention Branch (TPB), would help facilitate greater cooperation between UNODC and the AU in carrying out their respective legislative drafting assistance.

The lack of progress on the model law, however, may indicate “institutional paralysis” within the AU on the issue of terrorism, the lack of political will of its members and/or the existence of competing (and perhaps more urgent) priorities.

If adopted, the model legislation would not only signal renewed political commitment by the AU to addressing the terrorist threat, but also complement SARPCCO’s model counterterrorism legislation, which focuses on procedural issues that relate to facilitating cross-border police cooperation. Together, these model laws should make it politically easier for leaders to press for the adoption of necessary counterterrorism and

related implementing legislation without being seen as pushing an agenda imposed from the outside.

The AU’s engagement in counterterrorism should not be viewed solely in the context of the reaction to 11 September 2001. The region’s counterterrorism convention was adopted by the AU’s predecessor, the Organization of African Unity (OAU), in 1999 at the initiative of Algeria and as part of the continent’s reaction to the al-Qaida attacks in Kenya and Tanzania.

The AU’s attempts at stimulating and coordinating the counterterrorism efforts of its members, and serving as a transmission belt for the global counterterrorism framework, however, have been hampered by competing priorities within the Commission and a lack of both institutional capacity and a common perception of the threat among its members, many of whom see domestic terrorism, rather than global al-Qaida-related terrorism, as the most immediate threat.<sup>30</sup> This helps explain why the continent’s robust normative framework, which includes the 1999 OAU counterterrorism convention, the AU’s 2002 counterterrorism plan of action, and its 2004 protocol, have yet to be implemented by many AU members. Despite being African instruments, the convention and protocol suffer from the same low ratification and implementation rate that the international instruments suffer from in Africa.<sup>31</sup> The low levels of state implementation and the lack of critical debate surrounding the adoption of the different elements of the framework leave one to question the depth of the political support for this framework.<sup>32</sup>

While this continental counterterrorism framework has helped place global counterterrorism norms into an African context and illustrates that terrorism is not simply an externally imposed post-9/11 agenda, it is not without its shortcomings. These include its generally narrow law enforcement focus and the lack

<sup>29</sup> A copy of the draft model law is on file with the Center on Global Counterterrorism Cooperation.

<sup>30</sup> As of early 2007, the Commission’s counterterrorism desk was manned by one person of fairly low rank. Counterterrorism was one of a number of issues for which this person was responsible.

<sup>31</sup> Ibrahim J. Wani, “The African Union Role in Global Counterterrorism,” in Andre Le Sage (ed.), *African Counterterrorism Cooperation*, p. 49.

<sup>32</sup> While fourteen of the fifteen SADC member states have signed the OAU Convention on the Prevention and Combating of Terrorism, as of July 2007, only nine of them had ratified the treaty. “List of Countries which Have Signed, Ratified/Acceeded to the OAU Convention on the Prevention and Combating of Terrorism,” African Union, 3 July 2007. Available online at: <<http://www.africa-union.org/root/AU/Documents/Treaties/list/Protocol%20to%20the%20Convention%20on%20Terrorism.pdf>> As of July 2007, only four of the fifteen SADC countries had signed the Protocol to the OAU Convention on the Prevention and Combating of Terrorism, and only one had ratified the instrument. “List of Countries which Have Signed, Ratified/Acceeded to the Protocol to the OAU Convention on the Prevention and Combating of Terrorism,” African Union, 3 July 2007. Available online at: <<http://www.africa-union.org/root/AU/Documents/Treaties/list/Protocol%20to%20the%20Convention%20on%20Terrorism.pdf>> (accessed 15 October 2007).

of a mechanism to monitor state implementation. Further, there has been no serious reporting by AU member states on their implementation efforts as called for by the OAU convention. One of the reasons for adopting the protocol in 2004 was to identify the AU Peace and Security Council, the AU Commission, and the RECs as the responsible instruments for promoting implementation.

Nevertheless, the consensus adoption of the UN Strategy, with its emphasis on promoting good governance, development, and institution building offers the AU Peace and Security Council another opportunity to show its political commitment to fighting terrorism and its continued relevance in this area. For example, as indicated in recommendation 26, the Council could seek to amend the AU's 2002 Plan of Action, which was partly an attempt to develop an African response to the obligations imposed by Security Council Resolution 1373 and other international counterterrorism instruments to include some or all elements of the UN Strategy, in particular those that relate to conditions conducive to the spread of terrorism and on which one might find broader-based consensus within the AU. The amendment could include a formal endorsement of the UN Strategy and enumerate the steps each AU member and the relevant AU institutions, including in cooperation with international and sub-regional partners, would take to promote its implementation throughout the continent.

In addition, following the model of the EU Council Secretariat, if allocated the necessary human and financial resources, and as noted in recommendation 26, the AU Commission could produce a matrix detailing the various ongoing AU initiatives that are relevant to Strategy implementation. Such a matrix would help identify the gaps that exist at the continental level and thus help focus donor engagement.

In addition to the AU Peace and Security Council and its Commission, there are a number of other AU programs and initiatives relevant to UN Strategy implementation. Chief among them is the ACSRT, which was established by the AU in 2004 as its

technical arm on matters related to terrorism and the implementation of the AU counterterrorism program, thus complementing the broader political focus of the AU Commission.<sup>33</sup> According to the AU Commissioner for Peace and Security, Ambassador Said Djinnit, the goal of the ACSRT is to serve as a “catalyst in translating into action the commitments of African countries by providing training and technical expertise.”<sup>34</sup> It envisions a highly integrated network of state and REC focal points coordinated centrally through Algiers, although some focal points have still not been appointed. To date, the ACSRT has convened four meetings of the focal points from AU members and the RECs in Africa that have so far been designated, including one in November 2007 in South Africa. In addition, it has organized a few training seminars at its well-equipped facility in Algiers.

With its focus on training, information exchange, alerts, and prevention, and its recently adopted cooperation agreement with the EU aimed at promoting the implementation of Security Council Resolution 1373 among its members, it is well-placed to contribute to the implementation of the prevention and capacity-building elements of the UN Strategy.<sup>35</sup> So far, however, the ACSRT has yet to formally integrate the Strategy into its activities. Going forward, and as provided in recommendation 26, all ACSRT training programs and workshops, where appropriate, should be presented in the context of the broader efforts to implement the Strategy.

In general, however, much like the AU Commission, a lack of both human and financial resources has limited the ACSRT's ability to make practical contributions to fulfilling its wide-ranging mandate.<sup>36</sup> For example, since its establishment, the ACSRT has operated on a two million U.S. dollar budget provided by the host country, with four staff members. This is well short of the fifty-two-member staff and nine million U.S. dollar budget envisioned in the program adopted at the AU Summit in January 2006. This amount was considered the minimum required to fund the centre's basic activities. Given this limitation, rather than trying to be all things, as

<sup>33</sup> The ACSRT is a structure of the AU Commission and the Peace and Security Council.

<sup>34</sup> Summary of First Meeting of the Focal Points of the ACSRT, 7–8 June 2006. Copy on file with the Center on Global Counterterrorism Cooperation.

<sup>35</sup> The ACSRT is also starting to engage on issues related to the first section of the UN Strategy: addressing the conditions conducive to the spread of terrorism. For example, it held a seminar on “Terrorism and Religious Extremism” in February 2007.

<sup>36</sup> Ewi and Aning, p. 43.

provided in recommendation 31, the ACRST should focus on strengthening its coordination function through its network of focal points and rely on other institutional partners to carry out its research and technical assistance functions.

For the AU's efforts to implement the Strategy to reflect the holistic nature of the Strategy itself and to address all aspects of the global framework, efforts should be made to try to engage the NEPAD, Africa's primary agenda for development, which offers a comprehensive integrated strategic framework for the socio-economic development of the continent, within the institutional framework of the AU. In addition to poverty reduction, among NEPAD's goals are establishing the conditions for sustainable development by ensuring peace and security; democracy and good political, economic, and corporate governance; regional cooperation and integration; and capacity building, all of which are critical to addressing conditions conducive to the spread of terrorism outlined in the UN Strategy. Much like the Strategy, NEPAD focuses on both development and security and thus both instruments would seem to embody the notion that there is "no long-term security without development ... [and] no development without security."<sup>37</sup>

As is the case with the AU's counterterrorism framework, NEPAD offers a solid foundation for promoting continent-wide initiatives but suffers from a lack of both institutional capacity within the NEPAD Secretariat and the RECs and political consensus across the continent to implement them. As a result, it has proven difficult to get AU members to integrate NEPAD priorities and goals into national policies, with the peace and security component of NEPAD often receiving less attention than its socio-economic components.<sup>38</sup>

Of particular relevance to UN Strategy implementation is the African Peer Review Mechanism (APRM), which was launched in 2003 as part of NEPAD. It is an instrument through which African states ensure mutual oversight on political, economic, and corporate governance. It is designed to promote a holistic approach to development that "emphasizes the links between peace and security, economic growth and development, and governance, and calls for meaningful incorporation into national development plans of a range of social goods, such as poverty reduction, gender equity, participatory politics, transparency and accountability, and environmental sustainability."<sup>39</sup> Like the Organization for Economic Co-operation and Development, the APRM "is a system of voluntary self-assessment, constructive peer dialogue and persuasion (building on contact between heads of state), as well as the sharing of experiences."<sup>40</sup>

The APRM is distinct from previous accountability measures in that it is a process entirely inspired and managed by Africans themselves. Undergoing peer review by a country is voluntary, but the country must abide by certain rules of procedure once it has decided to participate.<sup>41</sup> Although only twenty-six African countries have signed on to the APRM, its strength lies in its mandate to commit participating states to conformity with the agreed set of values and standards contained in NEPAD's *Declaration on Democracy, Political, Economic, and Corporate Governance*, which incorporates the above-mentioned approach. Consideration should therefore be given, as provided in recommendation 30, to incorporating continental standards for assessing Strategy implementation into the APRM, focusing initially on those areas of overlap between the Strategy and the existing APRM guidelines.<sup>42</sup>

<sup>37</sup> "Address by UN Secretary-General Kofi Annan to the United Nations Association of the United Kingdom," Westminster, UK, 31 January 2006. Available online at <<http://www.un.org/News/Press/docs/2006/sgsm10332.doc.htm>> (accessed 14 November 2007).

<sup>38</sup> Jakkie Cilliers, "NEPAD's Peer Review Mechanism," *Institute for Security Studies: Occasional Paper: 64*, November 2002. Available online at: <[http://www.iss.co.za/index.php?link\\_id=&slink\\_id=594&link\\_type=12&slink\\_type=12&tmpl\\_id=3](http://www.iss.co.za/index.php?link_id=&slink_id=594&link_type=12&slink_type=12&tmpl_id=3)> (accessed 11 October 2007).

<sup>39</sup> *UN Economic Commission for Africa, The African Peer Review Mechanism: Some Frequently Asked Questions*, October 2002.

<sup>40</sup> "The African Peer Review Mechanism—How Far so Far?" German Development Institute, Briefing Paper 2/2006. Available online at: <[http://www.odi.org.uk/events/rwanda\\_may06/Presentations%20and%20Papers/BP-2\\_2006\\_APRM\\_Grimm-Mashele.pdf](http://www.odi.org.uk/events/rwanda_may06/Presentations%20and%20Papers/BP-2_2006_APRM_Grimm-Mashele.pdf)> (accessed 11 October 2007).

<sup>41</sup> These rules of procedure for the APRM include establishing an inclusive national commission to assess the country's performance on democratic governance and creating a plan of action to deal with whatever shortcomings the commission identifies.

<sup>42</sup> "Objectives, Standards, Indicators and Criteria for the African Peer Review Mechanism (APRM)," 9 March 2003. Available online at: <<http://www.nepad.org/2005/files/documents/110.pdf>> (accessed 11 October 2007).

## Sub-Regional Level

Given the institutional limitations of the AU, the key political difficulties among its members on the nature of the terrorist threat and the best approach for addressing it, and the vast size of the continent, more meaningful contributions to UN Strategy implementation might be found at the sub-regional level in Africa. Additionally, given these constraints at the continental level, effective AU partnerships with both international and sub-regional actors will be critical to ensuring that the global framework represented by the UN Strategy reaches all parts of the continent, including southern Africa. The support ACSRT receives from outside donor states and organizations, including the EU, provides an example of how outside donors can augment the capacity of organizations at both the continental and sub-regional levels to devise their own counterterrorism programs.<sup>43</sup>

### SADC

The primary sub-regional organization in southern Africa is SADC. As a REC, its main priorities are to pursue greater integration among, and promote development and poverty reduction within its fifteen member states. With the establishment of the SADC Organ for Politics, Defense and Security in 1996, it entered the field of regional security maintenance. Although SADC has yet to devise a sub-regional response or mechanism to address terrorism, it has adopted a number of security-related protocols that, although they do not contain the terrorism or counterterrorism label, nevertheless relate to certain aspects of the issue, *e.g.*, small arms and drug trafficking. SADC's difficulties in formulating an effective sub-regional response to terrorism largely reflect not only the lack of a common threat perception among its members, but also their more urgent political priorities. As a result, most of the

counterterrorism activity in the sub-region has been carried out by individual SADC members, not by or through the organization itself. Following from this, the SADC secretariat does not have staff or resources devoted to counterterrorism *per se*, although its legal unit has sought to provide guidance on implementation of the international conventions and protocols related to terrorism and relevant Security Council resolutions. Generally speaking, much of SADC's work in the field of terrorism and beyond has been conducted at its annual gatherings of heads of state, without necessarily mandating further action by the body's secretariat between the meetings.<sup>44</sup>

Partly as a result of engagement by the Vienna-based UNODC, however, SADC may be turning a corner in this area. In December 2006, UNODC brought together some forty senior SADC government officials and experts<sup>45</sup> in Namibia, marking the first time SADC member state officials met specifically on the issue of how the sub-region could improve its response to terrorism.<sup>46</sup> Agreement was reached on a series of recommendations whereby participants "recommend[ed]," *inter alia*, that SADC members take a series of steps aimed at furthering implementation of UN counterterrorism instruments (although the UN Strategy itself was not mentioned), enhancing their counterterrorism capacities, and improving regional cooperation and cooperation with the relevant UN bodies.<sup>47</sup> A follow-up workshop is scheduled for the end of November 2007 in Botswana, where experts from UNODC and the Security Council's CTED will offer assistance to those SADC countries that are late in submitting reports to the various Security Council counterterrorism-related bodies. As noted in recommendation 32, the relevant recommendations in this report should be presented to high-level SADC officials at that time. Further, any declaration or outcome document from that workshop outlining follow-up steps the participants agree to take should seek to include relevant elements of the UN Strategy.

<sup>43</sup> In July 2007 the EU adopted a "joint action" to provide the ACSRT with 665,000 Euros for a project focused on carrying out audit missions on national counterterrorism arrangements of AU member states and providing them with advice on how to best organize to prevent and respond to terrorism. Council Joint Action 2007/501/CFSP of 16 July 2007 on cooperation with the African Centre for Study and Research on Terrorism in the framework of the implementation of the European Union counterterrorism strategy, *Official Journal of the European Union*, 17 July 2007, L/185/31.

<sup>44</sup> Nyang'oro, p. 106.

<sup>45</sup> All SADC members except Angola were represented.

<sup>46</sup> Brigitte Weidlich, "SADC Countries Gear Up Against Terrorism," *The Namibian*, 6 December 2006.

<sup>47</sup> This November 2007 workshop is being funded by the government of The Netherlands. Of the fifteen SADC members, eleven have not submitted reports to the 1540 Committee (Non-Proliferation Committee), six have not submitted to the Al-Qaida/Taliban Sanctions Committee, and ten are late in submitting reports to the Counter-Terrorism Committee.



There are further signs of progress within SADC. For example, the SADC secretariat is in the process of conducting the first sub-regional threat assessment with an eye to devising a sub-regional counterterrorism strategy and has now established formal contact with the ACSRT. Other possible SADC activities could include: 1) formal endorsement of the Strategy, and/or 2) the convening of sub-regional functional workshops, which might bring together experts from across the sub-region to receive training on specific elements of the Strategy.

In addition to the small steps SADC is making in the field of capacity-building, it is well-placed to contribute to those parts of the UN Strategy aimed at addressing “conditions conducive to the spread of terrorism,” including poverty and lack of development. The extent to which SADC can design and implement programs in these areas, however, depends to a large extent on the availability of resources.

Although SADC’s founding treaty provides general guidance on the rule of law, good governance, and human rights practices,<sup>48</sup> the continued existence of widely diverging political value systems among its members and a reluctance to criticize those members that may continue to constitute a threat to their citizens or significant sectors of their societies may limit the organization’s ability to play a leading role in promoting a response to terrorism that is founded on human rights and the rule of law.<sup>49</sup>

If SADC can overcome its historic financial and human resources limitations, the UN Strategy, given its breadth and the priority treatment it gives to combating conditions conducive to terrorism, offers a useful framework for SADC, as an organization, to develop a range of programs that could contribute to implementation, while not necessarily labeling them as “counterterrorism” (given the continuing sensitivities among the membership on this issue). Ultimately, however, while SADC has an essential role to play, particularly in providing political leadership, the initiative for more SADC engagement on UN Strategy issues, and counterterrorism more broadly,

must come from its own member states. SADC member states should recognize the “big picture that economic development, foreign investment, and domestic spending requirements could be seriously affected if terrorists attack their territory or use their territory to attack others.”<sup>50</sup>

Unlike SADC, which will need to overcome political obstacles and financial limitations to play a meaningful role in promoting implementation of the UN Strategy in southern Africa, the existing programs of two technically-focused organizations—SARPCCO and ESAAMLG—are already making significant contributions to discrete elements of the UN Strategy and offer sub-regional models that could be replicated with other parts of the UN Strategy. In both instances, sub-regional cooperation has been possible because transnational crime and money laundering, the core issues in their respective founding mandates, were perceived to be threats common to all countries in the sub-region.

## SARPCCO

The twelve-member SARPCCO was established in September 1994 as an independent international police organization, with a focus on the prevention and fighting of cross-border crime, including the trafficking of weapons.<sup>51</sup> It is now part of SADC’s Organ for Politics, Defense and Security. The SAARPCO secretariat is housed in Interpol’s sub-regional bureau in Harare, so it is essentially a part of that international body, giving it direct access to Interpol’s resources and expertise. It disseminates relevant intelligence and information to the appropriate bodies across the region and coordinates joint enforcement strategies to combat trans-national crime.<sup>52</sup> While its twelve members ostensibly have access to Interpol’s I-24/7 network, the extent to which they make effective use of this and other Interpol tools, including by making access to them available at critical frontline locations such as border crossings and airports, varies significantly from country to country.

<sup>48</sup> The SADC Declaration and Treaty, 17 August 1992. Available online at: <[http://www.sadc.int/key\\_documents/treaties/sadc\\_treaty.php](http://www.sadc.int/key_documents/treaties/sadc_treaty.php)> (accessed 15 October 2007).

<sup>49</sup> Maxi Schoeman, “SADC at 25: An Overview of Selected Issues,” *Strategic Review for Southern Africa*, 1 November 2005, pp. 12–27.

<sup>50</sup> Nyang’oro, p. 111

<sup>51</sup> The twelve member countries of SARPCCO are Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.

<sup>52</sup> Michael Rifer, “SADC and Terrorism: Where is the Regional Strategy?” *African Security Review* vol. 14, no. 1, 2005, p. 112.

As a result of its close relationship with Interpol, with its wealth of expertise and resources, and the fact that law enforcement officials in southern Africa do in fact see the terrorism-related threats of cross-border crime as a priority, SARPPCO has been able to develop and implement a series of practical programs, a number of which reinforce elements of the UN Strategy. These include the creation of a counterterrorism desk at Interpol's sub-regional bureau to assess relevant legislation in member countries, determine gaps and strengths, and make recommendations to the SARPPCO Legal Sub-Committee; the SARPPCO model counterterrorism law referred to above; a counterterrorism training curriculum to ensure that continental and international obligations with regard to the prevention and combating of terrorism are understood by trainees; and a human rights training program to ensure respect for human rights and rule of law by law enforcement officers.<sup>53</sup> In addition to these steps aimed at enhancing law enforcement cooperation among its twelve member states, SARPPCO is in the process of developing a mechanism for improved law enforcement information-sharing among its members.

## ESAAMLG

The fourteen-member ESAAMLG<sup>54</sup> has a critical role to play in implementing the anti-money laundering and counterterrorism financing provisions of the UN Strategy, which give priority attention to the adoption and implementation of the forty recommendations on money laundering and nine special recommendations on terrorist financing of the Financial Action Task Force (FATF). ESAAMLG was established as a FATF-Style Regional Body in 1999 in the eastern and southern regions of Africa and operates under a Memorandum of Understanding that commits all member countries to implement the FATF standards, as well as any other relevant measures contained in multilateral

agreements to which they are party and relevant UN Security Council resolutions. Two of the core activities of the Task Force of Senior Officials, which meets regularly to develop policies and programs at national and regional levels, are 1) researching the trends and types of money laundering and financing of terrorism activities in the region, with a view of understanding emerging vulnerabilities and 2) developing appropriate actions to prevent the threats.<sup>55</sup> The organization is also engaged in a program of mutual evaluation of the anti-money laundering and counterterrorist financing regimes operating in member countries. These assessments provide information on weaknesses that exist in the member countries and provide recommendations on the actions needed to take to strengthen their laws and regulations. The secretariat, which currently consists of two professional staff with plans to expand to five, organizes legislative drafting capacity-building programs, with training focused on the specific FATF recommendations. The secretariat is funded by ESAAMLG member states as well as outside donors.<sup>56</sup>

As the regional arm of a global standard-setting body, ESAAMLG has succeeded in placing the global FATF standards in the appropriate regional and cultural context and therefore helped enhance ESAAMLG members' political support for those standards. Further, by creating the category of "cooperating partner," ESAAMLG has been able to sustain the engagement of both key bilateral and multilateral donors and technical assistance providers,<sup>57</sup> which has helped ensure that the organization does not suffer from the human and financial resource constraints that plague certain other regional and sub-regional bodies.

Despite ESAAMLG's achievements, the capacities of its member countries to implement the FATF standards remain low. For example, most countries still have limited capacity to prevent the financing of terrorism or to prosecute and investigate terrorist cases, and few have made progress on issues such

<sup>53</sup> Correspondence with V. Hifindaka, Head of Interpol Sub-Regional Bureau Harare/SARPPCO Secretariat, (18 June 2007).

<sup>54</sup> The ESAAMLG members are Botswana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, the Seychelles, Tanzania, Uganda, Zambia, and Zimbabwe.

<sup>55</sup> Letter from Eliawony J. Kisanga, 2007.

<sup>56</sup> ESAAMLG secretariat's annual budget is \$370,000. Outside funders of the secretariat include the United States, UK, Denmark, the World Bank, the African Development Bank, and the Commonwealth Secretariat. Letter from Eliawony J. Kisanga, ESAAMLG Executive Secretary to the Center on Global Counterterrorism Cooperation, 16 May 2007 (copy on file with the Center).

<sup>57</sup> ESAAMLG "cooperating partners" include representatives from the International Monetary Fund, FATF, UNODC's Global Anti-Money Laundering Programme, the Commonwealth Secretariat, the United States, and the UK.



as regulating alternative remittance systems. As of May 2007, only Mauritius and South Africa had established financial intelligence units or centers.<sup>58</sup> In addition, ESAAMLG is limited in that it does not include four countries in the sub-region: Angola, Comoros, the Democratic Republic of the Congo, and Madagascar. It has, however, made those countries targets for absorption.

Unlike with most other parts of the UN Strategy, however, an effective and robust institutional mechanism exists in southern Africa to promote those provisions related to countering the financing of terrorism, while taking into account the different circumstances and constitutional frameworks of each country in the sub-region. ESAAMLG includes a number of the elements necessary to promote sustained implementation within the sub-region: adequate human and financial resources, links with a global standard-setting body and bilateral and multilateral donors, capacity-building programs, implementation assessments, and the political buy-in from its member countries. Consideration should be given as to whether this approach could be replicated in southern Africa with respect to other parts of the UN Strategy.

In addition, as stated in recommendation 27, more attention should be given to identifying ways to deepen the coordination and cooperation among ESAAMLG, SADC, and SARPCCO, the three main sub-regional bodies in southern Africa. For example, there should be closer coordination among the bodies in the planning and implementation of projects. This cooperation could be accomplished through an informal Strategy-related task force or working group. Despite the overlapping mandates in certain areas and overlapping membership, cooperation and coordination among the bodies has been minimal to date. The recent absorption of SARPCCO into SADC's Organ for Peace, Defense and Security should improve the situation somewhat with respect to those bodies, but certain organizational and political issues will remain to be worked out and efforts should be made to engage more with ESAAMLG.

Beyond deepening cooperation and coordination among the key sub-regional actors, as recommendation 33 states, SADC, with the broadest mandate of the three bodies that touches on all four pillars of the UN Strategy, should assume a leadership role in promoting and coordinating UN Strategy implementation in the sub-region. With its broad mandate, a regional security mechanism in the form of its Organ for Peace, Defense and Security, a functioning, albeit under-resourced, secretariat, and a series of Strategy-related protocols (although still lacking one on terrorism) SADC has much of the institutional framework necessary to allow it to play this role.<sup>59</sup> Apart from overcoming the political differences among members that have so far inhibited the development of a meaningful SADC counterterrorism program, the challenge for SADC will be whether it can attract the donor support to provide it with the necessary human and financial resources.

Although not focused on southern Africa, the partnership between the Institute for Security Studies and the Intergovernmental Authority on Development's International Capacity Building Program against Terrorism (ICPAT) in east Africa represents an innovative approach to developing and implementing a well-resourced and effective counterterrorism program that could be applied to SADC.<sup>60</sup> Funded by European and other donors, staffed by a regionally representative implementation team, and managed by an NGO research center, the ICPAT program focuses on capacity and confidence building measures in the Horn of Africa, working closely with partners at the regional and global level. Although capacity in the Horn remains low, ICPAT's technical focus has allowed it to cut through some of the political tensions that permeate the sub-region. As indicated in recommendation 33d, SADC members, the SADC secretariat, and donors should study this approach, as well as others being taken in different regional and sub-regional bodies, to build effective counterterrorism programs as relevant stakeholders consider whether and how to develop an SADC program in this area.

<sup>58</sup> Based on the Egmont Group definition of "financial intelligence unit." See the Egmont Group's list of operational financial intelligence units. Available online at: <[http://www.egmontgroup.org/list\\_of\\_fius.pdf](http://www.egmontgroup.org/list_of_fius.pdf)> (accessed 15 October 2007).

<sup>59</sup> Rifer, p. 114.

<sup>60</sup> For more information on ICPAT see <<http://www.issafrika.org/cdterro/english2.htm>> (accessed 11 October 2007).

# IV. THE ROLE OF THE UN SYSTEM AND ITS PROGRAMS AND AGENCIES

Given the significant capacity gaps in many countries, as well as the other competing priorities facing countries in southern Africa, nearly all of the entities represented on the UN's Counter-Terrorism Implementation Task Force have an important role to play in promoting implementation of the UN Strategy in the sub-region. This includes both the traditional counterterrorism bodies such as the Security Council's CTED and the UNODC's TPB as well as entities not traditionally associated with counterterrorism such as UNDP and UNESCO.

Before discussing the contributions that some of these different entities have made and can make, it is worth making a few general points that also apply to southern Africa. First, the UN can be a key resource and referral institution for countries in need of assistance, particularly when countries are reluctant to turn to major counterterrorism donors, such as the United States or the EU, for help. Second, when engaging with different regions and sub-regions, UN actors must be informed by the particular socio-cultural, economic, and political situations. Third, UN entities need to build effective partnerships at both the regional and sub-regional levels, including with civil society, to help get local buy-in, ensure that capacity-building programs are sustainable, and that there is appropriate follow-up. Fourth, given the number of entities on the Task Force, engagement with under-resourced regions and sub-regions needs to be efficient and well coordinated, while maximizing

synergies and minimizing duplication, so as not to overburden already overtaxed national bureaucracies.<sup>61</sup>

## CTC

The CTC, with the support of its expert group, the CTED, is charged with monitoring the implementation of Security Council Resolution 1373, which imposed a range of security-related counterterrorism obligations on all UN member states. Among other things, the CTC/CTED is responsible for facilitating the delivery of counterterrorism technical assistance to states that it has identified as needing help implementing the provisions of the resolution, as well as engaging with and coordinating the counterterrorism activities of international, regional, and sub-regional bodies. To date, the CTC/CTED's impact in southern Africa has been limited. For example, although it is working closely with the ACSRT, it has had little contact with the various sub-regional bodies active in southern Africa. Its participation, however, in the December 2006 SADC workshop and role in helping organize the one in November 2007 are positive developments. These bodies have important roles to play in building political support within the sub-region for the CTC/CTED and in helping the CTC/CTED connect and develop sustained relationships with local stakeholders. The CTC/CTED has had difficulty sustaining a dialogue with countries in the sub-region, a number

<sup>61</sup> For an excellent discussion of the role of the UN in building counterterrorism capacity in Africa, see du Plessis, pp. 85-92.



of which have not reported to the CTC/CTED on their implementation efforts for over two years.<sup>62</sup> Finally, it has had difficulties facilitating the delivery of technical assistance to countries in the sub-region, despite the widespread needs.

There are some signs, however, that the situation will improve, as the CTC/CTED moves away from relying on written country reports and seeks to engage more directly and informally with experts in capitals (as opposed to diplomats in New York). CTED has produced Preliminary Implementation Assessments (PIAs) for each southern African country, which provide a comprehensive overview of national efforts to implement Resolution 1373. These PIAs, which will be shared and discussed with the states concerned, are meant to serve as the basis of the CTC/CTED's intensified and tailored dialogue with individual states. The CTED has also put together a directory of best practices related to the different provisions of Resolution 1373; incorporated the needs of SADC countries into its Technical Assistance Matrix, which provides information on states' needs; and updated the Directory of Assistance, which contains information on available technical assistance. In addition to the November 2007 workshop for countries in the sub-region that have been late in submitting reports to the committee on their implementation of Resolution 1373, CTED is also exploring bringing regional and sub-regional actors and donors together, which may help facilitate and improve the coordination of capacity-building assistance.

Whether these changes will in fact help with respect to southern Africa is an open question. The controversial nature of Resolution 1373, due partly to the perception that it is too narrow an approach to addressing the threat and the sense that it is part of a U.S.-led, Western imposed agenda, may continue to make it difficult for the CTC/CTED to get full cooperation from and engagement by states in the sub-region. There is also a sense that the CTC/CTED and other UN counterterrorism bodies tend not to devote sufficient attention to the historic, political, social, and cultural sensitivities surrounding terrorism in southern Africa and that as a Security Council body, the CTC/CTED may simply lack the necessary legitimacy to build the trust with governments in southern Africa required to engage in sustained counterterrorism capacity-building activities.

The adoption of the UN Strategy, however, which incorporates all elements of the resolution, provides the CTC/CTED with the opportunity to build more support for its work in the sub-region. By placing its dialogue in the context of the UN Strategy, the CTC/CTED might find a more receptive audience in southern Africa. Anecdotal evidence suggests that not only the CTED but also other elements of the UN's counterterrorism program such as UNODC's TPB have already seen a positive impact on the willingness of states in the region to cooperate as a result of framing their work in the consensus context of the UN Strategy.

## The 1267 Committee

The 1267 Committee, the Security Council committee responsible for maintaining and overseeing implementation of the financial sanctions, arms embargoes, and travel bans against the Taliban, al-Qaida, Osama bin Laden, and associated individuals, is a critical means for internationalizing sanctions against individuals on its Consolidated List. Although Security Council designations and the actions of the committee have led to the freezing of millions of dollars worldwide, many countries in southern Africa still do not have the legal or institutional framework in place to implement the mandated asset freezes. Twenty-five countries in Africa, including five in southern Africa, have failed to submit reports to the committee on implementation of the mandated sanctions and fewer still have the demonstrated capacity to implement the travel ban and arms embargo also overseen by the committee. The UN list and changes to it are often not circulated by states in southern Africa to the relevant border and other officials in a timely fashion, if at all, and there is no automatic application of the Consolidated List in many southern African states. Without making the UN list directly applicable, the delay that results can allow time for assets to be moved underground or to other jurisdictions. Further, the absence of active financial intelligence units in all but South Africa and Mauritius means that much of the necessary financial intelligence, not only from domestic transactions but also from financial flows between financial centers in South Africa and other countries in the sub-region, is not being collected. Enforcement of the travel ban in the

<sup>62</sup> According to the CTC website, <<http://www.un.org/sc/ctc>>, ten of the fifteen SADC states have not reported to the CTC/CTED in more than two years.

region is hampered by easy access to and widespread use of fraudulent travel documents, the limited use of technology to detect fraudulent identification, such as scanners and machine readable travel documents, and porous/illegal border crossings.

Unfortunately, the political fallout over the U.S. attempt to add two South African nationals to the 1267 Committee's Consolidated List continues to make it difficult for certain countries in the region to actively and publicly support the activities of the 1267 Committee and has served to reinforce perceptions in the sub-region that the committee and other elements of the UN counterterrorism effort are mere proxies in the U.S.-led "Global War on Terror."<sup>63</sup>

## UNODC

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UNODC, through its TPB and Global Programme against Money Laundering (GPML), is a main provider of counterterrorism technical assistance. The UN Strategy highlights the role UNODC has to play, particularly in assisting states to develop and maintain effective criminal justice systems capable of dealing with the threat of terrorism. TPB's efforts focus primarily on helping states join and implement the sixteen universal anti-terrorism conventions and protocols by providing legislative drafting assistance, conducting workshops and trainings of criminal justice professionals, and the preparation of model laws and implementation kits. As noted above, UNODC has held and plans additional workshops in the region in partnership with CTED and SADC. To help sustain its involvement in the sub-region, UNODC has also signed formal partnership agreements with SADC and SAARPCO. Cooperation with such sub-regional partners is particularly important to ensure the sustainability and effectiveness of the technical assistance it provides and should be leveraged to ensure its one-off workshops have an enduring impact on the ground. UNODC also has a sub-regional office for southern Africa located in Pretoria, which aids in its sub-regional outreach, and the GPML has placed an expert within the ESAAMLG secretariat in Dar es

Salaam, Tanzania to assist with the work of that body. Given TPB's focus on the development of effective national criminal justice systems, which is underscored in the UN Strategy, and the shared interest in southern Africa in this aspect of the Strategy (with all being concerned about organized and violent street crime), it can serve as a good conduit for bringing the Strategy to the ground and helping to explain to states in the sub-region how it is relevant to their concerns.

Although ratification of the universal anti-terrorism conventions has increased since 2001, the accession rate in sub-Saharan Africa is the lowest of any region. Of SADC's fifteen member countries, only eight have joined more than half of these conventions, with some lacking the necessary domestic implementing legislation.<sup>64</sup> UNODC and other assistance providers face significant challenges in realizing the effective delivery of assistance, including, as mentioned above, uneven support for international counterterrorism efforts, particularly in light of more urgent domestic priorities; improving coordination among assistance providers to improve efficiency and minimize the burden on recipient countries; ensuring countries have the minimum institutional capacity to in fact benefit from assistance; checklist and one off, "flash in the pan" capacity building initiatives that do not include the follow-up necessary to maximize the impact of assistance; the fact that because of security or other issues, many of the countries in the region most in need of such assistance are simply not accessible; and reducing the perceived tensions between development and security.<sup>65</sup>

## Interpol

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Although an independent organization, the UN Strategy makes extensive mention of Interpol, which is also an active member of the Task Force. Interpol's database of lost and stolen travel documents, to which 124 countries have contributed almost 15 million documents (twenty-six countries in sub-Saharan Africa

<sup>63</sup> See for example Karima Brown, "Government Too Willing to be US Proxy on 'Terror,'" *Business Daily*, 30 January 2007.

<sup>64</sup> Botswana, Madagascar, Mauritius, Mozambique, the Seychelles, South Africa, Swaziland, and the United Republic of Tanzania have all ratified at least ten of the conventions. No SADC countries have ratified all thirteen conventions. UN Office on Drugs and Crime, Short Ratification Status, 31 July 2007. Provided by UNODC.

<sup>65</sup> For a discussion of these and other challenges confronting UNODC and other technical assistance providers in Africa, see du Plessis, pp. 88–90.

have contributed approximately 90,000 of these), is mentioned specifically in the UN Strategy.<sup>66</sup> It also facilitates cooperation and maintains databases with other critical law enforcement information such as fingerprints, wanted persons, and illicit weapons, as well as maintaining a Terrorism Watch List. While nearly all Interpol member countries in Africa have joined the I-24/7 communications network, which enables law enforcement agencies to share information and access those databases,<sup>67</sup> there is still poor/inadequate access to these important tools within most countries in the sub-region, especially at critical front line locations such as border crossings. Interpol's Fusion Task Force on Africa, Project Baobab, also targets terrorist networks by seeking to identify and monitor their membership and recruitment, sharing intelligence information, and offering capacity building assistance to countries in the region. Interpol's three Sub-Regional Bureaus in Africa, including its office in Harare that houses SARPCCO, provide training and regional forums for sharing information.

## IMF/World Bank

In the broader UN family, the International Monetary Fund (IMF) and World Bank are not only making important contributions to reducing poverty and promoting development and good governance, which are central components of the Strategy, but are also contributing more specifically to the sub-region's efforts to combat money laundering and the financing of terrorism. They conduct joint assessments of member countries' compliance with the FATF standards under the Financial Sector Assessment Program. So far five SADC countries have been reviewed under the program.<sup>68</sup> The IMF/

World Bank also provide technical assistance on implementing anti-money laundering/combating the financing of terrorism legislation at the request of member states. Within Africa, the IMF and World Bank have signed a memorandum of understanding with the African Development Bank to create the Joint Africa Institute, located in Tunisia, which addresses economic policy issues related to development, including those related to anti-money laundering/combating the financing of terrorism, through workshops and other training programs for African economic leaders. The IMF has established three regional training centers in sub-Saharan Africa (Africa Regional Technical Assistance Centers) located in east, west, and central Africa. But of the fourteen countries of southern Africa, only the Democratic Republic of the Congo and Tanzania are served by these.<sup>69</sup> The IMF and World Bank also work with ESAAMLG on training and implementation.

## UN Functional Organizations

UN functional organizations such as the International Maritime Organization (IMO), the International Civilian Aviation Organization (ICAO), and the World Customs Organization (WCO) propagate international counterterrorism standards and best practices, monitor their implementation, and work to varying degrees with their member states to provide assistance and otherwise improve implementation of those standards. Fourteen of the fifteen SADC countries have indicated their intentions to implement WCO's June 2005 Framework of Standards to Secure and Facilitate Global Trade<sup>70</sup> and all of those with ocean coastlines (Angola, Madagascar, Mauritius, Mozambique, Namibia, the Seychelles, South Africa,

<sup>66</sup> Interpol, Office of the Special Representative of Interpol to the United Nations, e-mail communication with authors, 23 May 2007.

<sup>67</sup> Ibid.

<sup>68</sup> Under the auspices of its Financial Sector Assessment Program, the IMF has conducted assessments of Madagascar, Mauritius, Mozambique, Namibia, and Tanzania. See the website of the IMF Financial Sector Assessment Program at: <<http://www.imf.org/external/np/fsap/fsap.asp>> (accessed 15 October 2007).

<sup>69</sup> The IMF has established three African Regional Technical Assistance Centers (AFRITACs). The East AFRITAC in Dar es Salaam, Tanzania serves seven countries in East Africa: Eritrea, Ethiopia, Kenya, Malawi, Rwanda, Tanzania, and Uganda. The West AFRITAC in Bamako, Mali serves ten countries in West Africa: Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Guinea, Mali, Mauritania, Niger, Senegal, and Togo. The Central AFRITAC in Libreville, Gabon serves eight countries in Central Africa: Burundi, Cameroon, Chad, Central African Republic, Democratic Republic of the Congo, Republic of Congo, Equatorial Guinea, and Gabon. *IMF Factsheet*, "The IMF Regional Technical Assistance and Training Centers," April 2007. Available online at: <<http://www.imf.org/external/np/exr/facts/afritac.htm>> (accessed 15 October 2007).

<sup>70</sup> All SADC member states except the Seychelles have indicated their intentions to implement the WCO's June 2005 Framework of Standards to Secure and Facilitate Global Trade. "Members who have expressed their intention to implement the WCO Framework of Standards to Secure and Facilitate Global Trade." Available online at: <[http://www.wcoomd.org/ic/EN/Topics\\_Issues/FacilitationCustomsProcedures/WCO+TABLE+Intention+to+implement+the+FOS+EN-FR.pdf](http://www.wcoomd.org/ic/EN/Topics_Issues/FacilitationCustomsProcedures/WCO+TABLE+Intention+to+implement+the+FOS+EN-FR.pdf)> (accessed 15 October 2007).

and Tanzania), plus the Democratic Republic of the Congo and Malawi, are bound to the IMO's July 2004 International Ship and Port Facility Security Code.<sup>71</sup> Implementation of these standards, however, has lagged as a result of a combination of lack of capacity and political will. Further, only just over half have or have plans to implement ICAO's standards for Machine Readable Travel Documents.<sup>72</sup>

Each UN functional organization has a presence in southern Africa through which it provides different forms of technical assistance and engages in varying degrees of cooperation with sub-regional organizations on the ground. The UN Strategy highlights the importance of the capacity-building and standard-setting work these functional bodies perform, which is of particular importance in a sub-region where such significant capacity gaps exist. Sub-regional bodies, SADC in particular, could be useful in brokering technical assistance and maintaining the political will necessary to improve implementation of these standards.

## OHCHR

The UN Strategy devotes significant attention to promoting “human rights for all and the rule of law as the fundamental basis of the fight against terrorism,” to which the Office of the UN High Commissioner on Human Rights (OHCHR) is critical. OHCHR provides legislative and other assistance to states on counterterrorism and human rights. Although it has only two Geneva-based staff assigned to the human rights and counterterrorism portfolio, OHCHR maintains two country-specific offices in southern Africa—in Angola and the Democratic Republic of the Congo—as well as a sub-regional office in South Africa that offers training and advice

to governments and civil society groups in the region and works with SADC, the Common Market for Eastern and Southern Africa, and NEPAD on human rights issues related to their agendas.<sup>73</sup> OHCHR also supports the Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism, who visited South Africa on his second country visit. After his visit, he encouraged South Africa to lead the charge within the AU and SADC to devise counterterrorism legislation in conformity with international human rights standards and promote the ratification and implementation of international human rights treaties among the membership of those organizations.<sup>74</sup>

## UNHCR

The UN Strategy similarly highlights the obligations of states under international humanitarian and refugee law. For example, while states are bound “to take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities,” counterterrorism concerns are not to be used as a pretext for denying sanctuary to legitimate refugees and asylum seekers.<sup>75</sup> Although neither mentioned in the UN Strategy nor currently part of the Task Force, the UN Office of the High Commissioner for Refugees (UNHCR) has an important role to play in supporting UN Strategy implementation by providing guidance and assisting with refugee status determination, the application of “exclusion clauses” and other related issues such as application of the principle of non-*refoulement*, pre-entry interception and screening measures, and detention of asylum seekers.

In his August 2007 report, the Special Rapporteur rejected making “unwarranted linkages

<sup>71</sup> Angola, the Democratic Republic of the Congo, Madagascar, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Tanzania, and Malawi are parties to the International Convention for the Safety of Life at Sea (SOLAS) 1974, and are therefore required to implement the International Ship and Port Facility Security Code. Botswana, Lesotho, Swaziland, Zambia, and Zimbabwe, all of which are landlocked, have not signed the SOLAS Treaty. IMO Status of Conventions by Country. Available online at: <[http://www.imo.org/Conventions/mainframe.asp?topic\\_id=248](http://www.imo.org/Conventions/mainframe.asp?topic_id=248)> (accessed 5 October 2007).

<sup>72</sup> As of the end of 2006, Lesotho, Madagascar, Mauritius, Namibia, the Seychelles, South Africa, Zambia, and Zimbabwe were issuing or had plans to issue Machine Readable Travel Documents. E-mail correspondence with Lise Boisvert, Chief, External Relations and Public Information Office, ICAO, 22 November 2006.

<sup>73</sup> Office of the United Nations High Commissioner for Human Rights, “Angola,” and “Democratic Republic of Congo,” Available online at <<http://www.ohchr.org/english/countries/ao/index.htm>> and <<http://www.ohchr.org/english/countries/zr/index.htm>> (accessed 20 August 2007).

<sup>74</sup> United Nations, Press Release “UN Special Rapporteur on Human Rights and Counter Terrorism Issues Preliminary Findings on Visit to South Africa,” 26 April 2007. Available online at: <<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/2972818321758A90C12572C900476EA5?opendocument>> (accessed 15 October 2007).

<sup>75</sup> United Nations Global Counter-Terrorism Strategy, sect. II, paras 2 and 3.

between refugee protection and terrorism,” as was done in the aftermath of 11 September 2001, when Security Council Resolution 1373 called upon states to ensure that terrorists were not granted asylum and to prevent the abuse of refugee protection. He added that many of the challenges to human rights in the fight against terrorism “are so directly linked to asylum seekers, refugees and immigrants that the impact of counterterrorism measures on the international protection regime and the right to seek and enjoy asylum from persecution must also be seen as being at the core of the mandate of the Special Rapporteur.”<sup>76</sup> UNHCR’s role in this regard is of particular relevance in a sub-region that has been and may continue to be confronted with large numbers of refugees. As suggested in recommendation 15, while continuing to remain mindful of the need to avoid making unwarranted connections between refugee protection and threats of terrorism, UNHCR should join the Task Force. This would be an appropriate step, given the UN Strategy’s provisions related to asylum seekers and the connection between refugee and human rights law in the context of counterterrorism.

## UNESCO

UNESCO, though not traditionally associated with counterterrorism, has a pivotal role to play in facilitating the implementation of those elements of the UN Strategy aimed at addressing conditions conducive to the spread of terrorism, particularly in the area of education and promoting inter-religious and cultural dialogue. As a matter of policy, UNESCO has acknowledged the “link between activities in support of the dialogue among civilizations, cultures and peoples, and efforts to discourage and dissuade extremism and fanaticism,” and the

importance of “fostering dialogue among peoples and countering extremism and fanaticism.”<sup>77</sup> Working with the Islamic Educational Scientific and Cultural Organization of the Islamic Conference, it has worked to “produce guidelines for promoting peace and intercultural understanding through curricula, textbooks and learning media.”<sup>78</sup> As part of its general strategy, UNESCO has designated Africa a priority region and established numerous sub-regional offices in southern Africa, including Harare, Windhoek, and Dar es Salaam and made cooperation with and support of NEPAD a priority.<sup>79</sup>

UNESCO also has much to contribute—in close cooperation with the appropriate regional and sub-regional bodies—through coordinating and promoting the implementation of the recommendations contained in the November 2006 Alliance of Civilizations Report of the High-Level Group, which is specifically mentioned in the UN Strategy. The Alliance of Civilizations Report was drafted by twenty scholars and leaders from a variety of cultural and religious backgrounds with a view to trying “to build bridges between societies, to promote dialogue and understanding and to forge the political will to address” issues like Islamist terrorism.<sup>80</sup> The report offers a series of recommendations concerning the media, education, religion, and migration.

## UNDP

Although mention of the organization itself is conspicuously absent from the UN Strategy, program areas for which UNDP is responsible, such as promoting good governance, the rule of law, social inclusion, and addressing other conditions conducive to the spread of terrorism, form a central component of the document. With an overall budget of just under \$5 billion, UNDP typically partners with member

<sup>76</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinen, UN Doc. A/62/263, 15 August 2007, para. 35.

<sup>77</sup> “UNESCO’s Contribution to Counter-Terrorism,” Bureau of Strategic Planning, UNESCO Headquarters, Paris, June 2007. [On file with authors]

<sup>78</sup> “Experts Discuss Textbooks as Instrument for Peace,” Available online at: <[http://portal.unesco.org/education/en/ev.php-URL\\_ID=53469&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=53469&URL_DO=DO_TOPIC&URL_SECTION=201.html)> (accessed 15 October 2007).

<sup>79</sup> United Nations Educational, Scientific, and Cultural Organizations (UNESCO), “Priority Africa: Programme 2004–2005,” Available online at: <[http://portal.unesco.org/en/ev.php-URL\\_ID=19521&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=19521&URL_DO=DO_TOPIC&URL_SECTION=201.html)> (accessed 15 October 2007).

<sup>80</sup> United Nations, *Alliance of Civilizations: An Action Plan to Improve Cross-Cultural Relations—The Report of the High-Level Group*, 13 November 2006, paragraph 1.4. Available online at: <<http://www.unaoc.org/repository/report.htm>> (accessed 15 October, 2007).

states to provide guidance and technical assistance for development projects.<sup>81</sup> It also conducts programs on democratic governance, the rule of law, justice and security, conflict prevention and recovery, and empowering marginalized groups.<sup>82</sup>

UNDP is perhaps the best represented UN agency on the ground, with resident representatives throughout the sub-region. They are generally also the UN resident coordinators responsible for promoting coherence among the different parts of the UN system operating in a particular country. Although it has been reluctant to involve itself or associate any of its activities with combating terrorism, UNDP may be the organization best placed to coordinate in-country technical assistance programs and serve as a focal point for in-country implementation efforts. Although UNDP is represented on the Task Force, beyond contributing to its online handbook and participating in some of its working group meetings, it is difficult to determine whether any practical cooperation has occurred as a result. There may be little to gain (and in fact a great deal lost) from applying the rubric of counterterrorism to UNDP's efforts, but this should not preclude highlighting the important role UNDP plays in helping address conditions conducive to the spread of terrorism and interrelated capacity gaps in the region—both core elements of the Strategy. Its willingness to coordinate its capacity building efforts with security related components of the UN system will be key to obtaining local buy-in for the UN Strategy and furthering its implementation in the sub-region.

## Improving Coordination, Cooperation, and Outreach to Southern Africa

As this brief survey indicates, there are many different UN bodies, programs, and agencies engaged in UN Strategy implementation. They fall generally into two categories: 1) core counterterrorism actors

focused on the law enforcement, border, and other security aspects of the UN Strategy (*e.g.* the Council's various committees and expert groups and UNODC/TPB/GPML) and 2) those bodies that may not have a significant, if any, mandate to address terrorism, but nevertheless have a role to play in contributing to Strategy implementation (*e.g.*, UNDP, UNHCR, OHCHR, UNESCO, the World Bank, etc.) The adoption of the UN Strategy and the institutionalization of the Task Force within the UN Secretariat have helped to improve the coherence of the UN counterterrorism effort somewhat, but additional steps should be taken to improve the coordination and cooperation across the broader UN system and outreach to southern Africa.

First, for bodies in the former group (the various Security Council bodies and UNODC's TPB and GPML), it no longer makes sense to continue to have separate mandates given how inter-related, if not overlapping, these mandates are. Many states in southern Africa have had difficulties engaging with these multiple bodies. In many governments, for example, the same individual is responsible for engaging with each of them. Although UN and member state officials in New York tend to see the need to maintain these distinct mandates, this view is not shared by those in the sub-region. Lack of capacity within the UN itself makes a rationalization of those related efforts all the more important. Such reform could proceed along a spectrum from simply improving cooperation between the different intergovernmental bodies, to consolidation of their staffs, to the establishment of a new UN counterterrorism body responsible for all of their mandates.<sup>83</sup>

In the latter group (UNESCO, UNDP, UNHCR, etc.), there is a particular need for each body to maintain and respect their separate and distinct mandates. However, the interpretation of those mandates leaves plenty of room for increased coordination and cooperation in the context of Strategy implementation. Even with the adoption of the Strategy and the institutionalization of the Task Force, the often rigid adherence of UN bodies

<sup>81</sup> United Nations Development Programme, "Status of Regular Funding Commitments to UNDP and its Associated Funds and Programmes." Available online at <<http://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/364/03/pdf/N0736403.pdf?OpenElement>> (accessed 20 October 2007).

<sup>82</sup> UNDP has, for example, partnered with regional organizations in sub-Saharan Africa on programs to curb the spread of small arms and light weapons and other projects such as the training of prosecutors in Mauritius, assisting with elections in the Democratic Republic of the Congo, and improving the effectiveness and quality of the police force in Mozambique.

<sup>83</sup> For a discussion of recommendations for improving the Security Council counterterrorism program see: Eric Rosand, Alistair Millar, and Jason Ipe, *The UN Security Council's Counterterrorism Program: What Lies Ahead?*, International Peace Academy, October 2007. Available online at: <[http://www.globalct.org/pdf/UN\\_Security\\_Council\\_Counter-Terrorism\\_Program.PDF](http://www.globalct.org/pdf/UN_Security_Council_Counter-Terrorism_Program.PDF)> (accessed 11 October 2007).

to their mandates has impeded deeper inter-agency coordination.

Second, as provided for in recommendation 11b, those parts of the UN system that focus on Section I of the Strategy, *e.g.* UNESCO and UNDP, should formally endorse the UN Strategy and empower their Task Force representatives to deepen engagement and cooperation with the other Task Force-members.

Third, as stated in recommendation 16, UNDP and its regional and field offices also need to become more engaged in Strategy-implementation efforts, including by coordinating their capacity-building activities with those being carried out by CTC/CTED and UNODC/TPB in the sub-region and elsewhere.

Fourth, in addition to addressing the problems that result from the overlapping mandates of core UN counterterrorism actors and lack of coordination across the system, as provided in recommendation 17, efforts should be made to produce greater synergies among the counterterrorism, anti-organized crime, and anti-corruption activities within the UN, activities which are treated largely separately despite having obvious linkages. Governments in the sub-region may be more willing to engage on counterterrorism issues if they are linked with efforts to combat organized crime and corruption, in the context of broader criminal justice institution building, which are often higher domestic priorities than counterterrorism. Thus, there would be considerable benefits from having these parts of the UN system engage with southern Africa in a more coordinated manner. In many instances the same measures are needed to address each of these issues and technical assistance in one area will benefit states in the other areas as well. Therefore, as provided for in recommendation 17b, the various relevant UN actors in these issue areas (*e.g.*, UNODC, CTC/CTED, Al-Qaida/Taliban Sanctions Committee/Monitoring Team), technical assistance providers, and donors should work with SADC to develop a unified set of sub-regional priorities and technical assistance requests in these issue areas. This would help ensure that the UN better understands the needs and priorities of countries in the sub-region and enhance the communication between the UN and the sub-region.

Fifth, as elaborated in recommendation 41, to avoid duplication of training programs, workshops, and seminars, procedures should be established to facilitate more regular exchange of information among the UN and other technical assistance providers. UNODC, CTED, UNDP's regional offices, or

the Task Force's integrated implementation working group (if provided with the necessary resources), could be charged with overseeing this exchange of information, which could include a password-protected web-based calendar.

Sixth, as articulated in recommendation 14, the CTC/CTED, in cooperation with the other relevant actors, should bring interested donors and sub-regional stakeholders together for workshops focusing on those core substantive elements of the UN Strategy relevant to the CTED's mandate. This would allow experts in the sub-region to interact, exchange best practices, and develop a sub-regional network of government experts charged with implementing these elements of the Strategy. These sub-regional workshops need to be part of a broader Task Force strategy to deepen UN system-wide engagement with southern Africa and increase the sense of sub-regional ownership.

Seventh, UN Strategy-related technical assistance should be part of a broad-based, long-term capacity-building program in each recipient country that includes the necessary follow-up to maximize the impact of the assistance.

Eighth, as recommendation 18 provides, UN Resident Coordinators/UNDP Resident Representatives could be given responsibility for coordinating in-country, UN Strategy-related technical assistance, which could help ensure that those efforts are designed and implemented in a manner consistent with the UN's development strategy and overall approach in a particular country.

Ninth, an on-the-ground presence of certain key UN counterterrorism actors, including CTED and UNODC/TPB, as stated in recommendation 8, could further improve the ability of the UN system to engage effectively with local stakeholders on Strategy-related issues. For example, the CTED could spin off some of its New York-based staff and establish CTED field presences in different regions, including southern Africa, allowing it to collect information, engage more directly with capitals, regional organizations, and other stakeholders, and move beyond the New York-based, largely paper driven effort that has generally characterized its work to date.

And finally, as suggested in recommendation 18b, consideration should also be given to a sub-regional Task Force focal point, housed in the SADC secretariat, who could work with field-based experts from either CTC/CTED and/or UNODC's TPB.

# V. The Role of NGOs and Civil Society

The UN Strategy ascribes a rather ambivalent role to civil society in implementing its provisions. It encourages “non-governmental organizations and civil society to engage, *as appropriate*, on how to enhance efforts to implement the Strategy,” which reflects the ambivalence of much of the UN membership itself [emphasis added]. The inclusion of “as appropriate” was intended to leave it to states to determine the role (if any) to be given to civil society organizations. In a region where certain basic institutional capabilities may be lacking, the role of civil society is particularly important. NGOs and other civil society organizations can play an important role in activism, education, research, oversight and even as potential assistance and service providers.

On the most basic level, vibrant civil society is critical to well functioning, responsive, and democratic governments. Civil society organizations give voice to marginalized and vulnerable groups and provide a constructive outlet for the redress of grievances.<sup>84</sup> Impartial NGOs can play a critical role in ensuring that counterterrorism measures respect human rights and the rule of law, monitoring the actions of the military, law enforcement, and other security services, laying down guidelines, conducting investigations into alleged abuses, scrutinizing counterterrorism legislation, and generating awareness of unlawful practices and other human rights and Strategy-related issues. For example, in

South Africa, civil society organizations raised the alarm over draft counterterrorism legislation that included an overly broad definition of terrorism and was viewed by many as unconstitutional and reminiscent of apartheid-era security powers. Largely as a result of the pressure brought to bear by civil society, the government and legislators engaged civil society organizations in a process of dialogue, resulting in legislation that included a considerably narrower definition of terrorism and addressed many of their concerns.<sup>85</sup> As with that experience, implementation of the UN Strategy will require popular support, which can only be built with the support and cooperation of civil society across the sub-region.

It is important, however, that civil society groups not be viewed as simply circumscribing government action. As South African researcher Felicity Harrison points out, “the history of Africa has shown how the lack of a strong civil society and, indeed, the deliberate weakening of civil society by those in power, can have disastrous results.”<sup>86</sup> In many instances partnerships with NGOs help augment the capacities of governments and international bodies to act and, in some cases, even assume an operational role. The partnership between the Institute for Security Studies and the Intergovernmental Authority on Development’s Capacity Building Program against Terrorism is an

<sup>84</sup> Felicity Harrison, “In Search of a Counter-Terrorism Strategy: The Role of Civil Society,” in Okumu and Botha (eds.), *Understanding Terrorism in Africa*, p. 127–130.

<sup>85</sup> For an excellent discussion of the role of civil society in the drafting and passage of South Africa’s counterterrorism legislation and the broader role of civil society see: Harrison, p. 127–130.

<sup>86</sup> Harrison, p. 127–130.



excellent example. There are numerous other civil society organizations in southern Africa working on security-related issues such as peacekeeping and post-conflict reconstruction, whose work relates generally to Strategy implementation. As prescribed in recommendation 34, such organizations should seek to use their work to promote implementation of relevant parts of the UN Strategy, and states, where appropriate, should avail themselves to the expertise and resources of such organizations.

The role of civil society, however, differs across southern Africa. The relationship between the state and civil society is often politically complex, with the operating space given to civil society organizations varying from country to country. This complexity and diversity of approach is reflected in the ambivalent language of the UN Strategy itself. In some states in southern Africa, much of civil society has come to define itself in opposition to the state, thus making some governments in the region reluctant to partner with NGOs and other civil society organizations, particularly on issues as sensitive as counterterrorism. Even well functioning, democratic states are reluctant to cooperate with civil society on hard security issues such as counterterrorism—issues that are generally viewed as falling under the sole purview of state governments, in particular the security services. Furthermore, in instances where governments may be willing, few civil society organizations have demonstrated the expertise, resources, and credibility to partner effectively.

To help overcome this deficit, recommendation 35 suggests that efforts be made to establish broad-based civil society groups and partnerships consisting of a range of NGOs and other civil society organizations that embrace the holistic approach to addressing terrorism enshrined in the UN Strategy, rather

than focusing more narrowly on human rights or development-related issues.

A prerequisite to increasing the involvement of NGOs and other civil society organizations in efforts to promote UN Strategy implementation, however, is that they need to be convinced that the UN Strategy is relevant to their concerns and interests and that supporting its implementation will not just further narrow government interests. So far, this message has not been clearly articulated either by the Task Force or at the regional and national levels, but it needs to be. In addition, in order for increased civil society participation to truly enhance the Strategy's legitimacy in the sub-region, it has to reflect a genuine opportunity to influence Strategy implementation efforts. In other words, civil society should be involved—not only at the stage of helping governments implement policies and programs, but also at the stage of policy and agenda development.<sup>87</sup>

To help develop a network of civil society organizations committed to contributing to effective implementation of the Strategy, an informal sub-regional mechanism for NGOs and other civil society organizations from different countries could be created. Such a mechanism would promote the sharing of information and experiences and allow for joint-strategizing on how best to engage with governments and other actors on the many different aspects of the Strategy. As outlined in recommendation 37, the African Research Network on Terrorism and Counter-Terrorism (ARNTACT) should continue to build partnerships among researchers, practitioners, institutions, and other stakeholders and raise awareness of and build support for the UN Strategy. The ARNTACT could be the first component in a global network of civil society representatives from around the world committed to promoting Strategy implementation.

<sup>87</sup> There may be lessons to be learned from efforts to engage NGOs and other civil society organizations in the implementation of NEPAD. See, e.g., “NEPAD Five Years Later: Critical Institutional and Civil Perspectives,” International Peace Academy, July 2007. Available online at: <<http://www.ipacademy.org/asset/file/190/mn-nepad.pdf>> (accessed 15 October 2007).

# Conclusion

This report has sought to highlight the role that various international, regional, and sub-regional bodies do and can play in implementing the UN Strategy in southern Africa and the challenges that the sub-region will need to overcome as it seeks to move forward with implementation. NGOs and other civil society organizations are critical to building local support and awareness of the UN Strategy and have important roles in activism, education, research, oversight, and even as assistance providers and in undermining conditions conducive to the spread of terrorism. Regional and sub-regional bodies can help take into account cultural and other contextual issues; can undertake region-specific initiatives; often have unique knowledge and expertise; and can help build local ownership. Within the UN system, a myriad of actors, including not only security focused bodies such as the Security Council's counterterrorism-related bodies, and UNODC's TPB, but also entities not traditionally associated with counterterrorism such as UNESCO and UNDP, have important roles to play.

In light of the widespread perception that terrorism is primarily a Western problem and that underlying conditions and deep gaps in capacity must be addressed, a strategy focused on narrow security and law enforcement concerns, particularly if viewed as merely an extension of the U.S. "Global War on Terrorism," is unlikely to gain much currency within the sub-region. One of the UN Strategy's primary achievements is its attempt to bridge the divide

between the security interests of the global north and the development priorities of the global south, putting the need to address conditions conducive to the spread of terrorism front and center. Operationalizing this connection between security and development and translating what is a useful intellectual framework into coordinated action on the ground is now the next step.

This report highlighted the range of challenges to carrying forward the UN Strategy and implementing it in southern Africa. These include 1) raising awareness of this global framework in the sub-region, which will require, *inter alia*, more sustained political leadership from the Task Force and the Secretary-General in New York and more active involvement of the AU and sub-regional bodies, in particular SADC, 2) deepening the engagement of UNDP, UNESCO, and other Task Force members that have important roles to play in addressing many of these conditions in promoting UN Strategy implementation, 3) stimulating a field-based approach to the work of the CTC/CTED and UNODC's TPB, which allows for more sustained interactions with governments and other stakeholders in the sub-region, and 4) changing the rhetoric from one of "counterterrorism" to one emphasizing concepts such as good governance, rule of law, and criminal justice reform, all of which are more appealing to stakeholders within southern Africa. The recommendations annexed to this report, if implemented, should help to overcome these and other challenges.

# Findings and Recommendations

1. Given the political sensitivities surrounding counterterrorism initiatives in southern Africa, particularly those originating from outside Africa, effective implementation of the UN Strategy will require the development of local strategies.
2. A wide range of stakeholders, in addition to member states, including relevant parts of the UN system, other multilateral bodies, the private sector, and civil society need to contribute to the design and implementation of these strategies.
3. In building support for Strategy implementation efforts, emphasis should be placed on those aspects of the Strategy that resonate with political leaders in southern Africa, including, for example, the inclusion of “conditions conducive to the spread of terrorism,” how the Strategy could be used as an instrument to promote broader rule of law and criminal justice development in the sub-region, and the linkages between the Strategy’s goals and the Millennium Development Goals, which receive explicit mention in the Strategy.
4. Addressing fundamental issues related to improving governance and addressing corruption will be necessary in order to ensure that Strategy implementation efforts are sustainable, given the more fundamental capacity issues that often dwarf any perceived counterterrorism shortcomings in the sub-region.
5. The roles of the various relevant parts of the UN system involved in UN Strategy implementation need to be clarified and streamlined to facilitate interaction between southern African states and the UN on Strategy-related issues.
6. The relevant parts of the UN system should interpret their respective mandates in order to maximize intra-system cooperation and coordination.
7. Steps should be taken to raise and sustain awareness of the UN Strategy outside of New York and seek to ensure that there is a coherent UN counterterrorism presence that has the support of local stakeholders in southern Africa and other regions.
  - a. The Task Force should ensure that capitals in southern Africa are not only made fully aware of its work and the larger Strategy implementation efforts, but also that they recognize the practical relevance of the Strategy to their own domestic priorities.
  - b. A Task Force representative or UN focal point for Strategy-related issues could be appointed in each region.
  - c. An informal sub-regional Strategy-implementation task force could be established; this would consist of representatives from relevant multilateral bodies, including SADC,

## UN SYSTEM

- SARPCCO, EAASMLG, and representatives from parts of the UN system represented on the Task Force and with a presence or office in southern Africa.
- d. The composition of the UN Task Force could be expanded to include seats for an official from one or more of the relevant sub-regional bodies in southern Africa.
8. The UN system needs to be able to engage more effectively with local stakeholders on Strategy-related issues, including via the on-the-ground presence of certain key UN counterterrorism actors, including CTED and UNODC's TPB, and through the representation of relevant regional and sub-regional bodies on the Task Force.
  9. The capacity of the Task Force, the UN's technical assistance providers (e.g., UNODC's TPB) and facilitators (i.e., CTED) in the UN system need to be enhanced either through the regular UN budget or via voluntary contributions.
  10. There is a need for sustained leadership and commitment from the UN Secretary-General and those within the Task Force charged with spearheading UN Strategy implementation efforts. Thus, for example:
    - a. The Secretary-General should use the stature of his office to promote UN Strategy implementation efforts wherever possible.
    - b. The Secretary-General should consider appointing a special envoy to promote UN Strategy implementation. Such a high-profile official could travel to different regions to help spread the ideas contained in the Strategy, helping the UN to present a more unified approach to the efforts of the twenty-four different parts of the UN system involved in implementation.
    - c. The Secretary-General should ensure that there is a full-time coordinator of the Task Force who is not asked to assume other responsibilities.
    - d. The Task Force should provide states and other stakeholders with a periodic overview of the efforts of the UN and other stakeholders to implement the UN Strategy and identify where more work is needed.
  11. Efforts should be made to dispel the perception that the UN system's efforts to implement the UN Strategy are primarily focused on the law enforcement and other security-related aspects of the UN Strategy.
    - a. The Secretary-General and representatives of the Task Force should seek to frame Strategy-implementation efforts in the context of the UN's broader and less politically sensitive efforts to promote the rule of law, good governance, and institution building, which might allow for improved cooperation and coordination across the different parts of the UN system represented on the Task Force.
    - b. Those parts of the UN system that focus on Section I of the Strategy, e.g. UNESCO and UNDP, should formally endorse the Strategy and empower their representatives on the Task Force to deepen engagement with this group.
  12. UN entities need to build effective partnerships with sub-regional bodies in southern Africa, as well as with relevant NGOs and other civil society organizations, in order to help obtain local buy-in for their initiatives and help ensure that UN-sponsored capacity-building programs are sustainable and receive the necessary follow-up attention.
  13. The CTC/CTED and other relevant parts of the UN system, including UNODC's TPB, should situate its dialogue with states in the consensus context of the UN Strategy.
  14. The CTC/CTED should bring interested donors and sub-regional stakeholders together for workshops focusing on those aspects of the UN Strategy relevant to the CTED's mandate. These sub-regional workshops need to be part of a broader Task Force strategy to deepen UN system-wide engagement with southern Africa and increase the sense of ownership that stakeholders in the sub-region have in this global framework.
  15. While remaining mindful of the need to avoid making unwarranted connections between refugee protection and threats of terrorism, UNHCR should join the Task Force. This is especially important given the UN Strategy's provisions related to asylum seekers and the connection between refugee and human rights law in the context of counterterrorism.

16. UNDP should deepen its participation on the Task Force without applying the rubric of counterterrorism to its work; UNDP's regional and field offices in the sub-region need to become more engaged in Strategy-implementation efforts, including by coordinating their capacity-building activities with those being carried out by CTC/CTED and UNODC's TPB.
17. Efforts should be made to produce greater synergies among the counterterrorism, anti-organized crime, rule of law, and anti-corruption activities within the UN. Given the interconnected nature of these issues, many of the same measures are needed to address each issue and many governments in southern Africa would be more willing to engage on counterterrorism if they were linked with a broader and less politically divisive set of issues, which are often higher domestic priorities. To this end, SADC should:
  - a. Develop a unified set of sub-regional priorities and technical assistance requests in these issue areas.
  - b. Convene a meeting, with the support of interested donor states, of all of the relevant UN actors in these issue areas (*e.g.*, UNODC, CTC/CTED, Al-Qaida/Taliban Sanctions Committee/Monitoring Team) to present them with these priorities and requests; this would help ensure that the UN better understands the needs and priorities of countries in the sub-region and enhance the communication between the UN and the sub-region.
18. UN Strategy-related technical assistance should be part of a long-term capacity-building program in each recipient country that includes the necessary follow-up to maximize the impact of the assistance.
  - a. UN Resident Coordinators/UNDP Resident Representatives could be given responsibility for coordinating in-country, UN Strategy-related technical assistance to ensure that those efforts are designed and implemented in a manner consistent with the UN's development strategy and overall approach in a particular country.
    - b. Consideration should be given to a sub-regional Task Force focal point, housed in the SADC secretariat, who could work with field-based experts from either CTC/CTED and/or UNODC/TPB.

## GOVERNMENTS IN SOUTHERN AFRICA

19. They should ensure that each national parliament and all of the relevant ministries are informed of the UN Strategy and that efforts are made to incorporate the UN Strategy, or elements thereof, into national counterterrorism programs and plans.
20. They should use the holistic and consensus framework of the UN Strategy as a means to convince national parliaments and local constituencies to take the steps necessary to implement the global counterterrorism framework.
21. They should work to develop a harmonized national, inter-agency approach to counterterrorism that includes and integrates all relevant ministries and seeks to maximize the synergies and reduce the overlap among them.
22. They should identify national best practices in different UN Strategy-related areas which could be shared with other states.
23. They should become parties to and implement the 1999 OAU counterterrorism convention and the 2002 AU protocol to the convention as well as all of the international conventions and protocols related to UN Strategy implementation, including the sixteen international instruments related to terrorism, the UN Convention on Transnational Organized Crime and its three protocols, the UN Convention against Corruption, and the international human rights instruments.
24. They should avoid the "checklist" approach to implementing their UN and continental counterterrorism commitments, which involves adopting laws and signing and ratifying treaties without implementing them and participating in donor-sponsored or funded training programs without applying the training.

25. They should offer space to NGOs and other civil society organizations to engage in work that supports a range of UN Strategy-related issues.

## CONTINENTAL AND SUB-REGIONAL BODIES

26. The AU, ACSRT, SADC, SARPCCO, and ESAAMLG should each formally endorse the UN Strategy and identify ways in which it can promote Strategy Implementation through its current mandate. For example:

- a. Where appropriate, all training and other workshops should be presented in the context of the broader efforts to implement the UN Strategy.
- b. The AU could seek to amend its 2002 Plan of Action, which was partly an attempt to develop an African response to the obligations imposed by Security Council Resolution 1373 and other international counterterrorism instruments, to include some or all elements of the UN Strategy. The amendment could include a formal endorsement of the UN Strategy and enumerate the steps each AU member and the relevant AU institutions would take to promote its implementation throughout the continent.
- c. Following the model of the EU Council Secretariat, if allocated the necessary human and financial resources, the AU Commission could produce a matrix detailing the various ongoing AU initiatives that are relevant to UN Strategy implementation. Such a matrix would also help identify the gaps that exist at the continental level and thus help focus donor engagement.

27. Given the overlap in certain aspects of their mandates, coordination and cooperation among SADC, SARPCCO, and ESAAMLG should be strengthened, including in the planning and implementation of projects. This might be accomplished through an informal Strategy-related task force or working group.

28. The AU Peace and Security Council should adopt the AU draft model counterterrorism legislation as soon as possible in its current form in order to help facilitate greater cooperation between UNODC's TPB and the AU in carrying out their respective legislative drafting activities.

29. The AU Commission should staff its counterterrorism unit to help sustain serious political attention on the issue in Addis Ababa.

30. Incorporate into the APRM continental standards for UN Strategy implementation; such standards could be developed by the ARNTACT, in consultation with interested stakeholder governments and continental and sub-regional bodies in Africa.

31. ACSRT should focus on strengthening its continental coordination function through its network of regional and national focal points.

32. The relevant recommendations in this report should be presented to high-level officials from SADC member states at the November 2007 workshop that SADC will host in cooperation with UNODC and the CTC/CTED. Any declaration or other outcome document from this workshop outlining follow-up steps the participants agree to take should, where appropriate, seek to include relevant elements of the UN Strategy.

33. Given its broad mandate, which touches upon all four pillars of the UN Strategy, SADC should assume a leadership role promoting and coordinating its implementation in the sub-region. Among the steps it could take include:

- a. Formally endorsing the UN Strategy, which could be a first step towards developing a sub-regional counterterrorism strategy and adopting a protocol related to terrorism.
- b. Convening sub-regional functional workshops, which would bring together experts from across the sub-region to share best practices and to receive training on specific elements of the UN Strategy.
- c. Working with the IMO, ICAO, and WCO to ensure that states in southern Africa receive the necessary technical assistance to implement the global counterterrorism-related standards set by each of these organizations; maintaining the political will in the sub-region necessary to improve implementation of these standards.
- d. Considering innovative partnerships with research or other NGOs such as the partnership between the Institute for Security Studies

and the Intergovernmental Authority on Development's International Capacity Building Program against Terrorism in east Africa.

## NON-GOVERNMENTAL AND OTHER CIVIL SOCIETY ORGANIZATIONS

34. Civil society organizations working on security-related issues in southern Africa, including peacekeeping and post-conflict reconstruction, should, without compromising their mandated activities, seek to use their work to promote implementation of relevant parts of the UN Strategy.
35. Efforts should be made to establish broad-based civil society groups and partnerships consisting of a range of NGOs and other civil society organizations that embrace the holistic approach to addressing terrorism enshrined in the UN Strategy, rather than focusing more narrowly on human rights or development-related issues.
36. As part of an effort to involve NGOs and other civil society organizations in UN Strategy-implementation, the Task Force needs to take the lead in articulating how the Strategy is relevant to the concerns and interests of these groups, how these groups can contribute to implementation efforts, and why supporting its implementation will not just be furthering narrower government messages.
37. The ARNTCT should continue to build partnerships among researchers, practitioners, institutions, and other stakeholders and raise awareness of and build support for the UN Strategy; this network could be the first component of a global network of civil society representatives from around the world committed to promoting Strategy implementation.

## DONORS

38. Fund sub-regionally identified priorities for technical assistance which may not always be counterterrorism *per se* but relate more generally to building state capacity.
  - a. Work with the SADC secretariat and SADC member states to identify regional priorities for technical assistance.
  - b. Fund region-wide technical assistance programs related to core substantive functions, such as border security, which cut across different regional priorities such as combating organized crime and help build state capacity to combat terrorism.
39. Provide key technical assistance providers in the UN system and the Counter-Terrorism Implementation Task Force the necessary resources and political support.
40. Enhance coordination among assistance providers working with southern African states in order to improve efficiency and minimize the burden on the recipient countries; more attention should be paid to ensuring that recipient countries have the necessary institutional capacity to absorb and benefit from the assistance.
41. Establish procedures to facilitate more regular exchange of information among the UN and other technical assistance providers to avoid duplication of training programs, workshops, and seminars; UNODC, CTED, UNDP's regional offices, or the Task Force's integrated implementation working group (if provided with the necessary resources) could be charged with overseeing this exchange of information, which could include a password-protected web-based calendar.





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