

Enhancing counterterrorism cooperation in southern Africa

Eric Rosand and Jason Ipe[★]

Introduction

The threat of international terrorism has received little attention in southern Africa. It is in many ways a far less pressing threat than issues such as violent crime, poverty, public health and corruption. However, because of its relative prosperity coupled with relatively weak institutions and other vulnerabilities, the sub-region is a potentially attractive operating environment and target for transnational terrorist groups. Although there is no evidence that al-Qaeda or associated groups are currently operating in any large numbers in southern Africa, effective regional cooperation is important to ensure that it does not become a breeding ground or safe haven for them. Unfortunately, no

[★] Eric Rosand is a senior fellow at the Center on Global Counterterrorism Cooperation in New York and a former US State Department counterterrorism official; Jason Ipe is a senior analyst at the Center's Washington, DC, office.

common perception of the terrorist threat exists in the sub-region, the institutional capacity of governments is severely lacking, and there has yet to be a serious effort to devise a coherent sub-regional response.

This article begins with an overview of the terrorist threat and vulnerabilities in southern Africa and the capacity of its governments to respond. It focuses on the sub-region-wide response and the mechanisms of sub-regional cooperation, and how they may be improved. It also examines how the United Nations can help to strengthen that cooperation and the opportunity offered by the September 2006 UN Global Counter-Terrorism Strategy ('the Strategy') and the UN Counter-Terrorism Implementation Task Force (the Task Force),¹ which brings together 24 UN entities that deal with one or more aspect of the UN Strategy as part of an effort to improve the coordination and cooperation within the UN system on a broad range of counterterrorism issues, to allow the UN system to engage more effectively on counterterrorism-related issues with countries and other stakeholders in southern Africa. It concludes that for counterterrorism programmes to gain traction and be effective in the sub-region they must emphasise not only preventive law enforcement measures but also address fundamental shortcomings in institutional capacity and conditions conducive to the spread of terrorism. To devise an effective sub-regional response to the threat will require the engagement of a wide range of stakeholders with technical, financial and other resources, including states, regional and sub-regional bodies, the UN system and the bodies which form its Task Force, as well as other assistance providers and donors. This article identifies ways in which some of those actors can better engage on the issue and with one another to develop an effective, holistic approach to counterterrorism in southern Africa.

The terrorist threat, vulnerabilities and capacity in southern Africa

Southern Africa has not received much international attention in connection to transnational terrorism. Although there is no indication that al-Qaeda or groups associated with its global terrorist network operate in significant numbers in the region and it is not currently a hot-bed for recruitment and radicalisation, terrorism should nevertheless not be ignored.

In the past decade much of the focus on the problem of transnational terrorism in Africa has been 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 because of connections between the region and terrorist activities in Africa and beyond: 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' (Fleming

2004). A number of al-Qaeda or al-Qaeda-related operatives – including nationals from southern African countries – have been arrested in the sub-region or captured in transit (Botha 2006:30).²

The sub-region, asserts Kurt Shillinger (2006), 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’. For example, while certain countries have well-developed financial and transportation infrastructures, the sub-region generally suffers from lengthy and permeable borders, small arms trafficking, 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 and under-resourced law enforcement agencies, and poverty, all of which present challenges and create a permissive environment that may foster and facilitate terrorism (Aning 2007). South Africa, as not only a major transportation hub with direct flights to both US and European capitals, but also a tourist destination that will be hosting the 2010 FIFA World Cup, offers numerous potential targets for terrorist attacks. Finally, noting a growing radicalisation among southern Africa’s migrant populations – including cases of harbouring terrorists from South Asia and the Middle East – many analysts have pointed out that southern Africa’s own Muslim population, while historically moderate and peaceful, is not immune to radicalisation (Shillinger 2006).

Perhaps the greatest obstacle to improving counterterrorism cooperation in southern Africa 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 as primarily a Western problem, which is less salient to their own concerns than issues such as public health and crime. For example, although the majority of victims of the al-Qaeda bombings in Dar es Salaam in 1998 were locals, many Tanzanians still see terrorism ‘as a clash between al-Qaeda and the US, in which Tanzania just happened to be one venue for the attack’ (Nyang’oro 2007:106), 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 as well as crime, poverty and hunger than by global terrorism (Nadkarani 2004). 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 region (Le Sage 2007:10).

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. Present 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 labelled a 'terrorist' organisation by the US and the UK. The result of these dynamics, according to Professor Julius Nyang'oro (2007:106), 'is often an ambivalent posture by some countries – for instance South Africa – towards a generalised global war against terror'. This complex legacy means that some countries in southern Africa have been less willing to commit to international counterterrorism efforts, particularly when those efforts primarily focus on security measures (Du Plessis 2006:89).

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 US, and of little relevance to countries in the region. In his 2004 address to the UN General Assembly, South African President Thabo Mbeki voiced the sub-region's ambivalence about joining the international counterterrorism campaign. He implicitly levelled criticism at the US and the Security Council, stating that the powerful states make 'the determination that terrorism and war constitute the central and principal threat and challenge that human civilisation faces ... What they will decide will translate into a set of obligatory injunctions issued by this Organisation [the UN], which all member nations will have to accept and implement' (Mbeki 2004).

Although terrorism has not been viewed as a top priority in the sub-region as a whole, some states have made progress in strengthening their counterterrorism capacities since September 2001 (UN Security Council 2006:20). In most cases, however, the motivating factor has been internal governance issues rather than terrorism *per se* (Nyang'oro 2007:108–109). 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 some have relevant legislation pending in national parliaments or awaiting parliamentary approval,³ 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 to bring 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.

Given the complexity of the challenges in southern Africa, a strategy focused on security and law enforcement – particularly one closely identified with the US – 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-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’ (Gambari 2006, §9), and in which states in the sub-region have a sense of ownership, will be effective. An effective regional approach to counter-terrorism must also contend with the realities on the ground in a sub-region where more fundamental capacity problems often dwarf any perceived counterterrorism shortcomings and political sensitivities surrounding notions of ‘counterterrorism,’ even if broadly defined, make it difficult for political leaders to allocate limited resources to counterterrorism.

Facilitating effective counterterrorism cooperation in southern Africa requires a 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, amongst them civil society, and focuses on what Professor Samuel Makinda (2006:31) has called ‘a long-term values-oriented formula based on institutions, development and social justice’.

The role of regional and sub-regional organisations

Regional and sub-regional bodies offer a potentially useful and often under-utilised forum for cooperating on counterterrorism. Such bodies are well suited to develop approaches that take into account cultural and other contextual issues and undertake region or sub-regional 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 as a bridge between the global counterterrorism framework and regional, sub-regional, and local actors.

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' (Ewi & Aning 2006:33). This, as well as the need – particularly in the context of the US-led global war on terror – to protect and maintain Africa's focus on development, has complicated efforts of some multilateral bodies in Africa to work on counterterrorism (Ewi & Aning 2006:38).

Continental/regional level

At the continental level, the 53-member African Union (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 reinforcing international counterterrorism norms, standards and best practices. As a catalyst, the AU can first serve to empower states and regional economic commissions (RECs) and complement their activities where necessary and second act as an interface and bridge between the continent, its sub-regional bodies and, at the international level, the UN system.

However, the AU's attempts at stimulating and coordinating the counterterrorism efforts of its members, and serving as a transmitter for global counterterrorism norms, have been hampered by competing priorities within the African Peace and Security Council and the Peace and Security Commission, and by a lack of both institutional capacity and a common perception of the threat among AU members, many of whom see domestic terrorism, rather than global al-Qaeda-related terrorism, as the most immediate threat.⁴ Therefore, although the continent has devised a fairly robust normative framework which includes the 1999 Organisation of African Union (OAU) counterterrorism convention and the 2002 counterterrorism plan of action and 2004 protocol of the AU, many AU members have yet to implement that framework.

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, however, not without its shortcomings: it has a narrow law enforcement focus and no 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 instruments responsible for promoting implementation. Despite being African instruments, the convention and protocol suffer from the same low ratification and implementation rate that the international counterterrorism instruments suffer from in Africa (AU 2007).⁵ 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 it enjoys (Wani 2007:49).

Drafted by two African academics, the AU model counterterrorism legislation is an example of a practical contribution the AU can make to improving cooperative counterterrorism efforts in the region. As of late 2007, a completed draft of the model law with the AU Peace and Security Council had been 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. 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 could 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.

In addition to the AU Peace and Security Council and its commission, there are a number of other AU programmes and initiatives that relate both specifically and more generally to combating terrorism. Chief among them is the Algiers-based African Centre for Study and Research on Terrorism (ACSRT). The ACSRT is a structure of the AU Commission and the Peace and Security Council and was established by the AU in 2004 as its technical arm on matters related to terrorism and the implementation of the AU's counterterrorism programme, and complements the broader political focus of the AU Commission. 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' (ACSRT 2006). 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, as of April 2008 the ACSRT had convened two meetings of all national and REC focal points and four sub-regional meetings, including one in November 2007 in South Africa. In addition, it has organised 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 UN Security Council Resolution 1373 among its members, it is well placed to contribute to prevention and capacity building activities. In general, however, much like the AU Commission, a lack of human and financial resources has limited the ACSRT's ability to make practical contributions to fulfilling its wide-ranging mandate (Ewi & Aning 2006:43). For example, since its establishment the ACSRT has operated on a budget of US\$2 million which was provided by the host country, with four staff members. This is well short of the 52-member staff and US\$9 million budget envisioned in the programme adopted at the AU Summit in January 2006 – this was considered the minimum required to fund the centre's basic activities. Given these constraints, the ACSRT might more

practically focus on strengthening its coordination function through its network of focal points and rely on other institutional partners to carry out the research and technical assistance functions that were envisioned for the ACRST.

If the AU is to devise a holistic response to terrorism that includes not just preventive measures but also efforts to address conditions conducive to the spread of terrorism, efforts should be made to try to engage with the New Economic Partnership for African Development (Nepad), Africa's primary agenda for development. Nepad 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, Nepad's goals include 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. Consideration could be given to incorporating continental counterterrorism standards into Nepad's system of accountability, the Africa Peer Review Mechanism, under which some African states have agreed to submit to voluntary peer review.

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 how best to address it and the vast size of the continent, more meaningful counterterrorism cooperation might be possible at the sub-regional level in Africa.

The primary sub-regional organisation in southern Africa is the Southern African Development Community (SADC). Although SADC has yet to devise a sub-regional response or mechanism to address terrorism, it has adopted a number of protocols related to security that, although they do not contain the terrorism or counterterrorism label, nevertheless relate to certain aspects of the issue, for example 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 organisation 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, as in other areas, has been conducted at its annual gatherings of heads of state, without necessarily mandating further action by the body's secretariat between the meetings (Nyang'oro 2007:106).

However, partly as a result of engagement by the UN Office of Drugs and Crime (UNODC) based in Vienna, SADC may be turning a corner in this area. In December 2006, UNODC brought together some 40 senior SADC government officials and experts 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 (Weidlich 2006). A follow-up workshop was held in late November 2007, where experts from UNODC and the Counter-Terrorism Executive Directorate (CTED) of the Security Council offered assistance to those SADC countries that are late in submitting reports on their implementation of counterterrorism obligations imposed by the council.⁶

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 a view to devising a sub-regional counterterrorism strategy and has now established formal contact with the ACSRT. Other possible SADC activities could include formal endorsement of the UN Global Counter-Terrorism Strategy, and 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.

If SADC can overcome its historic financial and human resources limitations, the organisation would be well placed to develop a range of programmes that could contribute to improving sub-regional counterterrorism cooperation, while not necessarily labelling 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 on the issue, the initiative for more SADC engagement on counterterrorism must come from its own member states. They should recognise 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' (Nyang'oro 2007:111).

Unlike SADC, which will need to overcome political obstacles and financial limitations to play a meaningful role in sub-regional counterterrorism efforts, the existing programmes of two organisations with a technical focus, namely the Southern African Regional Police Chiefs Cooperation Organisation (SARPPCO) and the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG), are already making significant contributions to discrete aspects of counterterrorism and offer sub-regional models that could be replicated with other relevant counterterrorism issues. In both instances, sub-regional cooperation has been possible because transnational crime and money laundering were perceived to be threats common to all countries in the sub-region.

The 12-member SARPPCO was established in September 1994 as an independent international police organisation, with a focus on the prevention and fighting of cross-border crime, including the trafficking of weapons.⁷ It is now part of SADC's Organ

for Politics, Defence and Security. The SARPCCO secretariat is housed in Interpol's sub-regional bureau in Harare, so it is essentially a part of that international body, which gives 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 transnational crime (Rifer 2005:112). While its 12 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.

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 terrorism and the related threat of cross-border crime as priorities, SARPCCO has been able to develop and implement a series of practical counterterrorism programmes. 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 SARPCCO legal sub-committee; the SARPCCO model counterterrorism law; a counterterrorism training curriculum to ensure that regional and international obligations with regard to the prevention and combating of terrorism are understood by trainees; and a human rights training programme to ensure respect for human rights and rule of law by law enforcement officers (Hifindaka 2007).⁸

The 14-member ESAAMLG⁹ has a critical role to play in building regional anti-money laundering and counterterrorism efforts by promoting the adoption and implementation of the 40 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 in terms of which all member countries are committed to the implementation 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. Among ESAAMLG's core activities are researching the trends and types of money laundering and financing of terrorism activities in the region with a view of understanding emerging vulnerabilities and developing appropriate actions to prevent the threats (Kisanga 2007). The organisation is also engaged in a programme 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 strengthen their laws and regulations (Kisanga 2007).¹⁰

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 political support for those standards among the members of

ESAAMLG. 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, which has helped ensure that the organisation does not suffer from the human and financial resource constraints that plague some 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 as regulating alternative remittance systems. As of May 2007, only Mauritius and South Africa had established financial intelligence units or centres (Egmont Group, November 2007).¹¹ In addition, ESAAMLG is limited in that four countries in the sub-region, namely Angola, the Comoros, the Democratic Republic of Congo and Madagascar are not members. It has, however, made those countries targets for absorption.

ESAAMLG includes a number of the elements which make it particularly effective, including adequate human and financial resources, links with a global standard setting body and bilateral and multilateral donors, capacity-building programmes, 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 discrete issues related to counterterrorism, such as border security.

More attention should be given to identifying ways to deepen the coordination and cooperation among ESAAMLG, SADC and SARPPCO, 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 task force or working group on counterterrorism. Despite the overlapping mandates in certain areas and overlapping membership, cooperation and coordination among the bodies have been minimal to date. The recent absorption of SARPPCO into SADC’s Organ for Peace, Defence and Security should improve the situation somewhat with respect to those bodies, but certain organisational and political issues still have to be resolved and efforts should be made to engage more with ESAAMLG.

Apart from deepening cooperation and coordination among the key sub-regional actors, SADC should assume a leadership role in promoting and coordinating sub-regional counterterrorism efforts as it has the broadest mandate of the three bodies. Its broad mandate, a regional security mechanism in the form of its Organ for Peace, Defence and Security, a functioning, albeit under-resourced, secretariat, and a series of protocols related to counterterrorism (although still lacking one on terrorism) also means that SADC has much of the institutional framework necessary to allow it to play this role

(Rifer 2005:114). Apart from overcoming the political differences among members that have so far inhibited the development of a meaningful SADC counterterrorism programme, the challenge will be whether SADC can attract the donor support to provide it with the necessary human and financial resources.

The partnership between the Institute for Security Studies and the Intergovernmental Authority on Development's International Capacity Building Programme against Terrorism (ICPAT) in East Africa represents an innovative approach to developing and implementing a well-resourced and effective counterterrorism programme that could be applied to SADC. Funded by European and other donors, staffed by a regionally representative implementation team, and managed by an NGO research centre, the ICPAT programme 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 that sub-region. SADC members, the SADC secretariat and donors should study this approach as well as others being taken by different regional and sub-regional bodies, when considering whether and how to build effective counterterrorism programmes.

The role of the UN system

The UN can play an important role in augmenting the capacity of countries and regional and sub-regional organisations to act against terrorism in southern Africa. The relevant parts of the UN system include both the traditional counterterrorism bodies such as the various Security Council bodies and the Terrorism Prevention Branch (TPB) of the UN Office of Drugs and Crime (UNODC) as well as entities not traditionally associated with counterterrorism, such as the Office of the High Commissioner for Human Rights (OHCHR), the UN Development Programme (UNDP), the Office of the UN High Commissioner for Refugees (UNHCR), and the UN Educational, Scientific and Cultural Organisation (UNESCO). The UN system has important roles to play in promoting counterterrorism norms and standards, building the capacity of states to combat terrorism, and facilitating technical cooperation between states.

The Security Council's Counter-Terrorism Committee (CTC), with the support of its expert group, the Counter-Terrorism Executive Directorate (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. Amongst others, the CTC/CTED is responsible for facilitating the delivery of counter-terrorism 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 has had limited impact in southern Africa. There are some signs, however, that the situation will improve as the CTC/CTED moves away from reliance on written country reports and seeks to engage more directly and informally with experts in capitals (as opposed to diplomats in New York) and the appointment of a highly qualified and experienced senior counterterrorism official to head the CTED in the fall of 2007. However, the controversial nature of Resolution 1373, its narrow approach to addressing the threat, and the perception that it is part of a US-led, Western-imposed agenda, may continue to make it difficult for the CTC/CTED to obtain full cooperation from and engagement by states in the sub-region.

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-Qaeda, Osama bin Laden and associated individuals – is a critical means for internationalising sanctions against individuals and entities 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. 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 centres in South Africa and other countries in the sub-region, is not being collected. Enforcement of the travel ban in the 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 US 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. It has also served to reinforce perceptions in the sub-region that the committee and other elements of the UN counterterrorism effort are mere proxies in the US-led global war on terror (see for example Brown 2007).

The efforts of UNODC have been somewhat more successful. Through its TPB and Global Programme against Money Laundering (GPML), it is a main provider of counterterrorism technical assistance. TBP's efforts focus primarily on helping states join and implement the 16 universal anti-terrorism conventions and protocols by

providing legislative drafting assistance, conducting workshops and training criminal justice professionals, and preparing 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 SARPCCO. Aiding its sub-regional outreach, UNODC has an office located in Pretoria and the GPML has placed an expert within the ESAAMLG secretariat in Dar es Salaam.

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 15 member countries, only eight have joined more than half of these conventions, with some lacking the necessary domestic implementing legislation (UNODC 2007).¹² UNODC and other assistance providers face significant challenges in realising the effective delivery of assistance, including uneven support for international counterterrorism efforts in view of more urgent domestic priorities; improving coordination among assistance providers to improve efficiency and minimise the burden on recipient countries; ensuring countries have the minimum institutional capacity to in fact benefit from assistance; and checklist and one-off capacity building initiatives that do not include the follow-up necessary to maximise the impact of assistance.¹³

Although fully independent from the UN, Interpol is an active member of the Task Force and its database of lost and stolen travel documents, to which 124 countries have contributed almost 15 million documents (26 countries in sub-Saharan Africa have contributed approximately 90 000 of these), is an essential tool in facilitating counterterrorism cooperation in southern Africa and other parts of the globe (Interpol 2007). Interpol also facilitates cooperation and maintains databases on 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 (Interpol 2007), there is still poor/inadequate access to these important tools within most countries in the sub-region in general, especially at critical front line locations such as border crossings.

UN functional organisations such as the International Maritime Organisation, the International Civilian Aviation Organisation, and the World Customs Organisation publicise 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. The capacity building and standard setting work these functional bodies perform 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 provides legislative and other assistance to states in this field in order to ensure that actions taken to counter terrorism respect human rights and the rule of law.

Finally, although mention of the organisation itself in the context of UN counterterrorism efforts remains politically sensitive for some, areas for which UNDP is responsible, such as promoting good governance, poverty reduction, the rule of law and social inclusion, can make significant contributions to addressing the conditions conducive to the spread of terrorism. With an overall budget of just under US\$5 billion, UNDP typically acts in partnership with member states to provide guidance and technical assistance for development projects (UNDP 2002). It also conducts programmes on democratic governance, the rule of law, justice and security, conflict prevention and recovery and empowering marginalised groups.¹⁴

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 organisation best placed to coordinate in-country technical assistance programmes. Although UNDP is represented on the Task Force, has contributed to its online handbook and participated 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 to address conditions conducive to the spread of terrorism and interrelated capacity gaps in the region.

The significance of the UN Strategy for southern Africa

The adoption of the UN Strategy by the UN General Assembly in September 2006 is significant for southern Africa for several reasons. First, the UN's global membership has agreed for the first time that addressing conditions conducive to the spread of terrorism is an essential part of an effective and comprehensive strategy to combat and prevent terrorism. By incorporating much of the development agenda, in particular achieving the Millennium Development Goals and thus not limiting itself to a security agenda, the UN Strategy should make it easier not only for UNDP to become involved in counterterrorism issues, but also for stakeholders in southern Africa to build political support for implementing the UN counterterrorism framework. This broad-based approach to combating terrorism is qualitatively different from the international and continental conventions and protocols, which generally focus more narrowly on law

enforcement cooperation, and should be welcomed by those who have resented being drawn into the US-led global war on terror.

The UN Strategy is an ‘instrument of consensus’ on an issue where consensus has been difficult to achieve. Its call for a holistic, ‘whole of government’ approach to addressing terrorism and its inclusion of not only issues related to security but also to conditions conducive to the spread of terrorism, gives it broader appeal than the Security Council counterterrorism programme, which has dominated the UN’s post-September 2001 response to terrorism. 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’s work on Strategy implementation has focused on the UN system itself under the leadership of the Task Force and its some ten thematic workings groups, and improving the coordination and effectiveness of those efforts. Hopefully the Strategy and the Task Force will help improve the UN system’s outreach to southern Africa and its contributions to counterterrorism efforts in the sub-region.

While a strong push by the UN is important, southern Africa as a sub-region will need to determine how best to implement the generally broad provisions of the strategy to maximise its impact on the ground. With a UN framework based on consensus now in place, sub-regional and local stakeholders should tailor it to fit the needs and interests of their 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’ (Cilliers 2006:70).

Conclusion

This article has highlighted the role that various stakeholders do and can play in counterterrorism in southern Africa and the challenges that the sub-region will need to overcome as it seeks to move forward in devising an effective strategy. Regional and sub-regional bodies can help by ensuring that cultural and other contextual issues are taken into account; can undertake region-specific initiatives; often have unique knowledge and expertise; and can help build local ownership of UN and other international counterterrorism efforts. Within the UN system a myriad of actors, including bodies with a security focus such as the Security Council, bodies on counterterrorism and UNODC’s TPB as well as entities not traditionally associated with counterterrorism

such as UNDP, have important roles to play assisting states and regional and sub-regional organisations in the development of an effective response.

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 that focuses on narrow security and law enforcement concerns, particularly if viewed as merely an extension of the US global war on terror, is unlikely to gain much currency within the sub-region. The UN Strategy attempts 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 centre. Operationalising this connection between security and development and translating what is a useful intellectual framework into coordinated action on the ground would now be the next step.

Notes

- 1 See www.un.org/terrorism for a list of the 24 entities represented on the Task Force.
- 2 According to Anneli Botha of the Institute for Security Studies, 'two South Africans were also arrested after a long shoot-out with Pakistani authorities in an alleged al-Qaeda 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'.
- 3 As of mid-2007, of the 15 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 (see <http://www.saflii.org/>).
- 4 Since 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.
- 5 While 14 of the 15 SADC member states have signed the OAU Convention on the Prevention and Combating of Terrorism, only nine of them had ratified the treaty by July 2007. By the same date only four of the 15 SADC countries had signed the Protocol to the OAU Convention on the Prevention and Combating of Terrorism, and only one had ratified the instrument.
- 6 Of the 15 SADC members, 11 have not submitted reports to the 1540 Committee (Non-Proliferation Committee), six have not submitted to the Al-Qaeda/Taliban Sanctions Committee, and ten are late in submitting reports to the Counter-Terrorism Committee.
- 7 The 12 member countries of SARPCCO are Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.
- 8 In addition to these steps aimed at enhancing law enforcement cooperation among its 12 member states, SARPCCO is in the process of developing a mechanism for improved law enforcement information sharing among its members.
- 9 The ESAAMLG members are Botswana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Seychelles, Tanzania, Uganda, Zambia and Zimbabwe.
- 10 The secretariat, which currently consists of two professional staff with plans to expand to five, organises legislative drafting capacity building programmes, with training focused on the specific FATF recommendations. The secretariat is funded by ESAAMLG member states as well as outside donors. Its annual budget is US\$370 000. External funders of the secretariat include the US, UK, Denmark, the World Bank, the African Development Bank, and the Commonwealth Secretariat.
- 11 ESAAMLG 'cooperating partners' include representatives from the International Monetary Fund, FATF, the UNODC's Global Anti-Money Laundering Programme, the Commonwealth Secretariat, the US and the UK.

- 12 Botswana, Madagascar, Mauritius, Mozambique, the Seychelles, South Africa, Swaziland and Tanzania have all ratified at least ten of the conventions. No SADC countries have ratified all 13 conventions (UN Office on Drugs and Crime 2007).
- 13 For a discussion of these and other challenges confronting UNODC and other technical assistance providers in Africa, see Du Plessis 2006:88–90.
- 14 UNDP has for example partnered with regional organisations in sub-Saharan Africa on programmes 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 Congo, and improving the effectiveness and quality of the police force in Mozambique.

References

- African Union 2007. List of countries which have signed, ratified/acceded to the OAU Convention on the prevention and combating of terrorism [online]. Available at <http://www.africa-union.org/root/AU/documents/treaties/list/protocol%20to%the%20convention%20on%20terrorism.pdf> [accessed 4 March 2008].
- ACSRT (Algiers Centre on the Study and Research of Terrorism) 2006. Summary of first meeting of the focal points of the ACSRT. Available from authors.
- Aning, K 2007. *Africa: confronting complex threats*. Coping with Crisis Working Paper Series. New York: International Peace Academy.
- Botha, A 2006. Africa's vulnerability to terrorism and its ability to combat it. In A Botha and W Okumo (eds), *Understanding terrorism in Africa: in search of an African voice*. Seminar report, Institute for Strategic Studies. Pretoria: Institute for Security Studies.
- Brown, K 2007. Government too willing to be US proxy on 'terror'. *Business Daily*, 30 January.
- Cilliers, J 2006. Africa, root causes and the 'war on terror'. *African Security Review*, 15(3):58–71.
- Du Plessis, A 2006. The role of the United Nations in providing technical assistance in Africa. In A Botha and W Okumu (eds), *Understanding terrorism in Africa: in search for an African voice*. Seminar report, Institute for Security Studies. Pretoria: Institute for Security Studies.
- Egmont Group, November 2007. Financial intelligence unit definition. List of operational financial intelligence units [online]. Available at http://www.egmontgroup.org/list_of_fius.pdf [accessed 4 March 2008].
- Ewi, M and Aning, K 2006. Assessing the role of the African Union in preventing and combating terrorism in Africa. *African Security Review*, 15(3):33–38.
- Fleming, D 2004. Islamic militancy in southern Africa. Jane's Terrorism and Security Monitor [online], 23 November. Available at http://www.janes.com/security/international_security/news/jtsm/jtsm041123_1_n.shtml [accessed 4 March 2008].
- Gambari, I 2006. Africa's response to terrorism statement. United Nations [online]. Available at <http://www.aaionline.org/files/fullreportterrorism2006.pdf> [accessed 4 March 2008].
- Hifindaka, V 2007. [Head, Interpol Regional Bureau in Harare, to the Center on Global Counterterrorism Cooperation about SARPCCO's counterterrorism-related activities] [e-mail/facsimile]. (Personal communication on 18 June 2007.)
- Kisanga, E J 2007. [ESAAMLG Executive Secretary to the Center on Global Counterterrorism Cooperation about ESAAMLG's counterterrorism-related activities] [e-mail]. (Personal communication on 16 May 2007.)
- Le Sage, A 2007. Terrorism threats and vulnerabilities in Africa. In A le Sage (ed), *African counterterrorism cooperation*. Washington, DC: National Defense University Press and Potomac Books.
- Mbeki, T 2004. Address of the President of South Africa. New York: 59th session of the UN General Assembly [online]. Available from <http://www.info.gov.za/speeches/2004/04092216571001.htm> [accessed 4 March 2008].
- Makinda, S M 2006. Terrorism, counter-terrorism and norms in Africa. *African Security Review*, 15(3):19–31.
- Nadkarani, V C 2004. Killing us softly: Aids beats terrorism. *The Economic Times*, 14 July [online]. Available at <http://www.economictimes.indiatimes.com/articleshow/776991.cms> [accessed 4 March 2008].

- Nyang'oro, J E 2007. Terrorism threats and responses in the Southern African Development Community region. In A le Sage (ed), *African counterterrorism cooperation: assessing regional and subregional initiatives*. Washington, DC: National Defense University Press and Potomac Books.
- Interpol 2007. Office of the Special Representative of Interpol to the United Nations. [Correspondence to the Center on Global Counterterrorism Cooperation about Interpol's counterterrorism-related activities in southern Africa] [e-mail]. (Personal communication on 23 May 2007.)
- Rifer, M 2005. SADC and terrorism: where is the regional strategy? *African Security Review*, 14(1):107–116.
- Shillinger, K 2006. Al-Qaida in southern Africa: the emergence of a new front in the war on terrorism. *Armed Forces Journal*, 143(7) [online]. Available at <http://www.armedforcesjournal.com/2006/02/1813653/> [accessed 4 March 2008].
- UNDP (United Nations Development Programme) 2002. Status of regular funding commitments to UNDP and its associated funds and programmes [online]. Available at <http://www.undp.org/execbrd/pdf/DP2002CRP8.pdf> [accessed 4 March 2008].
- United Nations Security Council 2006. *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 (S/2006/989)*. New York: United Nations.
- UNODC (United Nations Office on Drugs and Crime) 2007. Short ratification status. Available from authors.
- Wani, I J 2007. The African Union role in global counterterrorism. In A Le Sage (ed), *African counterterrorism cooperation: assessing regional and subregional initiatives*. Washington, DC: National Defense University Press and Potomac Books.
- Weidlich, B 2006. SADC countries gear up against terrorism. *The Namibian*, 6 December.