

Workshop on “Promoting Awareness and Implementation of the United Nations Global Counter-Terrorism Strategy in South Africa: The Role of Government and Civil Society”

**24 November 2008
Premier Hotel, Tshwane**

Aim of the Workshop

The aim of the workshop is to promote awareness of the United Nations Global Counter-Terrorism Strategy (“the Strategy”) among government departments and civil society organisations in South Africa and to explore areas of action required to ensure effective and integrated implementation of the Strategy.

The workshop will place the Strategy within the broader context of ongoing development, criminal justice, security sector and human rights activities and programmes in South Africa and the region more broadly. It will also highlight potential areas of increased engagement with international, regional and sub-regional organisations, where relevant.

Background on the UN Global Counter-Terrorism Strategy

The terrorist attacks in the United States on the 11th of September 2001 resulted in a shift in international counter-terrorism efforts. Most notably, in Resolution 1373 (passed just two weeks after the attack), the UN Security Council used its Chapter VII powers to declare terrorism a threat to international peace and security and, in doing so, imposed a number of legally binding obligations on all UN Member States in the fight against terrorism. Unlike previous counter-terrorism related resolutions, the Security Council did so without any reference to geographic boundaries or temporal limits.

For more than five years, resolution 1373 (together with other Security Council resolutions) ensured that the UN Security Council (with its clear combating and security focused approach) was at the forefront of international counter-terrorism efforts. As a result, the General Assembly played a less visible role, resulting in perceptions among some countries that western security interests had hijacked the UN counter-terrorism programme.

Then in September 2006, with the unanimous adoption of the Strategy, the General Assembly took back some ground in the fight against terrorism. The Strategy (and therefore the collective membership of the UN) reiterated that countering terrorism requires a holistic and multifaceted response, one premised on respect for human rights and the rule of law. It recognised that it is important to address conditions conducive to the spread of terrorism in their own right, but also as part of an effective counter-terrorism strategy.

The Strategy, which was reaffirmed by the General Assembly in September 2008, is an “instrument of consensus” on an issue where consensus has been difficult to achieve. It is a call for a holistic approach

to addressing terrorism. 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 counter-terrorism programme. As such, it helps to narrow the divide between the Security Council and the General Assembly, and more fundamentally helps to reconcile the security agenda of the global north with the development priorities of the global south.

The Strategy consists of a resolution and a plan of action that lays down four pillars. These pillars are:

- 1. Measures to address the conditions conducive to the spread of terrorism,** including but not limited to, prolonged unresolved conflicts, foreign occupation, dehumanisation of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalisation, and lack of good governance. The Strategy makes reference to the following in addressing these conditions:
 - Initiatives and programmes to promote dialogue, tolerance and understanding among civilisations, cultures, peoples and religions, and to promote mutual respect for, and prevent the defamation of, religions, religious values, beliefs and cultures
 - The need to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society
 - The importance of addressing youth unemployment in an attempt to reduce marginalisation
- 2. Measures to prevent and combat terrorism,** including a call on States to ratify and implement the universal legal instruments against terrorism and to introduce national legislation in line with international principles and best practices.
- 3. Measures to build states' capacity to prevent and combat terrorism** and to strengthen the role of the United Nations system in this regard. Measures include:
 - Reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security
 - Encouraging the United Nations to work with Member States and relevant international, regional and sub-regional organisations to identify and share best practices to prevent terrorist attacks, particularly on vulnerable targets. The Strategy also recognises the importance of developing public-private partnerships to identify and share best practices to prevent terrorist attacks
- 4. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.** This pillar cuts across all other parts of the Strategy. It specifically calls upon States to make every effort to develop and maintain effective and rule of law-based national criminal justice systems.

Importantly, the Strategy calls for the involvement of civil society, the private sector and regional and sub-regional organisations in the fight against terrorism. It also makes specific reference to the need to protect the rights of victims of terrorism.

Implementation and relevance of the Strategy to South Africa

Successful implementation is key to ensuring the success of the Strategy. A first step is to make the Strategy meaningful to regional, sub-regional and local stakeholders. This will require targeted awareness raising at all these levels, coupled with tailored techni-

cal assistance and support to ensure that the Strategy fits the needs and interests of individual countries.

However, since its adoption, most work explicitly linked to implementing the Strategy has focused on the United Nations itself, under the guidance of the UN's Counter-Terrorism Implementation Task Force (Task Force), which brings together twenty-four entities across the UN system and various specialised agencies, funds, and programmes, with a view to improving the cooperation and coordination among the different UN entities in the field of counter-terrorism.

While a strong push by the UN is important, countries, sub-regions and regions need to determine how best to implement the Strategy's generally broad provisions to maximise its impact on the ground. Given the political sensitivities involved in counter-terrorism, effective strategies need to reflect local conditions, be seen as homegrown, and avoid the perception of being imposed by the UN or other external actors.

Full and integrated implementation of the Strategy is an ambitious task. It requires, among other things, that countries have an effective rule of law-based justice system, with properly trained law enforcement and criminal justice officials and an independent judiciary, increased tolerance, including through enhanced inter- and intra-religious and cultural dialogue, quality education, improved political participation and economic development.

In the case of South Africa, strategy implementation should be driven by implementing agencies together with relevant partners. It should also be contextualised within the broader framework of national development, human rights promotion, criminal justice processes and enhancement of national and regional security. This will require contributions from a wide range of government departments and civil society organisations, and will depend on local buy-in and support, coupled with a clear appreciation by respective role-players as to how the work they do supports the broader implementation of the Strategy.

In this regard it is important to emphasise that contributing to Strategy implementation does not require stakeholders to label their work as "counter-terrorism". This is especially the case for departments and organisations working on "Pillar one" issues like promoting religious tolerance, education, development, and other intrinsically important efforts that also contribute towards addressing the underlying conditions conducive to the spread of terrorism.

While terrorism (especially international terrorism) is not considered a major threat to South Africa at this time, the global and transnational nature of modern terrorism means that no country can afford to be complacent in its effort to prevent and combat any potential threat that may arise. Moreover, as a responsible member of the international community, South Africa has an important role to play in contributing to global efforts to counter those who sponsor, support and plan attacks in other countries.

The Strategy provides a platform for South Africa to coordinate its counter-terrorism efforts in a way that effectively addresses the development, human rights and security components of the threat. It opens space for constructive engagement between a multitude of stakeholders, including government departments, civil society organisations and religious groups, and facilitates engagement with regional and sub-regional organisations, and the international community more broadly.

PROGRAMME

Time	Session
08:30 – 09:00	Registration, coffee and tea
09:00 – 09:10	Welcome and opening remarks
09:10 – 10:00	Session 1: Overview of UN efforts to address the threat of terrorism • Presentation by the UN Counter-Terrorism Implementation Task Force (Sebastian Einsiedel, Office of the UN Secretary-General) • Discussion
10:00 – 10:30	Coffee/tea
10:30 – 12:00	Session 2: Measures to address the conditions conducive to the spread of terrorism (Pillar One) • Overview of South African government efforts • The role of civil society in promoting Strategy implementation (Anneli Botha, ISS) • Discussion
12:00 – 13:00	Session 3: Measures to prevent and combat terrorism (Pillar Two) • Overview of South Africa's counter-terrorism legislative framework (Kobie Strydom, SAPS) • Overview of South African coordination mechanisms (Xolisa Mabhongo, DFA) • Discussion
13:00 – 14:00	Lunch
14:00 – 15:00	Session 4: Building states' capacity to prevent and combat terrorism (Pillar Three) • Examples of ongoing counter-terrorism related initiatives in South Africa (Torie Pretorius, NPA) • Sub-regional and regional engagement and cooperation (Goyayi Mabula Goyayi, SARPPCO) • Discussion
15:00 – 16:00	Session 5: Ensuring respect for human rights and rule of law as the fundamental basis in the fight against terrorism (Pillar Four) • Upholding human rights while countering terrorism (Jody Kollapen, SAHRC) • Discussion
16:00 – 16:15	Coffee/tea
16:15 – 17:00	Discussion and concluding remarks