IMPLEMENTING THE UN GLOBAL COUNTER-TERRORISM STRATEGY
IN SOUTHERN AFRICA
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DISCUSSION PAPER

OVERVIEW

This paper provides a brief overview of issues as background for a meeting cosponsored by the Center on Global Counter-Terrorism Cooperation (Global Center) and the Institute for Security Studies (ISS) on “Implementing the United Nations Global Counter-Terrorism Strategy in Southern Africa.” The meeting will include representatives of the Southern African Regional Police Chiefs Cooperation Organization (SAARPCO) and Southern African Development Community (SADC) member states, experts from the UN, relevant regional and sub-regional organizations, research centers and other civil society groups, and representatives from the Netherlands (the project sponsor). The meeting will discuss the UN Strategy in a sub-regional context, considering the potential benefits and challenges it offers for enhancing the counter-terrorism capacities and contributions of the African Union (AU), SADC, the African Centre for the Study and Research on Terrorism (ACSRT), and other relevant multilateral bodies engaged in southern Africa, as well as improving overall sub-regional preparedness to combat terrorism.

This paper been circulated to encourage discussion and comments at the September meeting and should not be cited without permission from the meeting organizers. The discussions will help inform the final project report, which will be prepared and disseminated in late 2007.

This project is the second component of a broader effort being undertaken by the Global Center to enhance implementation of the UN Strategy in other regions over the next two years. The Center completed an assessment of the Asia-Pacific in April 2007 and intends to conduct similar assessments of other regions before the summer of 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 Strategy implementation efforts. It is our intention to reinforce and enhance ongoing implementation efforts at the national, regional and international level, 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 24 different parts of the system involved in implementation of the Strategy.

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I. THE UN GLOBAL COUNTER-TERRORISM STRATEGY

On 8 September 2006, the UN General Assembly (GA) unanimously adopted the Strategy, which calls for a holistic, inclusive approach to counter-terrorism. (The text of the GA Strategy is included as an appendix to this paper.) It includes not just security-related preventative measures that have been the Security Council’s (SC) 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 Strategy’s achievements is that for the first time the UN’s global membership has agreed that addressing the conditions conducive to the spread is an essential part of an effective and comprehensive strategy to combat and prevent terrorism. According to the GA 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.”

By elaborating a broad range of counter-terrorism measures, underpinned by the commitment to uphold the rule of law and human rights, the GA Strategy reinforces what many terrorism experts have long felt, namely that an effective counter-terrorism 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 GA is an important achievement. Part of the Strategy’s significance lies in the fact that it is an “instrument of consensus,” which although not adding anything not already contained in various SC resolutions, universal anti-terrorism instruments, and other international instruments, it pulls those commitments together into a single, coherent and universally adopted framework.

The Strategy’s significance also lies in the fact that it signals a shift away from the SC-led approach, which has defined the UN’s post-September 2001 response to terrorism. The central role the SC has played in imposing and monitoring global counter-terrorism 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 SC when it adopted its counter-terrorism resolutions, 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 SC’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 their willingness to cooperate fully with the SC. With the inclusion of the SC mandates in the context of a broader framework unanimously adopted by all 192 UN member states, a truly global
counter-terrorism 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 SC and the GA, 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 GA 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 the UN system. The Task Force has launched some important initiatives, including the UN Counter-Terrorism Handbook and the establishment of a series of thematic working groups comprised of relevant Task Force members. It is also working to better engage regional, sub-regional, and civil society organizations in the Strategy’s implementation.

Although the GA Strategy represents a political milestone for the international community, there is a big difference between achieving consensus on a non-binding GA resolution in New York and the 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 below the level of foreign ministries. For it to have a sustained impact on global counter-terrorism efforts, UN member states must translate the paper commitments into action. As a first step, this means that each member state needs to ensure that all of the relevant ministries are informed of the Strategy and efforts are made to incorporate the Strategy, or elements thereof, into national counter-terrorism 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 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 counter-terrorism, effective strategies need to reflect local conditions and be seen as home-grown rather than imposed by the UN or other external actors. 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.

II. SOUTHERN AFRICA

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 counter-terrorism program, as a Western problem, seeing it as less salient to their own concerns than, for example, HIV/AIDS and violent street crime. This is not surprising given the limited resources available in such countries and the fact that many more people are affected by HIV/AIDS and other infectious diseases, poverty, and hunger than by the global terrorism. In addition, a
mixture of history and politics has made counter-terrorism and its associated measures a potentially contentious issue for many African countries, including those in southern Africa. Sitting governments in a number of southern African states came to power only after having fought as “freedom fighters” in national wars of liberation – in the case of the African National Congress, being labeled as a “terrorist” organization by the United States and the United Kingdom. This complex legacy means that some countries in southern Africa have been less willing to sign onto international counter-terrorism efforts particularly when they are security focused like those the SC resolutions adopted after 11 September 2001, such as Resolution 1373, and feel that they fail to take into account the perspectives from the sub-region. In fact, there is a widespread perception in the region that the international counter-terrorism agenda – UN or otherwise mandated – is something being imposed from the “outside,” dominated by the United States and of little relevance to countries in the region. Voicing the sub-region’s ambivalence about joining the international counter-terrorism campaign, South African President Mbeki used his 2004 address to the GA to, among other things, criticize the United States and others, including implicitly the SC, saying that the powerful will 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.”

Although terrorism has not been viewed as a top priority in the sub-region as a whole, according to the SC’s Counter-Terrorism Committee’s Executive Directorate (CTED), some states have made progress in strengthening their counter-terrorism capacities since September 2001. Nevertheless, significant capacity gaps remain, whether it be the lack of a legal framework, limited capacity to prevent terrorist financing, low ratification of international counter-terrorism instruments, or lack of effective border controls.

Despite the fact that the sub-region has not received much international attention in connection to transnational terrorism and is not currently a hot-bed for recruitment and radicalization, it 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’s 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.” According to the Institute for Strategic Studies’ Anneli Botha, there are several incidents including the 1998 Nairobi and Dar es Salaam embassy bombings and more recently in Pakistan where nationals from southern African countries have been tied to or directly involved in al Qaida-related terrorist activity.

The sub-region, asserts Kurt Shillinger, “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,
the sub-region generally suffers from lengthy and porous borders, small arms trafficking, political instability, well-developed financial and transportation infrastructure, the lack of a strong legal counter-terrorism framework, easily available travel documentation, poor bureaucratic capacity, corruption, mineral and other commodity smuggling, unique migration patterns, understaffed and underresourced law enforcement agencies, 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.\textsuperscript{12} Further, in the case of South Africa, it is a major transportation hub with direct flights to both the US and European capitals. Having many tourist sites and serving as host of the 2010 World Cup, southern Africa offers numerous targets potentially vulnerable to terrorist attacks. Finally many analysts have noted with some concern growing radicalization among southern Africa’s migrant populations, including even cases where terrorists from South Asia and the Middle East have been harbored, and pointed out that southern Africa’s own Muslim population, while historically relatively moderate and peaceful, is not immune to radicalization.\textsuperscript{13}

Given the complexity of the challenges in southern Africa, a narrow security and law enforcement-focused strategy, particularly one so closely identified with the US, is unlikely either to gain political traction among local stakeholders or adequately address the wide range of political, economic, and social conditions that produce the conditions conducive to the spread of terrorism. Only a strategy that focuses on the 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,”\textsuperscript{14} and in which states in the sub-region have a sense of ownership, will be effective. The GA Strategy, which was negotiated and endorsed by those states, is such a document.

Yet, implementation must be considered within the context of the nature of the states and the realities on the ground in the sub-region, where more fundamental capacity problems often dwarf any perceived counter-terrorism shortcomings. Addressing more fundamental issues related to improving governance and addressing issues such as corruption will be necessary to ensure that Strategy-implementation efforts are effective. To this end, presenting development-based approaches to addressing narrower counter-terrorism capacity concerns should be considered.

Whether the principles outlined in the Strategy can be transported from the conference rooms at the UN in New York to the countries in the sub-region depends to a great extent whether the UN and other relevant international, regional, and sub-regional organizations can develop effective partnerships and programs aimed at promoting their implementation.

\textbf{III. THE ROLE OF REGIONAL AND SUB-REGIONAL ORGANIZATIONS}
Although the provisions of the GA Strategy are mainly directed towards 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 can 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 counter-terrorism 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 and increasing a sense of local ownership of the GA Strategy. Although there are a number of regional and sub-regional bodies relevant to this project, the contributions and capacities of which will be discussed, because of space limitations this paper will briefly touch upon the work of what have so far been the primary regional and sub-regional counter-terrorism actors relevant to southern Africa: the African Union (AU) and its ACRST, SADC, the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG), and the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO).

Mirroring the debates that have taken place within individual African states, each intergovernmental body engaged in counter-terrorism 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.” 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 contribute to implementing the global counter-terrorism framework.

At the regional 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), has an important role to play in promoting implementation of the GA Strategy among its member states. As a catalyst, the role of the AU can serve to empower states and regional economic commissions (RECs) and complement their activities where necessary. The AU can serve as an interface and bridge between the continent, its sub-regional bodies, and the UN system. The AU’s draft model counter-terrorism legislation, which is currently being drafted by two African academics, is an example of a practical contribution it can make to promote the implementation of the GA Strategy. The draft model legislation, though currently waiting to be considered by the member states, includes substantive, jurisdictional, and judicial cooperation elements and is being designed to help states implement not only the AU counter-terrorism framework, but the universal counter-terrorism instruments as well. As such, it will complement the SARPCCO’s model counter-terrorism legislation, which focuses on procedural issues that relate to facilitating cross-border police cooperation. Together, these model laws should make it politically easier to encourage the adoption of necessary national counter-terrorism legislation in the region without being seen as
something imposed from the outside by the UN in New York. In fact, the AU’s engagement in counter-terrorism should not be viewed solely in the context of the reaction to 11 September 2001, given that the region’s counter-terrorism convention was adopted by the AU’s predecessor, the Organization of African Unity, 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 efforts at stimulating and coordinating the counter-terrorism efforts of its members, and serving as a transmission belt for the global counter-terrorism framework, however, have been hampered by 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. Competing priorities within the Commission as well as lack of resources have so far limited its contributions in this area. This helps explain why the continent’s robust regional normative framework, which includes the 1999 Organization of African Unity counter-terrorism convention, the AU’s 2002 counter-terrorism plan of action, and its 2004 protocol have yet to be implemented by many AU members.

To complement the AU Commission’s political focus, the AU established the ACSRT in 2004 as its technical arm on matters related to terrorism and the implementation of the AU counter-terrorism program. 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.” It envisions a highly integrated network of state and regional economic commission focal points coordinated centrally through Algiers, although some focal points, including one from SADC, have still not been appointed. So far, the ACSRT has convened three meetings of the focal points from AU members and the RECs in Africa that have so far been designated. 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 SC Resolution 1373 among its members, it is well-placed to contribute to the implementation of the prevention and capacity-building elements of the GA 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. For example, since its establishment, the ACSRT has operated on a two million US dollar budget provided by the host country, with four staff members. This is well short of the fifty-two-member staff and nine million US dollar budget envisioned in the programme 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 the ACSRT could choose to focus on strengthening its coordination function through its network of focal points and rely instead on other institutional partners to carry out its research and technical assistance functions.
Given the vast size of the African continent, its limited communications network, and the chronic lack of resources for the AU and ACSRT, effective partnerships at both the international and sub-regional levels can be critical to ensure that the global framework represented by the GA Strategy reaches all parts of the continent, including southern Africa. The support ACSRT receives from outside donor states and organizations, including the European Union (EU), may help and provides an example of how outside donors can help augment the capacity of organizations in the region to devise their own counter-terrorism programs.22

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 fourteen member states. With the establishment of the SADC Organ for Politics, Defense and Security in 1996, it entered the field of the regional security maintenance. Since then it has adopted protocols on a range of transnational threats, including small arms and drug trafficking. It has yet to adopt one on terrorism, however, reflecting the ambivalence in the sub-region about whether to make this issue a priority and concerns about pandering to what is generally perceived as a Western-imposed agenda. Following from this, the SADC secretariat does not have staff or resources devoted to counter-terrorism per se, although its legal unit has sought to provide guidance on implementation of the international conventions and protocols related to terrorism and relevant SC resolutions.

Partly as a result of engagement by the Vienna-based UN Office of Drugs and Crime (UNODC), SADC may be turning a corner in this area, however. In December 2006, UNODC brought together some forty senior SADC government officials and experts23 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.24 Although unable to agree on a counter-terrorism protocol, and suffering from a secretariat that lacks human and financial resources, 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 counter-terrorism instruments (although the GA Strategy itself was not mentioned), enhancing their counter-terrorism capacities, and improving regional cooperation and cooperation with the relevant UN bodies. A follow-up workshop is scheduled for October 2007 where experts from UNODC and the SC Counter-Terrorism Executive Directorate (CTED) will offer assistance to those SADC countries, which are late in submitting reports to the various SC counter-terrorism-related bodies.25

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 GA 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 development and poverty reduction programs, 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, the continued existence of widely diverging political value systems among its members and a reluctance for criticism of those members who 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.

If SADC can overcome its historic financial and human resources limitations, the GA Strategy, given its breadth and the priority treatment it gives to terrorism’s underlying conditions, offers a useful framework for SADC, as an organization, to develop a range of programs that contribute to implementation, while not necessarily labeling them as “counter-terrorism” given the continuing sensitivities among the membership on this issue.

Unlike SADC, which will need to overcome political obstacles and financial limitations to play a meaningful role in promoting implementation of the GA 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 GA Strategy and offer sub-regional models that could be replicated with other parts of the GA Strategy. 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 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. It is now part of the SADC’s Organ on Defence, Politics and Security. The SAARPCO secretariat is housed in Interpol’s sub-regional bureau in Harare, so that 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. While its twelve members ostensibly have access to Interpol’s 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 significant from country to country.

As a result of both its close relationship with Interpol and the political commitment of its members, SARPCCO has been able to develop and implement a series of practical programs, a number of which reinforce elements of the GA Strategy. These include the creation of counter-terrorism 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; a SARPCCO model counter-terrorism law; a counter-terrorism training curriculum to ensure that regional and international obligations with regard to the prevention and combating of terrorism are understood by the trainees; and a human rights training program to ensure respect for human rights and rule of law by law enforcement officers.
The fourteen-member ESAAMLG\textsuperscript{31} has a critical role to play in implementing the anti-money laundering and counter-terrorism financing provisions of the GA Strategy which give priority attention to the adoption and implementation of the FATF 40 recommendations on money laundering and 9 special recommendations on terrorist financing (FATF standards).\textsuperscript{32} It was established as a Financial Action Task Force (FATF)-Style Regional Body (FSRB) 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 SC 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.

The organization is also engaged in a program of mutual evaluation of the anti-money laundering and counter-terrorist financing regimes in operation in member countries. These assessments provide information on weaknesses that exist in the member countries and provide recommendations on actions that they need 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.\textsuperscript{33}

As the regional arm of a global standard-setting body, the FATF, ESAAMLG has succeeded in placing the global 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,\textsuperscript{34} which has helped ensure that the organization does not suffer from the human and financial resource constraints that plague certain other relevant 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 alternative remittance systems. As of May 2007, only Mauritius and South Africa had established financial intelligence units or centers.\textsuperscript{35} 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 GA Strategy, an effective and robust institutional mechanism exists in southern Africa – thanks to the shared perception of the
transnational crime threat on which ESAAMLG was originally founded in 1999 – 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 could be given as to whether this approach could be replicated in southern Africa with respect to other parts of the GA Strategy.

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 Task Force have an important role to play in promoting implementation of the GA Strategy in the sub-region. This includes both the traditional counter-terrorism bodies such as the SC Counter-Terrorism Committee’s (CTC) Counter-Terrorism Executive Directorate (CTED) and the UNODC’s Terrorism Prevention Branch (TPB), as well as entities not traditionally associated with counter-terrorism such as the UN Development Programme (UNDP) and the UN Educational, Scientific and Cultural Organization (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 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 relevant NGOs and other civil society organizations (CSOs), to help get local buy-in and 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.

The CTC, with the support of its expert group, the CTED, is charged with monitoring the implementation of SC Resolution 1373, which imposed a range of security-related counter-terrorism obligations on all UN member states. Among other things, 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 counter-terrorism 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. 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 developed sustained relationships with local stakeholders. Further, the CTC/CTED has had difficulty sustaining a dialogue with countries in the region, a number of which have not reported to the CTC/CTED on their implementation efforts for over two years. 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, seeks to engage more directly and informally with experts in capitals (as opposed to diplomats in NY). 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 concerned state, are supposed to serve as the basis of the CTC/CTED’s intensified and tailored dialogue with 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 its workshop for countries in the 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, which stems from a number of factors, including what is perceived as too narrow an approach to addressing the threat and a sense that it is part of a US-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. The adoption of the GA 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 GA Strategy, the CTC/CTED might find a more receptive audience in southern Africa. Anecdotal evidence suggests that not only the CTED but other elements of the UN’s counter-terrorism program such as UNODC 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 GA Strategy.

The 1267 Committee, the Security Council committee responsible for maintaining and overseeing implementation of the financial sanctions, arms embargo and travel ban against the Taliban, al Qaida, and associated individuals, is a critical means for internationalizing sanctions against individuals on its Consolidated List. Although SC 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. 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 UN counter-terrorism efforts and has served to reinforce perceptions in the sub-region that the committee and other elements of the UN counter-terrorism effort are mere proxies in the US-led “war on terror.”

The UNODC, through its Terrorism Prevention Branch (TPB) and Global Programme against Money Laundering (GPML), is a main provider of counter-terrorism technical assistance. The GA 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. TBP’s efforts focus primarily on helping states join and implement the thirteen 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.

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 with 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. 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 fourteen member countries, only seven have joined more than half of these conventions, with some lacking the necessary domestic implementing legislation.

UNODC and other assistance providers face significant challenges in realizing the effective delivery of assistance including: as mentioned above, uneven support for international counter-terrorism 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 most in need of such assistance in the region are simply not accessible; and reducing the perceived tensions between development and security.

In the broader UN family, the International Monetary Fund (IMF) and World Bank are making important contributions to reducing poverty and promoting development and good governance, which are central components of the Strategy, but they also contribute 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 only five SADC countries have been reviewed under the program. The IMF/World Bank also provide technical assistance on implementing anti-money laundering/combating the financing of terrorism (AML/CFT) 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 AML/CFT, 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) in east, west, and central Africa but of the fourteen countries of southern Africa only the DRC and Tanzania are served by these. The IMF and World Bank also work with ESAAMLG on training and implementation.

Although a fully independent organization, the GA Strategy makes extensive mention of Interpol which is also an active member of the CTITF. Interpol’s database of lost and stolen travel documents, to which 124 countries have contributed almost fifteen million documents (twenty-six countries in sub-Saharan Africa have contributed approximately 90,000 of these documents), is mentioned specifically in the GA Strategy. 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. 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’s Fusion Task Force (FTF) 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 which houses SARPCCO, provide training and regional forums for sharing information.

UN functional organizations such as the International Maritime Organization (IMO), the International Civilian Aviation Organization (ICAO), and the World Customs Organization (WCO) propagate international counter-terrorism 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. All have presence(s) in the region which provide different forms of technical assistance and engage in varying degrees of cooperation with regional organizations on the ground. The GA Strategy highlights the importance of these organizations’ standard setting and capacity building functions which are particularly important in a sub-region where significant capacity gaps exist. All fourteen SADC countries have indicated their intentions to implement WCO’s June 2005 Framework of Standards to Secure and Facilitate Global Trade and all of those with ocean coastline (Angola, Madagascar, Mauritius, Mozambique, Namibia, South Africa, Tanzania), plus the DRC and Malawi, are bound to the IMO’s July 2004 International Ship and Port Facility Security Code. Implementation of these standards, however, has lagged as result of a combination of a lack of capacity and political will. Further, only half have plans to implement ICAO’s
standards for Machine Readable Travel Documents. Sub-regional bodies, SADC in particular, could be useful maintaining the political will and brokering the technical necessary to improve implementation of these standards.

The 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 counter-terrorism and human rights. Although it has only two Geneva-based staff assigned to the human rights and counter-terrorism portfolio, OHCHR maintains two country-specific offices in southern Africa – in Angola and the Democratic Republic of 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, COMESA, and the New Partnership for Africa’s Development (NEPAD), an economic development program of the AU, on human rights issues related to their agendas. 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, among other things, that South Africa lead the charge within the AU and SADC to devise counter-terrorism 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.

The GA 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,” counter-terrorism concerns are not to be used merely as a pretense for denying sanctuary to legitimate refugees and asylum seekers. Although the Strategy does not mention it per se, in that context, the UN Office of the High Commissioner for Refugees (UNHCR) has an important role to play in providing guidance and assisting with refugee status determination, the application of “exclusion clauses,” and other related issues such as non-refoulement. 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.

UNESCO, though not traditionally associated with counter-terrorism, has a pivotal role to play in facilitating the implementation of those elements of the GA Strategy aimed at addressing the conditions conducive to the spread of terrorism, particular 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.” Working with the Islamic Educational Scientific and Cultural Organization of the Islamic Conference, it has even worked to “produce guidelines for promoting peace and intercultural understanding through curricula, textbooks and learning media.” 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.52

Although mention of the organization itself is conspicuously absent from the Strategy, program areas for which UNDP is responsible, such as promoting good governance, the rule of law, social inclusion, and addressing other conditions conducive, form a central component of the document. With an overall budget of just under $5 billion, UNDP typically partners with member states to provide guidance and technical assistance for development projects.53 It also conducts programs on democratic governance, the rule of law, justice and security, conflict prevention and recovery, and empowering marginalized groups. UNDP has, for example, partnered with regional organizations in sub-Saharan Africa on programs to curb the spread of small arms and light weapons,54 and other projects such as the training of prosecutors in Mauritius, assisting with elections in the DRC and improving the effectiveness and quality of the police force in Mozambique. UNDP is perhaps the best represented UN agency on the ground in the region, with UNDP resident representatives throughout who are generally also the UN resident coordinators responsible for promoting coherent among the different parts of the UN development system operating in a particular country. Although it has been reluctant to involve itself or associate any of its activities with combating terrorism, it 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 UN’s Counter-Terrorism Implementation Task Force, beyond contributing to the Task Force’s online handbook and participating in 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 counter-terrorism 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, which are 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 getting local buy-in for the GA Strategy and furthering its implementation in the sub-region.

As this above brief survey indicates, numerous parts of the UN system are active in the sub-region, some via local or regional field offices and others via experts based in Vienna, New York or other Western capitals. With so many different parts of the UN system, regional organizations, and civil society working on different elements of GA Strategy implementation in the region, which includes a number that have regional offices or presences in southern Africa, the coordinating roles of the Task Force and the CTC/CTED become critical.

V. THE ROLE OF NGOS AND CIVIL SOCIETY

The UN Strategy ascribes a rather ambivalent role to civil society in implementing its provisions, encouraging “non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy,” which reflects the ambivalence of the much of the UN membership itself (emphasis added). The inclusion
of “as appropriate” was meant to leave it to each state 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 will be crucial. NGOs and other CSOs can play an important role in activism, education, research, and even as potential assistance and service providers. Effective and sustained implementation of the Strategy will require popular support, which can only be built with the support and cooperation of CSOs across the sub-region. To help develop a network of CSOs committed to contributing to effective implementation of the Strategy, an informal sub-regional mechanism for NGOs and other CSOs from different countries could be created to promote the sharing of information and experiences and allow for joint-strategizing on how best to engage with governments and other actors in the many different aspects of the Strategy.

In many instances civil society has not played a positive role and, throughout the region, those that are attempting to do so face limitations in their efforts. In some states in southern Africa, 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 CSOs, particularly on issues as sensitive as counter-terrorism. States are all the more reluctant to cooperate with civil society on hard security issues such as counter-terrorism, which are generally viewed as coming under the sole purview of governments, in particular their security services. In instances where governments may be willing, few civil society groups have the necessary expertise, resources and credibility to partner effectively.

Despite these challenges, several models or “best practice” examples of civil society participation exist. For example, at the international level, the official involvement of NGOs in the review process of the Nuclear Nonproliferation Treaty and other nonproliferation/disarmament mechanisms of the UN provides a model of the type of engagement with civil society that could be achieved in a security-related field. At the regional level, the partnership between the ISS and Intergovernmental Authority on Development on counter-terrorism capacity building in the Horn of Africa, which led to the establishment of the IGAD Capacity Building Program against Terrorism (ICPAT) offers a best practice that could perhaps be replicated in other parts of Africa.

A prerequisite to increasing the involvement of NGOs and other CSOs in efforts to promote Strategy implementation is that they need to be convinced that the Strategy is relevant to their concerns and interests and that supporting its implementation will not just be furthering narrower government interests. So far, this message has not been clearly articulated either by the Task Force or at the regional and national levels, but 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 the governments implement policies and programs, but at the stage of policy and agenda development.
VI. Conclusion

The paper has sought to highlight the role that various international and 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. 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 both security focused bodies such as the Security Council sub-committees and UNODC’s TPB, but also entities not traditionally associated with counter-terrorism such as UNESCO and UNDP, have important roles to play. In light of the widespread perception that terrorism is primarily a Western problem and the need to address underlying conditions and deep gaps in capacity, a strategy focused on narrow security and law enforcement, particularly if viewed as merely an extension of the US “war on terror,” is unlikely to gain much currency within the sub-region. One of primary strengths of the GA Strategy is that it seeks 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 conductive to the spread of terrorism front and center. The central challenge in carrying forward the GA Strategy and implementing it on the ground in the region will be operationalizing this connection between security and development and translating what is a useful intellectual framework into coordinated action on the ground.
NOTES

2 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, he International Monetary Fund, the International Criminal Police Organization, 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 Promoting 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.
4 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 Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe, as well as the Comoros and the Seychelles.

13 See e.g.: Kurt Schillinger, “Al-Qaida in Southern Africa: The Emergence of a New Front in the War on Terrorism,” Armed Forces Journal, February 2006.


15 Other relevant 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, the Southern African Defense and the Security Management Network.


18 It is a structure of the AU Commission and the Peace and Security Council.

19 Summary of First Meeting of the Focal Points of the ACSRT, 7-8 June 2006. Copy on file with the Center on Global Counter-Terrorism Cooperation.

20 The ACSRT is also starting to engage on address related to the first section of the GA Strategy: addressing the conditions conducive to the spread of terrorism. For example, it held a seminar on “Terrorism and Religious Extremism” in February 2007.


22 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 counter-terrorism 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 counter-terrorism strategy, Official Journal of the European Union, 17 July 2007, L/185/31.

23 All SADC members except Angola were represented.


25 This October 2007 workshop is being funded by The Netherlands. Of the fourteen SADC members, eleven 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.


28 The member countries of SARPPCO are Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.


30 Interview with Head of Bureau, G.M. Goyayi, SARPPCO Secretariat (18 June 2007).

31 The ESAAMLG members are Botswana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Seychelles, Tanzania, Uganda, Zambia, and Zimbabwe.

32 The “FATF standards” consist of forty recommendations on money laundering and nine special recommendations on terrorist financing.

33 ESAAMLG secretariat’s annual budget is $370,000. Outside funders of the secretariat include the US, 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 Counter-Terrorism Cooperation, 16 May 2007 (copy on file with the Center).
34 ESAAMLG “cooperating partners” include representatives from the International Monetary Fund, FATF, UNODC’s Global Anti-Money Laundering Programme, the Commonwealth Secretariat, the US, and the UK.


37 For example, ten of the fourteen SADC states have not reported to the CTC/CTED in more than two years.


39 Botswana, Madagascar, Mauritius, Mozambique, 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, 24 January 2007. Provided by UNODC.


41 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 20 August 2007).


43 Interpol, Office of the Special Representative of Interpol to the United Nations, e-mail communication with authors, 23 May 2007.

44 Interpol, Office of the Special Representative of Interpol to the United Nations, e-mail communication with authors, 23 May 2007.

45 “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/en/Topics_Issues/FacilitationCustomsProcedures/WCO+TABLE+Intention+to+implement+the+FOS+EN-FR.pdf> (accessed 20 August 2007)

46 Angola, the DRC, Madagascar, Mauritius, Mozambique, Namibia, 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>


Appendix 1
Resolution adopted by the General Assembly

[without reference to a Main Committee (A/60/L.62)]

60/288. The United Nations Global Counter-Terrorism Strategy

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming its role under the Charter, including on questions related to international peace and security,

Reiterating its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

Reaffirming the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome,¹ in particular its section on terrorism,

Recalling all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,

Recalling also that, in the 2005 World Summit Outcome, world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold the resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or

¹ See resolution 60/1.
humanitarian character, and the fulfilment in good faith of the obligations assumed in accordance with the Charter,

Recalling further the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Reaffirming also that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming further Member States’ determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

Continuing to acknowledge that the question of convening a high-level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

Recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing,

Bearing in mind the need to address the conditions conducive to the spread of terrorism,

Affirming Member States’ determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures,

1. Expresses its appreciation for the report entitled “Uniting against terrorism: recommendations for a global counter-terrorism strategy” submitted by the Secretary-General to the General Assembly; 2

2. Adopts the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy (“the Strategy”);

3. Decides, without prejudice to the continuation of the discussion in its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy:

2 A/60/825.
(a) To launch the Strategy at a high-level segment of its sixty-first session;

(b) To examine in two years progress made in the implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years and some should be treated as long-term objectives;

(c) To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;

(d) To encourage Member States, the United Nations and other appropriate international, regional and subregional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;

(e) To further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy;

4. Decides to include in the provisional agenda of its sixty-second session an item entitled “The United Nations Global Counter-Terrorism Strategy”.

99th plenary meeting
8 September 2006

Annex

Plan of action

We, the States Members of the United Nations, resolve:

1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security;

2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:

   (a) To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;

   (b) To implement all General Assembly resolutions on measures to eliminate international terrorism and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;

   (c) To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfilment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions;

3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law.
I. Measures to address the conditions conducive to the spread of terrorism

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism;

2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world;

3. 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. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations;

4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our respective obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct;

5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all;

6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists;

7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance to support sustained economic and social development;

8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national
systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms to provide assistance to victims.

II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;

2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens;

3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements and to strengthen cooperation between law enforcement agencies;

4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism;

5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money-laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials;

6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime and to the three protocols supplementing it, and implementing them;

7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum-seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in section II, paragraph 1, above;

8. To encourage relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing

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3 Resolution 55/25, annex I.
4 Resolution 55/25, annexes II and III; and resolution 55/255, annex.
mandates, the United Nations Office on Drugs and Crime and the International Criminal Police Organization, to facilitate its provision;

9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of international efforts to enhance the fight against terrorism;

10. To encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them;

11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the biocrimes database contemplated by the International Criminal Police Organization. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, the scientific community, civil society and Governments, into a common programme aimed at ensuring that biotechnology advances are not used for terrorist or other criminal purposes but for the public good, with due respect for the basic international norms on intellectual property rights;

12. To work with the United Nations with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to:

(a) Coordinate efforts at the international and regional levels to counter terrorism in all its forms and manifestations on the Internet;

(b) Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard;

13. To step up national efforts and bilateral, subregional, regional and international cooperation, as appropriate, to improve border and customs controls in order to prevent and detect the movement of terrorists and prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, and nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect;

14. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations, such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization;

15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In
this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization/United Nations special notices concerning people subject to this sanctions regime;

16. To step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool, as appropriate, in particular by sharing relevant information;

17. To invite the United Nations to improve coordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency coordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary cooperation and assistance in the event of a terrorist attack using weapons of mass destruction;

18. To step up all efforts to improve the security and protection of particularly vulnerable targets, such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to this effect.

III. Measures to build States’ capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security;

2. To take advantage of the framework provided by relevant international, regional and subregional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community’s efforts in this area;

3. To consider establishing appropriate mechanisms to rationalize States’ reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter-terrorism;

4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter-terrorism, relevant specialized agencies, relevant international, regional and
subregional organizations and the donor community, to develop States’ capacities to implement relevant United Nations resolutions;

5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

6. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and subregional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers;

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions;

8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism;

9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities and to respond effectively in the event of an attack using such materials;

10. To encourage the World Health Organization to step up its technical assistance to help States to improve their public health systems to prevent and prepare for biological attacks by terrorists;

11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions at the national, regional and international levels;

12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their cooperation, work with States to identify any national shortfalls in areas of transport security and provide assistance, upon request, to address them;

13. To encourage the United Nations to work with Member States and relevant international, regional and subregional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.
IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the “Protection of human rights and fundamental freedoms while countering terrorism”;

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law;

3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies;

4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice systems, and we encourage them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime;

5. To reaffirm the important role of the United Nations system in strengthening the international legal architecture by promoting the rule of law, respect for human rights and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism;

6. To support the Human Rights Council and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism;

7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on the human rights obligations of States and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law-enforcement agencies, at the request of States;

8. To support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support the efforts of States and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations and reporting on these issues.