



Implementing the UN Global Counter-Terrorism Strategy in East Africa

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This report is the third in a series on enhancing implementation of the UN Global Counter-Terrorism Strategy in different regions around the world. The Center completed assessments of the Asia-Pacific region in April 2007, southern Africa in November 2007, and the Western Hemisphere in April 2008. It intends to complete similar assessments of other regions, including South Asia, by early 2009. The goal is to reinforce ongoing implementation efforts at the national, regional, and international level, particularly those of the UN Secretary-General's Counter-Terrorism Implementation Task Force.

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Acronyms

ACSRT	Africa Centre for the Study and Research on Terrorism
AU	African Union
COMESA	Common Market for Eastern and Southern Africa
CTC	Counter-Terrorism Committee (UN Security Council)
CTED	Counter-Terrorism Executive Directorate (UN Security Council)
EAC	East African Community
EAPCCO	Eastern Africa Police Chiefs' Cooperation Organization
EU	European Union
ICPAT	IGAD Capacity Building Program against Terrorism
ICAO	International Civilian Aviation Organization
IGAD	Intergovernmental Authority on Development
IMO	International Maritime Organization
MDG	Millennium Development Goals
NCTC	Kenyan National Counter-Terrorism Centre
NGO	Nongovernmental Organization
OAU	Organization of African Unity
OHCHR	Office of the UN High Commissioner for Human Rights
REC	Regional Economic Community
RECSA	Regional Center on Small Arms and Light Weapons
TPB	Terrorism Prevention Branch (UNODC)
UIC	Union of Islamic Courts
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review (UN Human Rights Council)
US	United States of America
WCO	World Customs Organization

Executive Summary

While innovative collaborative efforts among East African states, external donors, and civil society through the establishment of the Intergovernmental Authority on Development's (IGAD) Capacity Building Program against Terrorism (ICPAT) are making significant strides toward the development of a coherent approach to counterterrorism capacity building in the region, there remain significant challenges to effective cooperative action in East Africa. These include severe intra- and interstate conflict, increasing radicalization, lack of state capacity, competing priorities, and political sensitivity surrounding the very notion of counterterrorism. To date, most counterterrorism efforts have focused on short-term security and law enforcement measures to the near exclusion, even at times to the detriment, of longer-term efforts to address underlying conditions conducive to the spread of terrorism.

The UN Global Counter-Terrorism Strategy (September 2006) and the holistic approach it represents offer an opportunity to recalibrate counterterrorism efforts in the subregion. By elaborating a broad range of counterterrorism measures, underpinned by the commitment to uphold the rule of law and human rights, the Strategy offers countries in East Africa the broad-based, long-term framework needed not only to thwart and respond to terrorist attacks, but to prevent the violent radicalization of local populations which might resort to terrorist violence in the future and which may be the greatest strategic challenge to counterterrorism efforts in the subregion. Given the nature of the states and the problems and realities on the ground in this complex subregion, however, translating the commitments in the Strategy into action will be a challenge.

The chances of overcoming the challenges to implementing the Strategy in the subregion will increase significantly if relevant international, regional, and subregional organizations, as well as civil society, develop effective partnerships and programs aimed at promoting the holistic message of the Strategy that take into account and are tailored to address the needs and realities on the ground. Unfortunately, as of yet, there seems to be a general lack of awareness of the Strategy among many stakeholders in East Africa (and beyond), including within those government agencies where most national counterterrorism practitioners work, i.e., not the foreign ministry, and even less among nontraditional counterterrorism actors whose work relates generally to Strategy implementation.

This report provides an analysis of issues and challenges relevant to the implementation of the UN Strategy in East Africa and an overview of the Strategy-related counterterrorism efforts of some of the key stakeholders in the subregion. It emphasizes that although implementing the Strategy is above all the responsibility of states, the UN system, regional and subregional bodies, and civil society each have important contributions to make as well.

The UN system, in particular the entities on its Counter-Terrorism Implementation Task Force, have critical roles to play in assisting states to implement the full range of commitments they undertook in the Strategy. These range from improving maritime security to improving respect for human rights, from short-term preventive measures to longer-term measures to address conditions conducive to the spread of terrorism. All of the individual members of the Task Force, in particular those that have as yet proven reluctant to engage on the Strategy, such as the United Nations Development Programme, need to take policy decisions at the headquarters level to actively support its implementation. Critical to the success of the efforts of the Task Force and other UN actors in East Africa will be reaching out to local stakeholders and engaging in the field. Coordinated, strategic, and sustained engagement by the different parts of the UN system will be needed to help countries in East Africa seize upon the opportunity presented by the Strategy and ensure that states seek to implement it in an integrated manner.

Regional and subregional bodies can help take into account cultural and other contextual issues, can undertake region-specific initiatives, often have unique knowledge and expertise, can help build local ownership, and can serve as interlocutors with the UN system and bilateral donors. ICPAT has a central role to play in this regard.

Civil society organizations are critical to building local support and awareness of the UN Strategy and have important roles in activism, education, research, oversight related to key areas of the Strategy including human rights, alleviating conditions conducive to the spread of terrorism, and even as assistance providers.

This report identifies gaps in ongoing efforts to implement the Strategy in East Africa and offers a series of recommendations focused on concrete steps that a range of different stakeholders should take, alone and/or in partnership with each other and bilateral donors, to help fill those gaps and further implementation. These are detailed and expanded on in the Recommendations section at the end of the report. They include both specific ones for how the broader UN system can improve its outreach to East Africa on Strategy-related issues but also ones for how subregional actors, under the auspices of ICPAT, should work together to communicate their needs to the UN system and other donors and assistance providers. They highlight, among other things, the need to raise awareness of the Strategy in the subregion and work with regional, subregional, and local partners, in particular civil society, as well as the need for a clear division of labor among stakeholders working to implement the Strategy.

Looking ahead to the UN General Assembly's formal review of the Strategy in September 2008, the report stresses that one of the concrete outcomes of that review should be clear and practical suggestions as to what specific tasks regional and subregional bodies and civil society can perform in furthering Strategy implementation, with a clear division of labor between stakeholders and with priorities and timelines for action.

This process, however, should not be a top-down exercise. East African countries, relevant regional and subregional bodies, and other stakeholders need to inform the process, proactively articulate their needs and priorities to the Task Force, and ensure that the discussions in New York are grounded in and responsive to the on-the-ground realities, needs, and priorities of the subregion.

Priorities for 2008-2009

With the significant UN Strategy-related vulnerabilities and capacity gaps existing in East Africa, there should be a clear prioritization of needs and projects, focusing on the short, medium, and long term. To this end, the Center has identified 15 concrete ideas for projects or activities (of different shapes and sizes), which could be undertaken in the next 18 months to enhance holistic implementation of the Strategy in East Africa.

1. ICPAT, in cooperation with the Task Force and with donor support, should convene a subregional UN Strategy stakeholder meeting.
2. ICPAT should develop a strategic plan for involving civil society groups more in its work and convene a workshop focusing on the role of the civil society.
3. ICPAT should approach the Task Force in New York with a set of subregional Strategy priorities.
4. ICPAT's mandate should be revised to allow it to serve as the subregional focal point on implementation of the UN Strategy.

5. The Center will, in close cooperation with ICPAT and other subregional stakeholders, identify respected civil society groups operating in East Africa doing work in areas relevant to the UN Strategy, for the purposes of creating a subregional civil society network to contribute to UN Strategy implementation in East Africa.
 6. UNESCO and UNDP, in close cooperation with the Task Force and with the support of interested donors, should co-organize a workshop in the subregion focused on identifying ways in which the UN and other stakeholders can contribute to addressing conditions conducive to the spread of terrorism. The workshop should conclude with the adoption of a plan of action.
 7. Local UNDP offices in the subregion should explore with their host governments the possibility of developing projects aimed at raising awareness of and building public support for counterterrorism measures in those countries, including by identifying and building trust among vulnerable communities in the relevant countries.
 8. UNODC, CTED, the Commonwealth Secretariat, and ICPAT, with the support of interested donors, should design and conduct training courses in the subregion focused on the establishment of a subregional legal-cooperation network.
 9. The CTED, in close cooperation with the relevant functional organizations, should help organize a subregional border-security seminar at which IGAD countries would receive training on the implementation of relevant border-security standards.
 10. Donors should ensure that there is the necessary funding to launch and implement the IGAD project to develop an international instrument for IGAD states on matters of extradition and mutual legal assistance.
 11. Donors should ask UNODC to design criminal justice reform projects that offer unified training for criminal justice officials in East Africa on the implementation of UN legal instruments related to drugs, crime, and terrorism. This would help to maximize the synergies among the three different areas of UNODC programs and better reflect the links among them.
 12. Prior to the September 2008 General Assembly review of the UN Strategy, a group of ambassadors from different regions should approach the Secretary-General and ask that he reassign two or three staff members in his office to strengthen the Task Force secretariat, of which one should primarily focus on awareness raising outside of New York.
 13. Member states should use the occasion of the September 2008 review to articulate the different ways in which regional and subregional bodies, as well as civil society, can contribute to the implementation of the UN Strategy and recommend ways in which the Task Force, if provided with the necessary resources, could deepen its engagement with regional and subregional actors, including by establishing region-focused working groups to engage with interested regions on Strategy implementation issues.
 14. All of the individual members of the Task Force, in particular those that have as yet proven reluctant to engage on the Strategy, such as UNDP, need to take policy decisions at the headquarters level to actively support its implementation.
 15. OHCHR should provide training to judges, lawyers, and law enforcement in counterterrorism and human rights and, as it has already done in other regions, convene a meeting on “Human Rights and Counter-Terrorism” in East Africa to initiate a dialogue on human rights obligations and commitments of states in matters related to counterterrorism.
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I. THE UN GLOBAL COUNTER-TERRORISM STRATEGY

The September 2006 UN Global Counter-Terrorism Strategy calls for a holistic and inclusive approach to counterterrorism. It includes not just law enforcement and other security-related preventative measures, which have been the Security Council's focus since September 2001, but also gives priority attention to addressing underlying conditions conducive to the spread of terrorism, such as poverty, lack of good governance, and social and economic marginalization.¹ This gives it broader appeal than the Security Council counterterrorism program, which has generally focused on law enforcement and other security-related issues. The Strategy is also clear about the imperative for respecting human rights and promoting the rule of law across every element of the document and throughout its implementation. One of the Strategy's achievements is that for the first time the United Nations' global membership has agreed that addressing conditions conducive to the spread of terrorism is an essential part of an effective and comprehensive strategy to combat and prevent terrorism.² By elaborating a broad range of counterterrorism measures, underpinned by the commitment to uphold the rule of law and human rights, the UN Strategy reinforces what many terrorism experts have long felt, namely that an effective counterterrorism strategy must combine preventive measures with efforts to address both real and perceived grievances and underlying social, economic, and political conditions.

Part of the Strategy's significance lies in the fact that it is an "instrument of consensus" on an issue where consensus has been difficult to achieve at the global level. Although it does not add anything not already contained in preexisting UN counterterrorism resolutions, norms, and measures, the Strategy pulls them together into a single, coherent, and universally adopted framework.

By focusing on the "softer," longer-term side of counterterrorism, the Strategy offers states and other stakeholders in the subregion a framework through which to promote a more holistic response to the threat. It represents a conceptual shift away from a primarily law enforcement/military approach to this "softer," more holistic one, which might be characterized as a "human security" approach to counterterrorism. By doing so and by reflecting the views of the UN General Assembly (and its universal membership), the Strategy has helped move the counterterrorism discourse at the United Nations closer to the "African" perspective. If this conceptual shift is going to succeed in practice, however, states in the subregion, as well as donors, need to reflect this change of emphasis in their policies. Donors and the United Nations need to emphasize the development pillar of the Strategy and in particular target disaffected and marginalized groups and parts of the subregion which are potential breeding grounds for terrorism.

Since its adoption, much of the UN Strategy implementation work has focused on the United Nations itself, under the leadership of the UN Counter-Terrorism Implementation Task Force, which brings together 24

¹ The four pillars of the UN Strategy are (1) measures to address the conditions conducive to the spread of terrorism; (2) measures to prevent and combat terrorism; (3) measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the United Nations in this regard; and (4) measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.

² According to the UN Strategy, "conditions conducive to the spread of terrorism" 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." United Nations General Assembly, United Nations General Assembly Resolution 60/288, A/RES/60/288, New York, 8 September 2006, Section I.

entities across the UN system and various specialized agencies, funds, and programs, with a view to improving the cooperation and coordination among the different UN entities in the field of counterterrorism.³ The Task Force has launched some important initiatives, including the UN Counter-Terrorism Handbook,⁴ and established a series of thematic working groups comprised of relevant Task Force members. It has also succeeded in raising the necessary funds (all from European countries and the US) to allow the groups to begin work on discrete thematic projects. While this voluntary funding from a few developed countries has helped to get the work of the Task Force off the ground, securing regular UN budget funds for the Task Force in the future may help ensure that *all* UN member states retain a sense of ownership over the Strategy and the work of the Task Force. To further broaden ownership of the Strategy and the Task Force, consideration might also be given to broadening the notion of “contributing” to the Task Force to include the in-kind contributions of local stakeholders, which have valuable expertise and knowledge to share.

The Task Force’s creation is a step forward toward improving coordination and cooperation across the UN system on counterterrorism, which has traditionally been lacking. Even with the adoption of the Strategy and creation of the Task Force, however, the extent to which such cooperation takes place is still largely determined by individual personalities; and there remains a tendency among some entities to rigidly interpret narrow mandates, which limits rather than allows for cooperation. The extent to which the Task Force can serve as the connective tissue within the UN system on counterterrorism (and reach out to other relevant actors) is significantly constrained, however, by the lack of an adequately resourced secretariat to help manage its day-to-day work, including that of its various thematic working groups.

Although the adoption of the UN Strategy is a significant political development, its breadth makes it potentially “everything and nothing” at the same time. For it to have a sustained impact on global counterterrorism efforts, UN member states must “utilize this [historic] tool and translate it into action.”⁵ For starters, this means breaking the Strategy down into “bite-sized” implementable chunks that reflect the priorities of the different regions and subregions. Because the nature and perception of the threat varies from region to region and often even within regions, a one-size-fits-all approach to implementation is unlikely to be effective or appropriate. Rather, regions and subregions need to determine how best to implement the Strategy’s generally broad provisions to maximize its impact on the ground. In each instance, contributions from a wide range of stakeholders, including member states, the relevant parts of the UN system, other multilateral bodies, the private sector, and civil society, will be needed.

It is therefore necessary to both promote the necessary awareness and policy-level commitment from a wide range of stakeholders at all levels for implementing the UN Strategy’s generally broad provisions. Stimulating such awareness and sustaining the political momentum generated by its adoption are essential elements for ensuring

³ The 24 different entities represented on the UN Counter-Terrorism Implementation Task Force are the Counter-Terrorism Committee’s Counter-Terrorism Executive Directorate; the Department for Disarmament Affairs; the Department of Peacekeeping Operations; the Department of Political Affairs; the Department of Public Information; the Department for Safety and Security; the Expert Staff of the 1540 Committee; the International Atomic Energy Agency; the International Civil Aviation Organization; the International Maritime Organization; the International Monetary Fund; the International Criminal Police Organization; the Monitoring Team of the 1267 Committee; the Office of the High Commissioner for Human Rights; the Office of Legal Affairs; the Organization for the Prohibition of Chemical Weapons; the Special Rapporteur on the promotion and protection of human rights while countering terrorism; the United Nations Development Programme; 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 The Online Handbook is available at www.un.org/terrorism/cthandbook/.

⁵ Jean-Paul Laborde, Statement, “Informal meeting of the General Assembly on the Implementation of the UN Global Counter-Terrorism Strategy,” 4 December 2007 [On file with the Center on Global Counterterrorism Cooperation].

the Strategy's long-term relevance. Unfortunately, as yet, there seems to be a general lack of awareness of the Strategy among many stakeholders in East Africa⁶ (and beyond), including within those government agencies where most national counterterrorism practitioners work, i.e., not the foreign ministry, and even less among nontraditional counterterrorism actors whose work relates to Strategy implementation.

The Task Force, therefore, needs to emphasize outreach to states, regional and subregional organizations, and civil society and avoid taking an insular, UN-focused approach to its work. Lessons could be drawn from the UN's anticorruption activities. For example, the UN Office of Drugs and Crime (UNODC) helped establish the International Group for Anti-Corruption Coordination. This group seeks to coordinate the anticorruption efforts of donors, multilateral anticorruption enforcement officials, and nongovernmental organizations (NGOs) to help facilitate their work by avoiding duplication and leveraging existing resources and networks. It is somewhat unique in that it includes the active participation of NGOs and invests heavily in awareness raising and outreach, producing awareness materials, even celebrating an International Day against Corruption (9 December). As the United Nations seeks to raise awareness of the Strategy, lessons could be drawn from this model of outreach and civil society engagement. Given the politically sensitive nature of counterterrorism in East Africa, the United Nations should do more through these sorts of channels and other forms of local interaction to raise awareness of and emphasize the holistic approach outlined in the Strategy.⁷

In addition to raising awareness of the Strategy, the Task Force should identify steps that relevant stakeholders can take to implement the framework by (1) developing or stimulating country-specific projects aimed at promoting Strategy implementation, which donors could then fund; (2) promoting partnerships between the Task Force—and/or its component parts—and regional and subregional bodies and civil society; and (3) articulating clearly what roles these stakeholders might play in contributing to implementation, outlining a division of labor among the different stakeholders in both the “hard” and “soft” areas of the Strategy. For its part, the United Nations needs to develop a more integrated UN approach to Strategy implementation at the country and subregional levels to provide a better basis for cooperation between the United Nations and other partners in the subregion. An intermediate step, and one of the goals of this project by the Center, is to identify which UN, regional and subregional, and civil society actors are contributing to implementing different parts of the Strategy, where gaps remain, and which stakeholders are best placed to fill particular gaps.

Looking ahead to the UN General Assembly's formal review of the Strategy in September 2008, one of the concrete outcomes should be clear and practical suggestions as to what specific tasks regional and subregional bodies and civil society can perform in furthering Strategy implementation with a clear division of labor between stakeholders and with priorities and timelines for action. This could be complemented by a stocktaking of relevant bodies in each region and subregion, their respective mandates and capacities, and what Strategy-related programs they have undertaken or are currently undertaking.

This process, however, should not be a top-down exercise. East African countries, relevant regional and subregional bodies, and other stakeholders need to inform the process, proactively articulate their needs and priorities to the Task Force, and ensure that the discussions in New York are grounded in and responsive to the on-the-ground realities, needs, and priorities of the subregion.

⁶ For purposes of this report “East Africa” refers to those countries in the region of the Intergovernmental Authority on Development. These are Djibouti, Eritrea (although it withdrew from IGAD in 2007), Ethiopia, Kenya, Somalia, Sudan, and Uganda.

⁷ For information regarding the United Nations' anticorruption awareness-raising activities, see www.unodc.org/unodc.org/unodc/en/corruption/index.html.

II. EAST AFRICA: THREAT, VULNERABILITIES, AND CAPACITY GAPS

The Executive Secretary of the Intergovernmental Authority on Development (IGAD) recently noted that “due to its geographical location, persistence of conflict, absence of state structures, despair from the loss of hope and the growth of extremism, the IGAD region is considered to be the most vulnerable to terrorism of all regions in sub-Saharan Africa.”⁸ All countries in East Africa have been victimized by terrorist acts, whether perpetrated by and against a country’s nationals for a domestic cause or focused on “extra-national or extra-regional targets, for example, Western targets located in [East Africa].”⁹ Most casualties from terrorism in East Africa are not linked to international terrorism but to domestic insurgencies in the subregion. In fact, most incidents of *international* terrorism, which has been the focus of the United Nations’ counterterrorism agenda, have targeted Westerners or Western-related assets, and this has led to the perception that terrorism is a predominantly Western concern. Regardless of the type of terrorism, however, local communities in Africa have borne the brunt of the loss of life and property and other economic damage from the attacks; but in many ways, far more attention has been paid to the relatively few Western victims of terrorism in the subregion. This has complicated efforts by some governments in East Africa to support international counterterrorism efforts without being seen as pushing external interests.¹⁰

The subregion has experienced prolonged and severe intra- and interstate conflict, leading to instability, poverty, and political isolation that make it vulnerable to terrorist exploitation. For example, the ongoing conflict between Ethiopia and Eritrea—which centers on a border dispute, in which Ethiopia charges that Eritrea is providing support to religious extremist groups with links to al-Qaida to further Asmara’s military objectives—has led to the deaths of thousands, the repression of opposition movements, significant numbers of reported human rights violations, and Eritrea’s withdrawal from IGAD.¹¹ Insurgent groups in Uganda, such as the Lords Resistance Army and the Alliance of Democratic Forces, have employed brutal tactics, which have reportedly led to the deaths of over 5,000 people across that country¹² and in turn helped to increase public tolerance of measures against others under suspicion.

According to many experts, however, the unstable situation in Somalia, which has been without a fully functioning national government since 1991 despite more than a dozen attempts at national political reconciliation, is a particularly important factor fueling the spread of radicalism and terrorism in East Africa today. Thomas Dempsey, an Africa expert at the US Army War College, notes that,

⁸ Dr. Attalah H. Bashir, Executive Secretary, IGAD, “Opening Speech by IGAD,” Meeting of Ministers of Justice of IGAD Member States on Legal Cooperation against Terrorism,” 20 September 2007. [On file with the Center on Global Counterterrorism Cooperation].

⁹ Ibid.

¹⁰ See, e.g., Princeton N. Lyman and J. Stephen Morrison, “The Terrorist Threat in Africa,” *Foreign Affairs*, January/February 2004.

¹¹ For a discussion of the Ethiopia-Eritrea conflict, see, e.g., Jason McLure, “Dueling Dictators,” *Newsweek*, 28 November 2007, www.newsweek.com/id/72707; “Ethiopia and Eritrea: Stopping the Slide to War,” *International Crisis Group*, Africa Briefing No. 48, 5 November 2007, www.crisisgroup.org/library/documents/africa/horn_of_africa/b48_ethiopia_and_eritrea___stopping_the_slide_to_war.pdf.

¹² Both the Lords Resistance Army and the Alliance of Democratic Forces are listed as terrorist organizations by Uganda and the US. For a discussion of the situation in Uganda, see, e.g., Anika Long, “A Survey of Terrorism and Human Rights in Uganda,” in *Review Digest: Human Rights & The War on Terror – 2007 Supplement*, pp. 51-61, www.du.edu/gsis/hrhw/digest/terror/uganda_2007.pdf. See also “Northern Uganda: Seizing the Opportunity for Peace,” *International Crisis Group*, Africa Report No. 124, 26 April 2007, www.crisisgroup.org/home/index.cfm?id=4791.

Various terrorist groups have operated in Somalia since it experienced state collapse in the early 1990s. The most prominent of these ... include Al-Ittihad al-Ialamiyyaa (AIAI), Al-Qa'eda itself, and a small, recently emerged, extremely violent jihadist cell led by Aden Hashi 'Ayro. AIAI seems to have acted as a terrorist hub for other groups active in Ethiopia, while the 'Ayro group has operated as a terrorist node in the evolved two-cell network model. Al-Qa'eda has demonstrated and suspected links to AIAI and 'Ayro, and appears to have developed Somalia as a key hub for attacks throughout East Africa.¹³

In the last couple of years, the situation in Somalia has deteriorated even further with the growth of the Union of Islamic Courts (UIC), a group believed to have terrorist ties, which defeated a coalition of US-backed warlords in 2006. The subsequent US-backed Ethiopian invasion and occupation of Somalia briefly dislodged the UIC, but a festering insurgency has complicated efforts by Ethiopia, the Transitional Federal Government, and the African Union (AU) to bring stability to the country and may have in some ways strengthened the hand of hard-line Islamists fighting for control of the country.¹⁴

Despite the ongoing conflict in Somalia, states neighboring Somalia with better developed communications, transportation, and financial infrastructures—but weak institutions and long stretches of unsecured border territory—may in fact be considered by terrorists to have a more conducive environment for their operations.¹⁵ Kenya, with a large international population and significant tourist sector, or Djibouti, which hosts US and western European troops, offer international terrorists more “high value” and Western-related targets. The impact of the situation in Somalia on neighboring states is significant. For example, northeastern Kenya has been severely affected by the near absence of state control in Somalia, where interclan rivalry and banditry have further weakened border security and created additional space and income (through the illegal sale and transit of commodities, mainly livestock and grain) for criminal and terrorist elements to operate.¹⁶

To complicate matters further, the poor response to the rise in expectations for better socioeconomic conditions and wider democratic space has contributed to the frustration and even radicalization of some sectors of the youth segment of society. Sweeping and radical solutions to the unacceptable state of affairs appeared to be the way out, making it easier to justify violence. The introduction of extremist religious ideology into what essentially was a combustible mix of frustrations and contradictions has contributed further to the radicalization of susceptible groups and the ready acceptance of violence. In view of the fact that much of the region is populated by people of different faiths, the growth in religious assertiveness has resulted in further tensions and created an enabling environment for the resort to terrorist violence.

The heightened sense of insecurity has accentuated the weakness of state institutions to assure peace and stability. The subregion's significant capacity gaps, including porous borders, insufficiently patrolled coastlines, lack of a sound legislative framework to counter terrorism, and swaths of barely governed territory have become a growing concern among stakeholders on the ground and outside the subregion.

¹³ Thomas Dempsey, “Counterterrorism in African Failed States: Challenges and Potential Solutions,” *Strategic Studies Institute*, US Pa. Army War College, Carlisle, 2006, p. 8.

¹⁴ Steve Bloomfield, “Somalia: The World's Forgotten Catastrophe,” *The Independent*, 9 February 2008.

¹⁵ Harmony Project, “Al-Qaida's (Mis)adventures in the Horn of Africa,” Combating Terrorism Center, 2006 <http://ctc.usma.edu/aq/aqII.asp>.

¹⁶ Annie Barbara Chikwanha, “The Anatomy of Conflicts in the East African Community (EAC): Linking Security With Development Theme for 2007 - Development Policy and the Security Agenda for Africa: Reassessing the Relationship,” Keynote Speech to Development Policy Review Network-African Studies Institute, Leiden University, The Netherlands, n.d., www.ascleiden.nl/Pdf/LectureAnnieChikwanha.pdf.

To further complicate matters in a subregion where people move relatively freely across borders, there are no formal mechanisms for extradition, mutual legal assistance, or the sharing of relevant information between countries. This has contributed to the use of extrajudicial renditions of terrorism suspects between countries in the subregion, which has helped undermine public support for and confidence in counterterrorism efforts in East Africa. The “Kampala Statement” adopted at the conclusion of the September 2007 meeting of IGAD ministers of justice recognized the need for more subregional legal cooperation on terrorism. The ministers agreed “to consider the establishment of a project to develop an international instrument for the IGAD States on the matters of extradition and mutual legal assistance.”¹⁷ As a complement to a formal treaty, however, states in the subregion should negotiate memoranda of understanding, with the necessary human rights protections built in, in order to facilitate the transfer of individuals between states in cases where time does not allow one to proceed with a formal, treaty-based extradition request.

To their credit, political leaders in East Africa have acknowledged the subregion’s vulnerabilities and that capacity building across many areas is needed to address current weaknesses.¹⁸ Countries in the subregion are in critical need of support in terms of equipment; training for police, judges, and prosecutors; improving border control and monitoring of unpatrolled coastlines; strengthening interdepartmental cooperation; upgrading communications equipment and facilities; combating terrorist financing; detecting document forgery; and combating arms trafficking. Some countries would benefit from assistance in drafting and adopting counterterrorism legislation, while others require assistance in refining existing legislation. Support is also needed to address more fundamental capacity issues, such as strengthening democratic institutions and the judicial system, combating corruption, improving governance, dealing with internal and external conflicts, and targeting vulnerable communities. In many countries, even assistance building roads and rail links are needed not only to improve the prospects for development and regional integration, but to help improve the lives of vulnerable and marginalized communities and integrate them into wider society. In Somalia, outside support is critical to empowering the Transitional Federal Government to provide basic government services, in particular education, so that it can act as an effective alternative to extremist groups and ideologies.¹⁹

Many of these needs can only be met by bilateral assistance, while others can be met by regional and subregional capacity-building programs, such as the IGAD Capacity Building Program against Terrorism (ICPAT), and international and other donors and assistance providers, in particular those entities represented on the Task Force. Although preparing and fulfilling shopping lists for equipment should not be the objective, it will be critical for the success of those actors to demonstrate that they can deliver and respond to the specific needs and priorities of countries on the ground.

With this in mind, states in the subregion, often at the behest of the US and other outside actors, which place East Africa near the center of the so-called Global War on Terror, have acted to try to fill these gaps, albeit with mixed success. Despite being a major counterterrorism priority for important donor countries such as the US, the focus of much of this assistance has been imbalanced in both its geographic scope (certain countries have received substantial amounts of assistance [e.g., Kenya and Djibouti], while others very little) and its temporal perspective, i.e., it has primarily emphasized short- and medium-term measures, aimed at catching and bringing

¹⁷ “Kampala Statement: Meeting of Ministers of Justice of IGAD Member States on Legal Cooperation against Terrorism,” 20-21 September 2007, Kampala, Uganda, www.igad.org/index.php?option=com_content&task=view&id=70&Itemid=65.

¹⁸ Report on IGAD Conference on “The Prevention and Combating of Terrorism,” IGAD Secretariat, Addis Ababa, 24-27 June 2003.

¹⁹ ICPAT Meeting Report, “Implementing the UN Global Counter-Terrorism Strategy in the IGAD Region and Building National Capacities,” Addis Ababa, Ethiopia, 4-5 March 2008. [On file with the Center on Global Counterterrorism Cooperation].

terrorists to justice and strengthening national counterterrorism infrastructures. Much of this assistance has emphasized training military, intelligence, criminal justice, and border security officials and pushing for more robust counterterrorism legislation.²⁰ To a certain extent, UN counterterrorism efforts in the subregion have followed this path with their emphasis on joining and implementing the international counterterrorism instruments, adopting and implementing comprehensive counterterrorism laws, training criminal justice officials, and generally encouraging countries in East Africa to enhance their operational counterterrorism capacity.

Yet, as Peter Gastrow and Annette Hübschle with the Institute for Security Studies point out, this call for tough action by governments in East Africa, “where democracy is fragile and governance weak,” may in the end be counterproductive as it can escalate rather than diminish the threat.²¹ For example, they note that “anti-terrorism legislation forced down throats of countries with weak or non-functioning criminal justice systems is little more than symbolic value while economic failure continues to erode legitimacy and foster an ideological vacuum and disaffection at every level amongst an increasingly youthful population.”²² In some instances, strengthening law enforcement and other counterterrorism authorities has led to increased violations of human rights and the repression of civil society, with counterterrorism legislation being misused by some governments to crack down on certain groups. Other countries which have not adopted such legislation have used questionable administrative procedures to pursue their counterterrorism objects, and some of those which have adopted a comprehensive counterterrorism law have nevertheless chosen not to invoke such legislation when carrying out counterterrorism activity, preferring instead to rely on administrative action or more traditional legislation, which may not have the necessary human rights protections built in.²³

In general, lack of respect for human rights and the rule of law has undermined public support for counterterrorism efforts in East Africa and further undermined confidence in the law enforcement and security services of some countries in the subregion. To exacerbate matters, the lack of information currently being provided to the public has helped galvanize human rights advocates against governments in the subregion.

Getting states that lack many of the fundamental elements of an effective rule of law-based criminal justice system to respect human rights poses a significant challenge. However, this dilemma should not lead to downsizing technical assistance to the “hard” security area, but should be appropriately balanced by strengthening the human rights components of technical assistance and the “soft” elements of the Strategy.

A broader-based, long-term strategy is needed not only to thwart and respond to terrorist attacks, but to prevent the violent radicalization of local populations which might resort to terrorist violence in the future. This may pose the greatest strategic challenge to counterterrorism efforts in the subregion.²⁴ Such a strategy should

²⁰ Examples include the US Department of State’s East Africa Counterterrorism Initiative, which allocated the bulk of its \$100 million program to the “hard” aspects of counterterrorism, including \$50 million for security programs administered by the US Department of Defense for military and police training.

²¹ Peter Gastrow and Annette Hübschle, “African Perspectives on the International Terrorism Discourse,” *African Security Review*, vol. 15, no. 3, 1 October 2006, p. 70.

²² Ibid.

²³ George Kegoro, “The Effects of Counter-Terrorism on Human Rights: The Experiences of East African Countries,” *Understanding Terrorism in Africa: In Search for an African Voice*, Institute for Security Studies, Seminar Report, 6 and 7 November 2006, p. 53.

²⁴ See, e.g., Peter Kagwanja, “Counter-Terrorism in the Horn of Africa: New Security Frontiers, Old Strategies,” *African Security Review*, vol. 15, no. 3, 1 October 2006, p. 84; Deborah L. West, “Combating Terrorism in the Horn of Africa and Yemen,” Belfer Center for Science and International Affairs, Harvard University, John F. Kennedy School of Government, 2005, <http://belfercenter.ksg.harvard.edu/files/yemen%20report%20bcsia.pdf>; David H. Shinn, “Fighting Terrorism in East Africa and the Horn,” *Foreign Service Journal*, September 2004, p. 42, www.afsa.org/fsj/sept04/Shinn.pdf; Medhane Tadesse, “New Security Frontiers in the Horn of Africa,” *Friedrich Ebert Stiftung Briefing Paper*, June 2004, pp. 6-7, <http://mocambique.fes-international.de/downloads/SecurityHorn.pdf>.

include measures aimed at addressing the political, economic, and social factors that lie at the root of much of the insecurity in the subregion. The UN Strategy, which was negotiated and endorsed by all UN member states in East Africa, is such a document and could be used as a vehicle through which to help recalibrate the efforts of global, regional, subregional, and local actors to address the threat of terrorism in the subregion. Given the nature of the states and the problems and realities on the ground in this complex subregion, however, this will be a challenge.

One of the most significant challenges to Strategy implementation relates to the political sensitivity surrounding the issue of counterterrorism and the difficulties in garnering support in East Africa for initiatives labeled as such. The international counterterrorism rhetoric may be too muscular and unnecessarily polarizing for a subregion where the concept of counterterrorism is sometimes seen as an external or specifically Western agenda. Framing Strategy implementation efforts in the context of more palatable notions, such as promoting good governance and combating transnational crime, may resonate better with states and other stakeholders in the subregion.

Another significant challenge to Strategy implementation is the serious intraregional rivalries in East Africa which have circumscribed the potential for effective subregional security cooperation. While the contentious state of relations between certain countries in East Africa does complicate subregional counterterrorism cooperation, it is precisely because those underlying tensions and conflicts are some of the main drivers of terrorism in East Africa that it is essential to stimulate efforts at the regional and subregional level.²⁵

The chances of overcoming these challenges to the implementation of the Strategy will increase significantly if relevant international, regional, and subregional organizations, as well as civil society, develop effective partnerships and programs aimed at promoting the holistic message of the Strategy that take into account and are tailored to address the needs and realities of the subregion.

²⁵ See, e.g., John Prendergast and Colin Thomas-Jensen, "Blowing the Horn," *Foreign Affairs*, Vol. 86, No. 2, March/April 2007.

III. THE ROLE OF THE UN SYSTEM AND ITS PROGRAMS AND AGENCIES

With the significant capacity gaps and vulnerabilities in East Africa, nearly every part of the UN system represented on the Task Force has an important role to play in supporting Strategy implementation in the subregion. Further, given the often counterproductive emphasis that has been placed on “hard” security approaches to combating terrorism in East Africa to date, the UN Strategy offers an opportunity to develop a holistic, more balanced, and hopefully more effective approach to addressing the complex and multifaceted threat. Coordinated, strategic, and sustained engagement by the different parts of the UN system will be needed to help countries in the subregion to seize upon this opportunity and ensure that states seek to implement the Strategy in an integrated manner. These different parts of the UN system include both the traditional counterterrorism bodies such as the various Security Council bodies and UNODC’s Terrorism Prevention Branch (TPB), as well as entities not traditionally associated with counterterrorism such as the Office of the High Commissioner for Human Rights (OHCHR), the UN Development Programme (UNDP), and the UN Educational, Scientific and Cultural Organization (UNESCO).²⁶

One of the most important roles for the UN system in carrying forward the Strategy is assisting states to implement their obligations; therefore, improving UN system-wide efforts to provide technical support to its member states and regional and subregional bodies is critical. Yet, it appears that states in East Africa have so far not benefited from this support in implementing UN counterterrorism mandates, apart from legislative drafting and criminal justice training delivered by UNODC’s TPB, aimed at helping countries join and implement the now 16 universal instruments against terrorism.

To help sustain its involvement in the subregion, UNODC established a formal working relationship with ICPAT in June 2006 to enhance the overall impact of its counterterrorism technical assistance for IGAD member states. Pursuant to this agreement, ICPAT has sought and received UNODC support on several joint counterterrorism initiatives in the subregion, including training for senior criminal justice officials, legislative drafting workshops, and the production and dissemination of joint technical assistance tools. In addition, UNODC supported the convening of the first-ever ICPAT-organized meeting of IGAD ministers of justice focusing on counterterrorism (discussed below), which took place in September 2007 and will hopefully turn into a regular event. UNODC should encourage IGAD to use future meetings of the ministers as a platform not only for reviewing progress on strengthening national and regional cooperation against terrorism, but for reviewing Strategy implementation efforts more broadly.

Cooperation with subregional partners such as ICPAT is particularly important to ensure the sustainability and effectiveness of the technical assistance UNODC provides and should be leveraged to ensure its one-off workshops have an enduring impact on the ground. Partly as a result of UNODC’s work, ratification of the universal antiterrorism instruments in East Africa has increased since 2001, with four states having ratified twelve or more of them, although some still lack the necessary domestic legislation and/or adequately trained criminal justice officials to implement them. The recent placement of a UNODC TPB officer in Nairobi should allow for more regular contact between UNODC and ICPAT, enhancing the former’s ability to provide tailor-made and timely assistance to East African states.

²⁶ There are a number of UN peacekeeping and other activities related to addressing the long-standing conflicts in the subregion which are relevant to elements of the Strategy, but which will not be addressed in this paper due to space limitations.

As UNODC continues with its work in the subregion, there is the need to ensure that its capacity-building activities in a particular country are part of a broader, strategic UN approach that “provides in-depth and substantive training to the right officials, practitioners, and policy makers;” includes a “steady dissemination of useful and accessible training tools and handbooks, backstopped by effective follow-up and reinforced by ongoing support services;”²⁷ and promotes the development and implementation of a holistic response to addressing the terrorist threat. UNODC needs to ensure that its efforts to get countries to adopt comprehensive antiterrorism legislation go hand in hand with initiatives that help the states of the region utilize the new instruments in a way that strengthens public support, the rule of law, and the respect for the rights of the victims of terrorism as well as the rights of the suspected terrorists themselves.

Going forward, given the allegations of human rights abuses being committed by some governments in the subregion in their fight against terrorism, particular attention should be paid to ensure that UNODC workshops raise awareness of human rights issues that may confront practitioners as they seek to implement any legislation. Donors and other providers of technical assistance need to be sure to balance capacity-building assistance to law enforcement and security services with human rights training, perhaps even involving civil society groups in such training. In addition, efforts need to be made to reinforce oversight mechanisms such as national human rights commissions.

In addition to the work of UNODC, the Strategy highlights the importance of the capacity-building and standard-setting work the UN functional bodies, such as the International Maritime Organization (IMO), the International Civilian Aviation Organization (ICAO), and the World Customs Organization (WCO), perform. This is of particular importance in a subregion where such significant capacity gaps and vulnerabilities exist. Each is represented on the Task Force and has a presence in East Africa (Nairobi) through which it provides different forms of technical assistance and engages in varying degrees of cooperation with subregional organizations on the ground.

The UN Strategy also makes extensive mention of the International Criminal Police Organization (Interpol), which is an active member of the Task Force.²⁸ Through its National Central Bureaus,²⁹ Interpol facilitates cooperation and maintains databases with critical law enforcement information such as fingerprints, wanted persons lists, and illicit weapons data; they also maintain a Terrorism Watch List. With particular relevance to East Africa, given the significant presence of al-Qaida and al-Qaida-related actors in the subregion, is the Interpol-Security Council Special Notice for individuals and groups included on the Al-Qaida/Taliban Sanctions Committee Consolidated List.³⁰ Although these special notices have attracted increasing attention from law enforcement agencies, better efforts are needed to ensure that they are disseminated to frontline officers.³¹

²⁷ Anton du Plessis, “The Role of the United Nations in Providing Technical Assistance in Africa,” in Wafula Okumu and Anneli Botha, eds., *Understanding Terrorism in Africa: In Search for an African Voice*, Institute for Security Studies, Seminar Report, 6 and 7 November 2006, p. 89.

²⁸ Interpol’s database of lost and stolen travel documents, to which 124 countries have contributed almost 15 million documents (26 countries in sub-Saharan Africa have contributed approximately 90,000 of these), is mentioned specifically in the UN Strategy. Office of the Special Representative of Interpol to the United Nations, e-mail communication with authors, 23 May 2007.

²⁹ Each of the 186 Interpol member states maintains an NCB, which serves as the designated contact point in each country for international police liaison with Interpol’s General Secretariat in Lyon and its regional offices, the various law enforcement departments in the country, and NCBs in other countries requiring assistance with overseas investigations. Staffed by national law enforcement officers, each NCB is connected to Interpol’s secure police communications network (I-24/7), which enables them to share critical information on criminals and criminal activities around the clock.

³⁰ As of 30 September 2007, Interpol has issued 290 Special Notices through the I-24-7 communications system on a total of over 9,400 occasions.

³¹ The UN Security Council Al-Qaida/Taliban Support and Sanctions Monitoring Team, “Seventh Report of the Analytical Support and Sanctions Monitoring Team Appointed Pursuant to Resolutions 1526 (2004) and 1617 (2005) Concerning Al-Qaida and the Taliban and Associated Individuals and Entities,” UN Doc. S/2007/677, 29 September 2007, para. 137.

Partly as a result of its significant capacity gaps, the subregion has made limited progress in implementing the Security Council sanctions against individuals and groups included on the Al-Qaida/Taliban Sanctions Committee Consolidated List. Several missing elements are needed, for example, administrative mechanisms to allow for a timely freezing of assets of those on the list, ensuring that the names on the list are included on national watch lists, and making certain that border security officials have the technology to access that information in a timely manner. Given the capacity limitations and political complexities in the subregion, more strategic and coordinated engagement by the United Nations is also needed to generate further progress on implementing the sanctions measures in East Africa.

One of the main reasons for the limited overall impact of the United Nations on the subregion's counterterrorism capabilities is due to the underperformance of the Security Council's Counter-Terrorism Committee (CTC) and its expert group, the Counter-Terrorism Executive Directorate (CTED). The CTC is charged with monitoring the implementation of Resolution 1373 (2001), which imposed a range of law enforcement and other security-related counterterrorism obligations on all UN member states. Among other things, the CTC/CTED is responsible for facilitating the delivery of counterterrorism technical assistance to states that it has identified as needing help implementing the provisions of the resolution.³² Despite the significant capacity gaps in the subregion, the CTC/CTED's interactions with and impact on East Africa have been limited.³³

The CTC/CTED's single site visit to an IGAD country (Kenya) has helped produce some concrete results in the operational arena, and the visit has been followed up by CTED participation in a Danish-funded UNDP and UNODC project in Kenya aimed at raising awareness among stakeholders about the terrorist threat and the need for effective counterterrorism measures.³⁴ Generally, however, the CTC/CTED has had difficulty sustaining a dialogue with countries in the subregion, partly due to the limited amount of information it has received from those countries and the difficulty it has had reaching past diplomats in New York and interacting with local counterterrorism practitioners. The CTC/CTED can only cite two examples in East Africa in over six years of work where it played a role in facilitating the delivery of technical assistance: one in Kenya and one in Uganda.³⁵ Although its difficulties in facilitating the provision of technical assistance extend well beyond East Africa,³⁶ the shortcomings of the CTC/CTED effort so far are magnified when looking at a subregion such as East Africa where both the terrorist threat and capacity needs are so significant.

³² The CTC/CTED is also responsible for engaging with and coordinating the counterterrorism activities of international, regional, and subregional bodies.

³³ For example, apart from convening an informal meeting in New York for donors and a representative of ICPAT in November 2006 to identify technical assistance needs in the subregion and to sensitize donors to those needs, the CTC/CTED has had little contact with the various subregional bodies active in East Africa. A recent positive development, however, was the meeting it convened in Nairobi in October 2007 with over 70 international, regional, and subregional organizations, including a number relevant to East Africa. The meeting focused on the prevention of terrorist movement and effective border security, a set of issues with particular relevance to the subregion, and concluded with the adoption of a joint statement in which the participating organizations pledged, *inter alia*, to continue to work with each other in supporting subregional and national efforts to secure borders. It remains to be seen, however, whether this meeting will help the CTC/CTED deepen its engagement with the subregion going forward. The joint statement that was adopted at the end of the meeting is available at www.un.org/sc/ctc/pdf/Nairobi_joint_statement.pdf.

³⁴ The CTC is scheduled to visit Uganda in mid-2008.

³⁵ Even in the cases of Kenya and Uganda, it is not clear the extent to which the CTC/CTED was responsible for the matching up of donors and recipients. See "Semi-annual report of the work of the Counter-Terrorism Executive Directorate 1 January to 30 June 2007 – Annex 2: Progress and outcomes of the facilitation of technical assistance by CTED" [On file with the Center on Global Counterterrorism Cooperation].

³⁶ For a discussion of the CTC/CTED's difficulties facilitating the provision of technical assistance, see Eric Rosand, Alistair Millar, and Jason Ipe, "The UN Security Council's Counterterrorism Program: What Lies Ahead?" International Peace Academy, October 2007, www.ipacademy.org/asset/file/207/cter.pdf.

There are signs, however, that the situation will improve with the appointment of a new, highly qualified CTED Executive Director and the 20 March 2008 adoption of Security Council Resolution 1805, which not only extended the CTED's mandate to the end of 2010, but approved the new director's reorganization and revised work plan aimed at moving the CTC/CTED away from relying on written country reports toward engaging more directly and informally with experts in capitals to allow for more tailored dialogues with states. In addition to a reorganization of the staff, the new approach includes different types of site visits and improved outreach to states, regional bodies, and civil society outside of New York.

The CTED may, however, continue to have trouble engaging meaningfully with implementing agencies on the ground so long as its entire staff is based in New York. Although the new reforms should improve the CTC/CTED's outreach and contact with on-the-ground actors somewhat, consideration should be given to moving some of its New York-based staff into UN country and/or regional offices where more sustained and ongoing interaction can take place with national counterterrorism practitioners, regional and subregional bodies, civil society, and other relevant actors.

The adoption of the Strategy, which incorporates all elements of Resolution 1373 within a broader and more widely supported framework, provides the CTC/CTED with the opportunity to build more support for its work in East Africa. Presenting its work in the context of the UN Strategy, hopefully as part of broader-based UN engagement on Strategy issues in the subregion, as has been done in Kenya, will have another benefit as well. It will help diminish the emphasis the United Nations is placing on strengthening the law enforcement and other parts of the state's security apparatus and allow more attention to be placed on addressing the conditions conducive to the spread of terrorism that are prevalent in East Africa. This shift in focus is likely to have a positive impact in the long run in a subregion where, as noted, state-centric, security-focused approaches to counterterrorism are often predominant and seen by some as exacerbating terrorism and other security problems. To its credit, the Security Council—as evidenced by the language in Resolution 1805 concerning the Strategy and the Task Force—appears to recognize the benefits that will accrue to the CTC/CTED if it is seen as trying to place its work in the context of the broader UN Strategy and participate more energetically in the Task Force.³⁷

By using the Strategy to help frame its activities, the CTC/CTED might also be able to strengthen its cooperation with other bodies in the UN system not traditionally associated with counterterrorism and often reluctant to cooperate with the CTC/CTED partly due to the latter's Chapter VII (UN Charter) mandate. Those bodies, including UNESCO and UNDP, have critical roles to play in carrying forward the holistic approach to counterterrorism outlined in the Strategy.³⁸

At the regional level, UNESCO, which has offices in Nairobi and Addis Ababa, has embarked on several initiatives broadly related to Strategy implementation. These include the Greater Horn Horizon Forum, an independent research forum coordinated in close collaboration with IGAD and the Djiboutian government designed to “foster dialogue on the future of the Horn of Africa in order to facilitate the formulation and implementation of policies conducive to mutual understanding, regional integration and peace in the region.” A promising initiative that grew out of “the need to reconcile the discourses of the different elites with the aspirations

³⁷ The council “[w]elcomes and emphasizes the importance of CTED's readiness to participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy including within CTITF, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system.” UN Security Council Resolution 1805, S/RES/1805, 20 March 2008, op. para. 11.

³⁸ Although space does not permit their inclusion in this paper, there are a number of other parts of the UN system that have important contributions to make to Strategy implementation in East Africa, including UN Habitat, the UN Population Fund, the UN Children's Fund, and the various UN peacekeeping operations and political missions in the subregion.

of the region's populations towards peaceful coexistence" and "the necessity to challenge the predominance of external analysis on the Horn of Africa and build local capacities,"³⁹ the Greater Horn Horizon Forum could serve as a foundation of indigenous knowledge on terrorism and as a basis for a collective understanding and response to the threat.

Although little work has been done through the Task Force, UNESCO has indicated its willingness to engage in Strategy implementation efforts both on a policy level in New York and Paris and at the subregional level. The challenge is devising concrete programs in East Africa, with the encouragement and input of local stakeholders and donor governments that seek to promote the goals of the Strategy but are not necessarily labeled counterterrorism as such. UNESCO should also work to incorporate the Strategy into innovative existing initiatives such as the Great Horn Horizon Forum. The balancing act for UNESCO and other nontraditional counterterrorism actors is walking a fine line between engaging on Strategy implementation while avoiding being implicated as counterterrorism actors.

In a subregion where human rights/counterterrorism concerns are so acute and national human rights institutions fragile or nonexistent, OHCHR's role is also critical. At the subregional level, OHCHR's work (with a regional office in Addis Ababa and a presence in Nairobi) relates generally to Strategy implementation, but so far it has not linked any of its work to the document. Its office in Addis Ababa, offers training and advice to governments and civil society groups in the subregion and works with the AU, the United Nations Economic Commission for Africa, and other subregional intergovernmental organizations and NGOs to streamline their human rights efforts. It continues to encourage states to ratify and implement the international human rights treaties and cooperate with their monitoring mechanisms and the UN special procedures. It is also working to strengthen national human rights mechanisms, such as a five-year program in Ethiopia on strengthening democratic institutions, including national anticorruption and human rights commissions.⁴⁰

Priorities for OHCHR in the subregion should include improving the poor record on ratification and cooperation with international human rights treaties and their monitoring mechanisms; improving cooperation with the Universal Periodic Review (UPR) mechanism and UN special procedure mandate holders such as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; reinforcing the capacity of national human rights institutions; and providing training and otherwise reinforcing the human rights capacity of security officers, judges, and civil society in close cooperation with UNODC, CTED, and ICPAT. Other assistance providers and donors should similarly focus on reinforcing national human rights institutions and capacities in tandem with their efforts to support subregional counterterrorism efforts.

Finally, with promoting good governance, the rule of law, and social inclusion and addressing other conditions conducive to the spread of terrorism as central elements of the UN Strategy, UNDP has much to contribute to Strategy implementation efforts, although it has been reluctant to involve itself or associate its activities with combating terrorism for fear that a "counterterrorism" label might unduly politicize its work on the ground. For example, although a member of the Task Force, UNDP has so far had limited involvement with the group, and it is only in the early stages of an internal discussion on how to deepen its engagement on counterterrorism, and thus UN Strategy-related, issues. However, by incorporating much of the development agenda, in particular achieving the Millennium Development Goals (MDGs), and thus not limiting itself to a

³⁹ See Great Horn Horizon Forum, www.greater-horn-horizon.org/.

⁴⁰ Ibid.

security agenda, the UN Strategy should make it easier for UNDP to engage systematically on counterterrorism issues.

The challenge is to dispel the notion that engaging fully with the Task Force and the traditional UN counterterrorism actors will interfere with the work UNDP is doing within its core mandates. The one exception to UNDP's general reluctance to engage on counterterrorism is a Danish-funded UNDP project in Kenya, which UNDP is currently carrying out in cooperation with UNODC and the Kenyan National Counter-Terrorism Centre (NCTC) under the Office of the President. The project was designed to help, inter alia, promote the adoption and effective implementation of national counterterrorism legislation that safeguards human rights and raise awareness among the general public of the reasons why such a law is needed.⁴¹

The close working relationship in Kenya not only between UNDP and the counterterrorism elements of the UN system, but also with government actors, civil society, and faith-based groups, may be the exception that proves the rule, but it demonstrates the logical synergies possible on the ground. Despite the challenges it has faced as a result of the political situation in Kenya, the above-mentioned UNDP program demonstrates that UNDP's slow-moving efforts to devise a policy on counterterrorism in New York need not preclude cooperation in the field and provides a model of cooperation among a wide array of stakeholders on the ground that could be reproduced elsewhere with regard to Strategy implementation.

Political challenges to getting UNDP headquarters in New York to associate itself more closely with the Strategy and counterterrorism efforts more broadly are indeed formidable. However, of the four pillars of the Strategy, Pillar I, which focuses on addressing conditions conducive to the spread of terrorism and explicitly links attaining the MDGs with Strategy implementation, needs more emphasis in East Africa. There is a need for the UN Secretary-General and member states (including those from East Africa) to call on UNDP to become more engaged.⁴² Currently, these calls have been limited to European countries, which seem motivated by a desire for guidance on dealing with the nexus between security and development in their aid programs.

In addition to pushing for UNDP to develop a corporate policy, states in the subregion should adopt the approach followed in Kenya and reach out to local UNDP offices and relevant donors with a view to forming partnerships aimed at raising awareness of and building support for the holistic, human rights-based approach to countering terrorism reflected in the UN Strategy.

⁴¹ The project has worked since 2006 to assist with the finalization of Kenya's antiterrorism bill, which has still not been passed by parliament, and anti-money laundering bill; convene sensitization and awareness-raising workshops; organize training workshops for officers from the judiciary and the security sectors; assist in the establishment of a Financial Investigation Unit; and produce and disseminate informational materials. UNDP, e-mail communication with authors, 7 December 2007. UNDP has conducted public awareness-raising workshops in different parts of the country, focusing mainly on police chiefs and subchiefs. However, much of the work has yet to take place because many of the other project activities were contingent upon the passage of the counterterrorism bill, which remains stalled in parliament due to strong objections from civil society that the draft targets Muslims and expands the powers of a police force already accused of abusing its current powers. The continuing political sensitivities surrounding this issue have not allowed UNDP to bring together officials from the NCTC and civil society to discuss the difficult issues surrounding the legislation as was planned. Despite the problems caused by tying the program's mandate to the passage of a specific piece of legislation, UNDP Kenya can play an important role in promoting Strategy implementation there because of its strong relationship with both Kenyan counterterrorism officials and civil society.

⁴² It should be noted that UNDP is not the only part of the UN system with a role to play in Pillar I activities that needs to be encouraged to become involved in Strategy-implementation efforts. Others include the UN Children's Fund, the UN Development Fund for Women, and the UN Population Fund.

Further, efforts should be made in the short term to include counterterrorism within the mandate of the UN's rule of law and security coordination resource group, in which UNDP, but apparently no representative from a traditional UN counterterrorism body, is involved.

Given the significant capacity needs and other vulnerabilities in the subregion, there is a need to find ways to broaden and deepen the UN system's engagement in East Africa on Strategy issues. The creation of a Task Force Working Group on "Facilitating Integrated Implementation of the UN Global Counter-Terrorism Strategy," which includes representatives from a number of those UN entities, is a step toward improving coordination and cooperation across the broader UN system on Strategy-related capacity building.⁴³ Yet, it remains unclear whether this working group can stimulate the necessary cooperation from states and information sharing and coordination among UN assistance providers. To the extent improved cooperation is occurring, it is still largely personality driven. The working group, and the Task Force as a whole, suffers from a number of fundamental weaknesses, including the purely voluntary nature of participation by their members, a lack of adequate resources and mandate, and difficulties engaging in the field outside of UN headquarters.

If the UN system, working closely with donors and countries in the subregion, seeks to ramp up its Strategy-related activity in East Africa, there are a number of general points worth making that might enhance its effectiveness in East Africa and beyond. First, UN actors must have knowledge of the particular sociocultural, economic, and political situations on the ground as they seek to engage with countries. Second, effective partnerships between the United Nations and regional and subregional stakeholders are needed to foster local buy-in. Local buy-in can also help to ensure that UN capacity-building programs are sustainable and that there is appropriate follow-up. Reaching out to local stakeholders and engaging in the field will be critical to the success of the efforts of the Task Force and other UN actors (the CTED in particular). Third, all relevant UN actors, in particular those individual UN bodies on the Task Force and those that have as yet proven reluctant to engage on the Strategy, need to take policy decisions at the headquarters level to actively support the Strategy. UN member states, particularly those on the governing boards of organizations such as UNDP, need to encourage them to do so. Fourth, given the number of entities on the Task Force, engagement with underresourced regions and subregions needs to be efficient and well coordinated, while maximizing synergies and minimizing duplication, so as not to overburden already overtaxed national bureaucracies. Fifth, given the political sensitivities surrounding the use of the "counterterrorism" label in many states (and parts of the UN system), the United Nations will need to pay careful attention to how it packages its Strategy-related programs. Sixth, local actors need to have a clearer understanding of what one receives in return for cooperating with the different UN counterterrorism bodies, in particular those in New York. Finally, it may be useful for the various elements of the UN counterterrorism program to conduct an assessment of the impact of their efforts in East Africa and, depending on the outcome, consider adjusting how and on which substantive issues they engage.

⁴³ Working with individual countries, the working group is seeking to (1) promote increased information exchange and enhanced consultation among the UN entities engaged or planning to engage in Strategy-related assistance programs; (2) bring together the relevant needs assessments prepared by these entities; and (3) identify possible synergies in assistance delivery. "Funding Proposal: Facilitating the Integrated Implementation of the United Nations Global Counter-Terrorism Strategy," August 2007 [On file with Center on Global Counterterrorism Cooperation].

IV. REGIONAL AND SUBREGIONAL BODIES

As practical realities vary from region to region (and even country to country), regional and subregional bodies are potentially better suited to develop approaches that can take into account cultural and other contextual issues and undertake region- or subregion-specific initiatives or other actions that complement and build upon Strategy 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, subregional, and local actors, increasing a sense of local ownership of the UN Strategy and fostering interest and maintaining momentum on the ground that is fundamental to ensuring implementation of the Strategy. Although there are a number of regional and subregional bodies relevant to this project, this paper will briefly touch upon the work of what are likely to be the most relevant to East Africa: the AU and its Algiers Centre for the Study and Research of Terrorism (ACSRT), IGAD's ICPAT, the Eastern African Police Chiefs Organization (EAPCCO), and the East African Community (EAC).

The AU has adopted a broad-based continental normative framework to combat terrorism,⁴⁴ with its 2002 plan of action calling for member states to promote policies aimed at addressing many of the same conditions conducive to the spread of terrorism identified in the UN Strategy (e.g., poverty and social and economic marginalization).⁴⁵ Further, like the UN Strategy, these instruments stress that counterterrorism measures should not infringe on human rights or undermine the rule of law. The continent's robust regional normative framework, however, has yet to be implemented by many AU members.⁴⁶ Competing priorities within the AU Peace and Security Commission and differing perceptions of the threat among its members, as well as lack of resources, have so far limited its contributions in this area.

The AU could make a practical contribution to promote implementation of its regional counterterrorism framework, the UN Strategy, and respect for human rights in the fight against terrorism by adopting its draft model counterterrorism legislation. Drafted by two African academics,⁴⁷ a completed draft of the model law has been with the AU Peace and Security Council awaiting consideration by the AU member states for more than a year. The draft includes substantive, jurisdictional, and judicial cooperation elements designed to provide African states with a template for the implementation of both African and international counterterrorism instruments in full compliance with international human rights standards. Adoption of the draft model law would provide states in East Africa with an African (rather than external) model of a human rights-compliant law. This indigenous model might help stimulate more action in national governments and parliaments on adopting comprehensive counterterrorism laws, which are necessary to implement the global counterterrorism legal framework.

⁴⁴ This framework includes (1) the 1999 Organization of African Unity counterterrorism convention, which was adopted as part of the continent's reaction to the 1998 al-Qaida attacks in Kenya and Tanzania; (2) the AU's 2002 counterterrorism plan of action; and (3) the AU's 2004 protocol to the convention. These instruments contain important provisions on extradition, the exchange of information, capacity building, and other elements, which if implemented, have the potential to strengthen counterterrorism cooperation across the continent.

⁴⁵ See paragraph 10(e) of the 2002 Plan of Action.

⁴⁶ For example, only 37 AU member states have ratified the 1999 OAU convention, and the 2004 AU Plan of Action is not yet in force due to a lack of ratifications.

⁴⁷ Professor Dapo Akande, Fellow at St. Peter's College, Oxford University; and Professor Tiyanjana Maluwa, Associate Dean for International Affairs and H. Laddie Montague Chair in Law and Director of the Penn State School of International Affairs.

The AU established the ACSRT in 2004 as its technical arm on matters related to terrorism and implementation of the AU counterterrorism program.⁴⁸ It charged the ACSRT with a number of important functions aimed at enhancing counterterrorism capacities and cooperation among its members.⁴⁹ It envisions a highly integrated network of state and Regional Economic Communities (RECs) focal points coordinated centrally through Algiers. As of April 2008, the ACSRT had convened two meetings of all national and REC focal points and four subregional meetings, including one in East Africa in Nairobi. In addition, it has organized a few training seminars at its well-equipped facility in Algiers. Some states have complained that they have little to show so far from their cooperation with the ACSRT, although in 2008 the ACSRT plans to devise a threat assessment template and a code of conduct, which, if completed, would provide AU members useful tools.⁵⁰

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, although recent funding contributions from the Council of the European Union and European Commission should help.⁵¹ Given its limited capacity and broad mandate and the difficulties the ACSRT has had in working with different AU member states and REC focal points in a sustained manner, it may make sense for the ACSRT to develop a mechanism for dealing with the RECs more effectively and make that, rather than engagement with AU states, a priority.

In addition to the ACSRT, there are a number of other parts of the AU that could play a significant role in furthering the implementation of the UN Strategy in East Africa. These include the New Partnership for African Development and the newly established African Court on Human and Peoples' Rights. As yet, the AU has, however, devoted much of its attention and resources toward implementing the "hard" side of its mandate, largely in trying to contribute to resolving the military and political conflicts on the continent. In general, more attention should be devoted to the "soft" side, which includes much of its counterterrorism plan of action and reinforcing those AU institutions, such as the ACSRT, which are responsible for implementing this mandate.

In addition to the continental-wide bodies, the 2004 protocol to the OAU counterterrorism convention explicitly endorses the complementary role that African subregional bodies, including those officially recognized by the AU as RECs, can play in furthering implementation of the AU framework.

The most relevant one in terms of implementing the UN Strategy is IGAD, which began with a focus on development issues but gradually took on security functions, underscoring the reality of the intimate relationship

⁴⁸ The ACSRT is a structure of the AU Commission and the Peace and Security Council.

⁴⁹ More specifically, the ACSRT is charged with (1) sensitizing AU members to the threat of terrorism in Africa; (2) providing capacity-building assistance to enhance national and regional capabilities; (3) creating a mechanism for all member states to access expert guidance; (4) building a database to facilitate the sharing of intelligence and other terrorism-related information; (5) harmonizing and standardizing domestic legal frameworks with the AU and international counterterrorism frameworks; and (6) disseminating counterterrorism research across the continent. "Modalities for the Functioning of the African Centre for the Study and Research on Terrorism (2005)," available in *African Counterterrorism Cooperation: Assessing Regional and Sub-regional Initiatives*, Andre Le Sage, ed. (Washington, D.C.: National Defense University Press and Potomac Books, 2007), Appendix Four, p. 184.

⁵⁰ Kwesi Aning, remarks at "Countering Terrorism in Africa through Human Security Solutions," Fletcher School of Law and Diplomacy, Medford, Massachusetts, 29 February 2008.

⁵¹ Martin Ewi and Kwesi Aning, "Assessing the Role of the African Union in Preventing and Combating Terrorism in Africa," *African Security Review*, vol. 15 no. 3. 1, October 2006, p. 43. As of 2007, the Council of the European Union intended to contribute 665 million euros to the ACSRT for a program to support AU member states' capacities to combat terrorism; and the European Commission contributed some one million euros to help set up the ACSRT's information technology and database system as well as its documentation center, and to organize training seminars for relevant AU member-state officials.

between security and development in the Horn of Africa.⁵² Since its inception, IGAD has been extensively involved in peace efforts in Somalia and southern Sudan, which generally contributes to addressing “conditions conducive to the spread of terrorism.” However, it is in the areas of Pillar II and III of the UN Strategy⁵³ where IGAD, through its Capacity Building Program against Terrorism, is making its greatest contributions.

The four-year ICPAT program was launched in June 2006 in Addis Ababa, where the program is based.⁵⁴ It is funded by European and other donors, administered by an African NGO with research and networking experience in the security area (the Institute for Security Studies), and overseen by a steering committee made up of the member states of IGAD and including nonvoting representatives from the countries that provide direct support to ICPAT,⁵⁵ thus utilizing an innovative approach to develop an effective subregional counterterrorism mechanism. It has also succeeded in overcoming the human and financial resource limitations that other parts of IGAD as well as many other African-based multilateral organizations suffer from and the lack of political support for deepening subregional cooperation among its members in the security field. The program focuses on capacity and confidence-building measures in the IGAD region, working closely with partners at the regional and global level.

ICPAT’s work focuses on five areas: (1) enhancing judicial measures; (2) working to promote greater interagency coordination on counterterrorism within individual IGAD member states; (3) enhancing border control; (4) providing training, sharing information and best practices; and (5) promoting strategic cooperation. ICPAT, at times in partnership with UNODC’s TPB and EAPCCO, and with the contributions of such institutions as the International Organization for Migration, the Commonwealth Secretariat, and high-level experts from the region, has carried out country-specific capacity-building initiatives in each of these areas.⁵⁶

Highlighting this approach, in September 2007, ICPAT, with the support of UNODC’s TPB, organized the first-ever IGAD ministerial-level meeting on countering terrorism in Kampala to which six IGAD member

⁵² IGAD was created in 1996 to supersede the Intergovernmental Authority on Drought and Development, which was founded in 1986.

⁵³ Pillar II focuses on measures to prevent and combat terrorism and Pillar III on measures to build states’ capacity to prevent and combat terrorism.

⁵⁴ ICPAT was launched some three years following the development of the IGAD “Draft Implementation Plan to Combat Terrorism in the IGAD Region” and a subsequent vulnerability assessment of terrorism in the IGAD region. IGAD’s “Draft Implementation Plan to Combat Terrorism in the IGAD Region” is available at www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/igad/confjun03plan.pdf.

⁵⁵ The Steering Committee, which meets every six months, approves the ICPAT work plan and ensures IGAD member state ownership. It also provides a vehicle for donor engagement and the development of mutual trust between a wide range of stakeholders.

⁵⁶ Examples of the capacity-building training and other assistance ICPAT has delivered since its establishment include a one-month counterterrorism training course designed in conjunction with EAPCCO for law enforcement officials in each IGAD member-state. The training has already been provided to 25 Ugandan and 25 Somali police officers. ICPAT has launched assessments on interdepartmental cooperation in countering terrorism in Djibouti, Kenya, and Uganda. It has commissioned border management and control field research on both sides of the borders in neighboring states in the region (Djibouti-Ethiopia, Kenya-Uganda, and Sudan-Kenya) and made recommendations to relevant states on steps that need to be taken to strengthen border management. ICPAT has also started to research and compile information on terrorism cases in the courts of IGAD states (over the past 10 years), as well as on the effectiveness of laws relating to money laundering, organized crime, corruption, drugs, and arms trafficking in three states in the region. Working in close cooperation with UNODC’s TPB, ICPAT has organized national legislative drafting and judicial training workshops in five of the seven IGAD states (including one in Ethiopia for Somali officials) aimed at promoting the ratification and the implementation of the international conventions and protocols related to terrorism. “IGAD Capacity Building Programme Against Terrorism (ICPAT),” *Institute for Security Studies*, www.iss.org.za/index.php?link_id=21&slink_id=2507&link_type=12&slink_type=12&tmpl_id=3.

states sent high-level delegations. The purpose of the meeting was to provide a platform for reviewing progress on strengthening legal cooperation against terrorism and to establish a more effective mechanism of future cooperation in the legal field. The Kampala Statement calls on IGAD members, inter alia, to take the necessary legal, administrative, and regulatory measures, including establishing interministerial counterterrorism coordination mechanisms in each country; respect human rights while countering terrorism; and exchange information and experiences related to combating terrorism, including through the establishment of a forum of counterterrorism experts. Significantly, the statement also takes note of and requests the member states to implement the UN Strategy and requests the continuation of UNODC/ICPAT capacity-building training.⁵⁷

Despite success in its first year and a half of existence, ICPAT faces a series of challenges going forward. Perhaps first and foremost are the conditions in the subregion, which pose an obstacle to the development of a successful subregional security agenda. For example, it has been impossible to date to launch a special program for Somalia in light of its unique needs, and the absence of Eritrea from the IGAD forum has a negative impact on the overall effectiveness of ICPAT. The politics of the region also mean that cooperating in the security field among some of the countries still leaves much to be desired. The above are manifestations of the complexity of the milieu in which ICPAT is expected to operate.⁵⁸

Despite those challenges, ICPAT member states appreciate its technically focused, results-oriented work and are deeply engaged in the program. ICPAT is therefore a logical focus for Strategy implementation efforts in the subregion. If provided with the necessary mandate and additional resources, ICPAT could play an important role in supporting subregional implementation of the Strategy by becoming a “center of excellence” to bring stakeholders together, serving as a repository of knowledge and an interlocutor with the UN system and assistance providers. ICPAT could even head a subregional task force on Strategy implementation, spearheading interactions with the UN Task Force in New York and other stakeholders and devising and overseeing a plan of action for Strategy implementation in the subregion. The IGAD ministers of justice forum of counterterrorism experts, which was created following their September 2007 meeting in Kampala, could be used for developing this subregional plan of action (and monitoring and evaluating its implementation).

To make its work more broadly relevant to the UN Strategy, ICPAT should broaden its approach both in terms of the stakeholders with which it engages and the substantive focus of its activities. Its focus on strengthening the capacity of national law enforcement and other security officials to fight terrorism should be anchored in the context of larger security enhancement efforts. ICPAT should also endeavor to engage in more subregional-wide activities rather than dealing with each member individually, and it should examine ways to expand the involvement of civil society in its work and its training activities.

Like ICPAT, EAPCCO is another example of an East African body benefiting from the support from and cooperation with organizations outside of the subregion. EAPCCO, whose mission is to promote subregional cooperation on combating transnational crime, including combating terrorism, is housed in the Interpol subregional bureau in Nairobi. Its affiliation with Interpol gives it direct access to that organization’s resources and expertise. It works with other regional organizations to strengthen counterterrorism measures in the subregion and encourage

⁵⁷ “Kampala Statement: Meeting of Ministers of Justice of IGAD Member States on Legal Cooperation against Terrorism,” 20-21 September 2007, Kampala, Uganda, www.igad.org/index.php?option=com_content&task=view&id=70&Itemid=65.

⁵⁸ Richard Barno, “Building Regional Partnerships: Perspectives from the IGAD Region,” in *Understanding Terrorism in Africa: In Search for an African Voice*, Wafula Okumu and Anneli Botha, eds., pp. 98-99.

the sharing of information among its member states on terrorism activities. Its 11 members,⁵⁹ including Somalia, ostensibly have access to Interpol's I-24/7 network, which enables law enforcement agencies to share information and access Interpol's databases. However, the extent to which they make effective use of this and other Interpol tools—including database access at critical frontline locations such as border crossings and airports—varies significantly from country to country.

Challenges for EAPCCO and its member states include stimulating more intense cooperation in the exchange of timely and reliable information; extending access to the I-24/7 network beyond the National Central Bureaus to more frontline locations; securing the necessary communications upgrades and equipment requirements to extend access to Interpol databases; encouraging states to join and implement international and regional counterterrorism frameworks; and encouraging states to contribute more proactively to maintaining not only Interpol databases but also to contributing names to the Security Council's Al-Qaida/Taliban Sanctions Committee's Consolidated List.

The EAC is a subregional body which could benefit from enhanced cooperation with and support from actors outside of the subregion. Aimed at promoting cooperation among its five member states in political, economic, and social sectors,⁶⁰ the EAC has devised an "East African Community Strategy on Combating Terrorism in East Africa," in which EAC states pledged, inter alia, to exchange information on terrorism, enhance border security, and establish a regional forensic center. The EAC is also in the process of drafting a Peace and Security protocol and establishing a Peace and Security Directorate.

Given its limited human, financial, and logistical resources (most of which are allocated to the organization's priority issue of economic integration), the EAC's effectiveness will, to a large extent, depend on the partnerships it develops with organizations at the global, regional, and subregional levels, as well as on maximizing synergies with such bodies.⁶¹ Despite those limitations, the EAC has a few programs that are relevant to the implementation of the UN Strategy. For example, it created a terrorism and counterterrorism task force to study the national, regional, and international legal framework relating to counterterrorism and the protection of human rights. Given the divergence of laws and policies in this area among the EAC partner states, the task force has proposed the development of a framework that would seek their harmonization.⁶²

Although the EAC has succeeded in developing counterterrorism-related initiatives aimed at strengthening the operational and other capabilities of EAC member states and at bringing regional initiatives in line with continental and global ones, some experts argue that given the nature of the threat, over time the EAC will need to move beyond its focus on short- and medium-term counterterrorism measures and spearhead effective regional strategies that seek to address some of the conditions conducive to the spread of terrorism. This would include

⁵⁹ The 11 members of EAPCCO are Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, the Seychelles, Somalia, Sudan, Tanzania, and Uganda.

⁶⁰ The original three founding EAC member states, Kenya, Tanzania, and Uganda, were joined by Burundi and Rwanda in 2006.

⁶¹ Wafula Okumu, "Counterterrorism Measures in the East African Community," *African Counterterrorism Cooperation: Assessing Regional and Sub-regional Initiatives*, Andre Le Sage, ed. (Washington, D.C.: National Defense University Press and Potomac Books, 2007), p. 91.

⁶² It has also developed an Operational Programme for Combating Terrorism under the auspices of the EAC Chiefs of Police Meetings. EAC Partner States report annually on implementation to the relevant EAC policymaking organs. In addition, the EAC also works with its partner states to train and otherwise enhance the capacity of security officials in the region. Okumu, "Counterterrorism Measures," p. 91.

strategies to eradicate extreme poverty and rebuild local institutions.⁶³ Such an approach would be fully consistent with its emphasis on multisectoral approaches to peace and security issues and its defense and security policy, which is based on the principle that as long as members cooperate on development matters, they will have no reason to resort to violence with each other.⁶⁴

According to Andre Le Sage of the Africa Center for Strategic Studies, “by virtue of greater political buy-in by key governments, the [above mentioned and other] subregional organizations have a strong role to play”⁶⁵ in implementing both the AU counterterrorism framework and the UN Strategy. Going forward, however, there are a number of issues that will need to be addressed in order to maximize their contributions to implementing these frameworks. These include (1) overlapping membership and mandates in bodies such as the EAC and IGAD; (2) the need to maximize use of the limited resources available to devote to counterterrorism programs; and (3) the importance of ensuring that subregional contributions to promoting UN Strategy implementation cover all aspects of the global framework, rather than solely the law enforcement and other security-focused ones that have heretofore been the main focus of not only East African subregional bodies, but of the UN counterterrorism program as well.

In general, regional and subregional bodies, and other relevant multilateral bodies active in East Africa, should endeavor to enhance coordination and cooperation to help ensure that they do not develop programs in areas already being covered by others. This is particularly important as Strategy implementation efforts are ramped up in East Africa.

To this end, a subregional task force could be established for Strategy implementation. It could be chaired by ICPAT and linked up with the UN Task Force in New York and could help identify what each stakeholder is currently doing to implement the Strategy, where there are duplicate programs, what each body is best at, and where additional effort should be directed. In addition, such a subregional task force could help ensure that human rights are integrated into all Strategy-related initiatives going forward. An important step in this direction could be inviting the UN Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism to attend the first meeting of such a task force.

Further, technical assistance providers and donors active in East Africa, including the EU, the Commonwealth Secretariat, and UNODC, should seek to strengthen and expand their partnerships with East African subregional bodies, with a view to enhancing the capacities of these bodies in the subregion to develop and implement tailored Strategy-related programs on the ground. In addition, these technical assistance providers and donors should seek to develop an international diary to help inform each other of which activities have been planned in the subregion and which have already taken place, thus helping to reduce the duplication and overlap of technical assistance projects. This will be particularly important if assistance providers and donors decide to use the Strategy as a vehicle for expanding their activities in East Africa.

⁶³ Ibid, p. 97.

⁶⁴ Juma Mwapachu, “AAGM: Military Co-Operation is the Way to Go,” *The East African*, 1 May 2007.

⁶⁵ Andre Le Sage, “U.S. Support for African Counter-Terrorism Efforts,” in *African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives*, Andre Le Sage, ed. (Washington, D.C.: National Defense University Press and Potomac Books, 2007), p. 129.

V. CIVIL SOCIETY

The UN Strategy encourages “non-governmental organizations and civil society to engage, *as appropriate*, on how to enhance efforts to implement the Strategy.” [emphasis added] The inclusion of “as appropriate” leaves it to states to determine the role (if any) to be given to civil society organizations. In a region where state structures are often weak, however, the role of civil society is particularly important. NGOs and other civil society organizations can play an important role in activism, lobbying, education, research, oversight, even as potential assistance and service providers, and perhaps most importantly acting as on-the-ground “drivers” for local action. Implementation of the UN Strategy will require popular support, which can only be built with the support and cooperation of civil society across East Africa.

On the most basic level, vibrant civil society is critical to well-functioning, responsive, and democratic governments. Civil society organizations give voice to marginalized and vulnerable groups and provide a constructive outlet for the redress of grievances. **Responsible NGOs can play a critical role in ensuring that counterterrorism measures respect human rights and the rule of law; monitoring the actions of the military, law enforcement, and other security services; laying down guidelines; conducting investigations into alleged abuses; scrutinizing counterterrorism legislation; and generating awareness of unlawful practices and other human rights and Strategy-related issues.** There are numerous civil society organizations in East Africa working on Strategy-related issues such as peacekeeping, postconflict reconstruction, human rights monitoring, and other issues whose work relates generally to Strategy implementation, although these organizations may have little awareness of the Strategy itself.

Partnerships with NGOs can help augment the capacities of governments and multilateral bodies to act against terrorism, and in some cases, NGOs can even assume an operational role. The involvement of the Institute for Security Studies in the professional and administrative support of ICPAT and the role of civil society in the formulation of the Nairobi Declaration on the Problem of Illicit Small Arms and Light Weapons⁶⁶ that ultimately became the basis for the establishment of the Regional Centre on Small Arms and Light Weapons are useful examples from which to learn. However, counterterrorism is a somewhat more controversial topic than small arms trafficking; and unlike in that area, where the initiative largely came from the grassroots and was driven by civil society, the Strategy is being imposed from the top down. Although the United Nations provides the broad umbrella for Strategy implementation, specific strategies need to be devised at the regional, subregional, and local levels where a clearer articulation of the necessary steps and roles for government and civil society can be made. A focal point for civil society could be appointed and included on the above-mentioned subregional task force, and/or a network of civil society organizations devoted to Strategy implementation could be formed, perhaps along the lines of the African Research Network on Terrorism and Counterterrorism or those formed around the issue of combating illicit small arms and light weapons in Africa.⁶⁷

⁶⁶ Nairobi Declaration on the Problem of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, Nairobi, Kenya, 15 March 2000, <http://globalpolicy.igc.org/security/smallarms/regional/nairobi.htm>.

⁶⁷ The African Research Network on Terrorism and Counter Terrorism is a network of African researchers, scholars, and analysts on issues related to terrorism that grew out of a series of seminars convened in the region by the Institute for Security Studies. In addition to the network of civil society organizations which laid the groundwork for the Nairobi Declaration on the Problem of Illicit Small Arms and Light Weapons that ultimately became the basis for the establishment of the Regional Centre on Small Arms and Light Weapons in Nairobi, other subregions in Africa have similar networks. For example, in West Africa, the West African Action Network on Small Arms is a loose network of some 50 civil society organizations established in May 2002 in Accra, Ghana, which serves as a forum for sharing information and strategies on combating illicit small arms and light weapons in that subregion.

Although civil society can play an instrumental role in implementing the Strategy, there are a series of challenges to increased civil society engagement on these issues in the subregion. For example, there is in fact little incentive for civil society groups operating in the subregion to engage on issues of terrorism and counterterrorism, as doing so may open up local civil society groups to retaliation by governments in the subregion. **In addition, focusing on counterterrorism potentially undermines the support for and credibility of groups among local populations, who may be mistrusting of the “state.” As a result, it may be more fruitful to encourage engagement by civil society on related issues such as crime prevention, good governance, or peace and security more generally rather than on terrorism and counterterrorism per se.**

In addition, the operating space given to civil society organizations varies from country to country with the ability for such organizations to act in many countries in the subregion heavily circumscribed by governments.⁶⁸ The capacity of civil society to engage is largely tied to the availability and freedom of information and the freedom of association. To promote deeper civil society engagement, the United Nations can play a role in accessing and promoting best practices related to these key principles. For example, the Task Force’s human rights working group should highlight the importance of this issue, including through the identification of best practices, which could be shared with states in the subregion. In addition, the CTED, which has included a question about the regulation of charitable organizations in each preliminary implementation assessment, should be seeking not only to ensure that charities are not being used to provide funding or other support to terrorists, but also that they and other civil society groups are being provided the necessary space to operate freely in the country in which they are registered. Where CTED believes that a particular national practice might unduly restrict the freedom of association, it should highlight this concern and refer such cases to OHCHR and/or a donor with a strong track record in this area for the necessary follow-up.

The concern that NGOs may offer a convenient conduit for funding violent Islamist radicals has brought increased scrutiny of the activities of Islamic charities in the subregion. The antagonistic relationship between civil society and the less democratic regimes in the subregion has also stifled civil society engagement. For this reason, engagement by international NGOs, which can continue to work on an issue even if they are shuttered in a certain country, is particularly important. Finally, the areas in the subregion that may be most in need are unfortunately the least accessible and secure. Ongoing conflicts and security issues at times bar the operations of organizations engaged in even the most basic humanitarian assistance.

Given these challenges, the United Nations cannot passively sit back and expect civil society engagement on Strategy-related issues. The UN Task Force—both its traditional and nontraditional counterterrorism actors—needs to reach out to civil society and encourage their engagement on these issues, and donors for their part need to prioritize funding for such groups and projects. The Danish Peace, Security and Development Programme, which funds a number of local civil society organizations working among the Muslim communities along Kenya’s coast doing what is described euphemistically as “peace, security and development,” offers a potential model in this regard.

⁶⁸ Laws restricting NGOs have been passed by states in the subregion, including Eritrea, Ethiopia, Sudan, and Uganda. For example, the Ugandan Parliament passed the “Non-Governmental Organizations Registration Amendment Bill” in April 2006, which authorized the establishment of a National Board consisting of civilian and military officials to monitor NGOs, including by implementing a strict permitting process. The passage of the Ugandan bill has met with concern among human rights groups and other civil society organizations, which argue that “it imposes undue political control over the NGO sector and will constrain the renaissance of civil society that is occurring in Uganda.” “President Museveni Urged to Reject Ugandan NGO Bill,” Freedom House, Press Release, 9 June 2006, www.freedomhouse.org/template.cfm?page=70&release=389. By comparison, NGO regulation procedures in Kenya have a self-regulatory component and insist on less restrictive (less frequent) NGO registration requirements. Barney Afako, “Resisting Repression: Legislative and Political Obstacles to Civic Space in Southern and Eastern Africa,” Civil Society Watch, March 2004, [www.civicus.org/new/media/Resisting%20Repression%20\(Merged\)%20Final.doc](http://www.civicus.org/new/media/Resisting%20Repression%20(Merged)%20Final.doc).

The Strategy is already being implemented by many actors, but they are often not conscious that their efforts are contributing in the long term to combating terrorism. It is not necessary to coral all of these groups together but simply to recognize that a diversity of activity is moving us toward the goal of combating terrorism. A prerequisite to increasing the involvement of NGOs and other civil society organizations in efforts to promote UN Strategy implementation, however, is that they need to be convinced that the UN Strategy is relevant to their concerns and interests and that supporting its implementation will not just further narrow government interests. So far, this crucial message has not been clearly articulated either by the Task Force or at the regional, subregional, and national levels, but it needs to be.

Conclusion

There are significant challenges to effective cooperative action to counter terrorism in East Africa, including severe intra- and interstate conflict, increasing radicalization, lack of state capacity, competing priorities, and political sensitivity surrounding the very notion of counterterrorism itself. To date, most counterterrorism efforts have focused on short-term security and law enforcement measures to the near exclusion, even at times to the detriment,⁶⁹ of longer-term efforts to address underlying conditions conducive to the spread of terrorism. The UN Strategy and the holistic approach it represents offer an opportunity to recalibrate counterterrorism efforts in the subregion.

This report has provided an analysis of issues and challenges relevant to the implementation of the UN Strategy in East Africa and a comprehensive overview of the Strategy-related counterterrorism efforts of key stakeholders in the region. It has shown that although implementing the Strategy is above all the responsibility of states, the UN system, regional and subregional bodies, and civil society have important contributions to make as well. The UN system, in particular the entities on its Counter-Terrorism Implementation Task Force, have critical roles to play in assisting states to implement the full range of commitments they undertook in the Strategy, from improving maritime security to improving respect for human rights, from short-term preventive measures to longer-term measures to address the conditions conducive to the spread of terrorism. Regional and subregional bodies can help take into account cultural and other contextual issues; can undertake region-specific initiatives; often have unique knowledge and expertise; can help build local ownership; and can serve as interlocutors with the UN system. Civil society organizations are critical to building local support and awareness of the UN Strategy and have important roles in activism, education, research, and oversight and even as assistance providers and helping to alleviate conditions conducive to the spread of terrorism.

This report has identified gaps and offered a series of recommendations focused on concrete steps that these different stakeholders should take, alone and/or in partnership with each other and bilateral donors, to help fill those gaps and further the implementation of the UN Strategy in East Africa. These recommendations are detailed and expanded on in the following section. They include both specific ones for how the broader UN system can improve its outreach to East Africa on Strategy-related issues but also ones for how regional and subregional actors should work together to communicate their needs to the UN system and other donors and assistance providers. They highlight, among other things, the need to raise awareness of the Strategy in the subregion, work with regional, subregional, and local partners, in particular civil society; the need for a clear division of labor among stakeholders working to implement the Strategy; and the important role that ICPAT can play in that regard.

Effective implementation of the Strategy will require sustained attention, resources, and commitment from the wide range of stakeholders mentioned in the report. The Center hopes that this report and the recommendations contained herein will stimulate much needed subregion-focused efforts to implement the UN Strategy.

⁶⁹ Jennifer Daskal and Leslie Lefkow, “Off-target,” *Los Angeles Times*, 28 March 2008.

Recommendations

Cross-Cutting

There are a number of concrete steps that should be taken by different stakeholders regarding the Strategy in general, which will reinforce the efforts to implement its discrete elements.

1. **Raise awareness:** In East Africa, there is scant awareness of the Strategy outside of ministries of foreign affairs. More outreach is needed to other practitioners, such as prosecutors, judges, and other law enforcement officials, as well as to nontraditional counterterrorism actors, both within the government and civil society. The Task Force and its constituent entities, as well as ICPAT and IGAD member states, need to be more proactive and work together to raise awareness of the Strategy in the subregion and encourage input from stakeholders to ensure the Strategy can be as much use to them on the ground in the subregional context as possible. To this end, the Task Force should make awareness raising among its priorities going forward.

2. **Improve coordination/division of labor:** There are a variety of relevant stakeholders that have specific skill sets and strengths, but there is a lack of coordination among them. There needs to be a sensible division of labor among them in the subregion with clearly identified priorities and timelines for action to further implementation of the UN Strategy. ICPAT should serve as the subregional focal point for Strategy implementation and convene local and subregional stakeholders, including the EAC, RECSA, EAPCCO, and the relevant UN entities, to avoid duplication of efforts and allow each organization to focus on its comparative advantage(s).

3. **Engage the United Nations proactively from the subregion:** Rather than waiting for the Task Force or the different parts of the United Nations to engage with them, the subregion should turn the debate around and approach the Task Force in New York in early 2009 to articulate the subregion's vulnerabilities, needs, and priorities. This should include the contributions of respected civil society groups. As indicated below, ICPAT should serve both as the subregion's Strategy implementation focal point and the interlocutor between the subregion and the Task Force.

4. **Stimulate partnerships with subregional and local actors:** ICPAT funders and other donors should seek to work more closely with subregional and local actors in designing and implementing Strategy-related projects, to ensure that the projects reflect the necessary local context and have sufficient political support from the stakeholders on the ground.

5. **Deepen the involvement of civil society in promoting the implementation of the UN Strategy.** A number of concrete steps could be taken in this regard

a) The Task Force and its relevant entities need to reach out to civil society and encourage their engagement on Strategy-related issues, and donors, for their part, need to prioritize funding for such groups and projects. The Danish Peace, Security and Development Programme, which funds a number of local civil society organizations working among the Muslim communities along Kenya's coast doing what is described euphemistically as "peace, security and development," offers a potential model in this regard.

b) ICPAT should involve civil society groups in its activities on a regular basis. For example, ICPAT could invite them to participate in some of its training activities, particularly those carried out in cooperation with UNODC and the Commonwealth Secretariat. National counterterrorism coordinators should also make outreach to civil society groups more of a priority.

6. Expand the role of ICPAT: ICPAT's mandate should be expanded in a number of ways to allow it to spearhead and coordinate subregion-wide activities aimed at furthering implementation of the UN Strategy, which would require additional resources. For example,

- a) Its mandate should be expanded beyond its law enforcement training and coordination focus and its counterterrorism work anchored in the context of a broader security enhancement program that encompasses all four pillars of the Strategy. ICPAT should also endeavor to engage in more subregion-wide activities rather than dealing with each member individually.
- b) It should be provided with the research capabilities to allow it to further develop the authoritative local expertise that is needed to transform data into knowledge and provide the context that is currently lacking in many threat assessments generated by foreign experts.
- c) It should serve as the subregional focal point for UN Strategy implementation efforts. In this capacity, it could establish a subregional mechanism for stimulating more information sharing and other cooperation among states in the subregion, as well as the relevant UN entities, including UNODC, OHCHR, UNESCO, and CTED, and relevant regional bodies and donors and assistance providers.
- d) As the subregional focal point for implementing the UN Strategy, ICPAT should develop a threat assessment and a Strategy implementation plan and identify needs and priorities for the subregion in the context of the Strategy. With the approval of its steering committee, ICPAT should then send a team to the United Nations in New York to meet with the Task Force in 2009 to present it with this information. ICPAT and the Task Force could then identify the role that the relevant Task Force entities could play in working with ICPAT to carry forward the action plan on the ground.
- e) The IGAD ministers of justice forum of counterterrorism experts, which was created following their September 2007 meeting in Kampala, could be used for developing this subregional plan of action.

Pillar I – Measures to Address the Conditions Conducive to the Spread of Terrorism

As indicated in the report, a broader-based, long-term approach is needed in East Africa not only to thwart and respond to terrorist attacks, but also to prevent the radicalization of vulnerable local populations which might resort to terrorist violence in the future. To this end, important work continues to be done to address some of the conditions conducive to the spread of terrorism identified in the Strategy, which are directly related to this long-term approach. For example, the United Nations, AU, and IGAD are working to address the unresolved conflicts in the subregion. In addition, efforts are being made by UNDP, the World Bank, the African Development Bank, and others to promote the realization of the Millennium Development Goals. In general, however, more attention needs to be given to addressing the wide range of conditions identified in the Strategy, including through a better understanding of the specific conditions that are most conducive to the spread of terrorism in East Africa. Below are some concrete recommendations, which, if implemented, might further efforts to address the political exclusion and socioeconomic marginalization that exists in certain communities across the subregion, as well as some of the other conditions identified in the Strategy that do not appear to have received sufficient attention so far.

7. Identify and reach out to vulnerable groups in the subregion. Development actors and technical assistance providers should work to target vulnerable populations and marginalized groups (e.g., through development projects, road construction, the provision of basic public services, and education). The Strategy should be used as a vehicle for identifying and then engaging at the country and local level with these groups to help address some of the religious discrimination and marginalization that are among the conditions conducive to the spread of terrorism in the subregion. Projects in this area should have significant input from local communities and be carried out in partnership with the relevant UNDP field office and national government. ICPAT, working

closely with relevant UN entities with a presence in the subregion, such as OHCHR, UNESCO, and UNDP, and with interested donors should spearhead this activity.

8. Encourage more engagement in Strategy-related activities by UNESCO, UNDP, and other parts of the UN system with a role to play in helping East Africa address conditions conducive to the spread of terrorism. However, given the sensitivities to the notion of “counterterrorism” in the subregion, care must be taken not to implicate them as “counterterrorism” actors. The relevant UN entities, ICPAT, and the donor community should reinforce the importance of effective coordination between development- and security-focused actors in counterterrorism activities in the subregion.

9. Use the Greater Horn Horizon Forum to foster dialogue on the future of the Horn and as a platform for engaging with scholars and intellectuals on Strategy-related issues. In particular, the forum could be tasked with compiling knowledge on what factors fuel terrorism and radicalization in the subregion and working with ICPAT to build more local knowledge on why terrorist tactics are adopted in the subregion and why some sectors of society tolerate this. Authoritative local expertise is needed to provide the context that is currently lacking in many threat assessments generated by foreign experts. ICPAT, together with the Greater Horn Horizon Forum, could play the leading role here.

10. Develop partnerships among UNDP (and other on-the-ground UN actors), national counterterrorism practitioners, and civil society, including faith-based organizations. The partnership between the local UNDP office in Kenya, Kenya’s National Counter-Terrorism Center, and civil society organizations in that country should be replicated across the subregion as they can help raise awareness of and build public support for counterterrorism measures in the subregion, promote inclusion across diverse population centers, and create synergies across an array of stakeholders.

11. Encourage states in the subregion to approach local UNDP offices and relevant donors with a view to forming these partnerships aimed at raising awareness of and building support for the holistic, human rights-based approach to countering terrorism reflected in the UN Strategy.

12. UNESCO’s activities in countries in the subregion should include a focus on ensuring that primary and secondary school history textbooks are unbiased and respectful of other cultures and religions and that teacher training reflects these principles as well.

13. UNESCO, together with its International Institute for Capacity-Building in Africa and other development partners, should work to rebuild Somalia’s devastated educational system, with UNESCO’s post-2002 efforts in Afghanistan offering a potential model to replicate.

14. Highlight and ensure action on Pillar I issues such as addressing the needs of victims of terrorism, misuse of the Internet, and incitement to terrorism, that have yet to receive adequate attention in the subregion. For example, the CTED, in close cooperation with OHCHR and the Special Rapporteur, should seek to identify best practices from different regions that have been used to address the misuse of the Internet and prevent and punish incitement to terrorism. These could be discussed at the subregional level under the auspices of ICPAT. In addition, the Task Force working groups on “countering the use of the Internet for terrorist purposes” and “supporting and highlighting victims of terrorism” should consider ways to develop tailored, regional, and subregional approaches to their work that include all relevant stakeholders.

Pillar 2 – Measures to Prevent and Combat Terrorism

As the report indicates, states in the subregion have not been able to implement all of the measures to prevent and combat terrorism enumerated in the UN Strategy. Despite the emphasis that UNODC, ICPAT, and donors have placed on enhancing the law enforcement and other security-related capacities of some states in the subregion, shortfalls continue to exist in many fields covered by Pillar II (for example, judicial cooperation, mutual legal assistance, and extradition). These, as well as the challenging political dynamic among countries in the subregion and differing perceptions of the threat, have led to limited subregional legal cooperation in the fight against terrorism. The efforts of the United Nations, regional and subregional bodies, and donors under this pillar should therefore focus on improving law enforcement cooperation within, between, and among East African countries, as well as between the subregion and other parts of the world.

15. Develop a subregional extradition and mutual legal assistance treaty, as the lack of any such formal mechanism contributes to difficulties in transferring suspected terrorists across borders. This need was recognized in the September 2007 meeting of IGAD ministers of justice “Kampala Statement,” where IGAD countries agreed to “consider the establishment of a project to develop an international instrument for the IGAD States on the matters of extradition and mutual legal assistance on the basis of the model treaties of the United Nations and for IGAD and the UNODC to support them in this matter.”⁷⁰

16. Negotiate extradition memoranda of understanding containing the necessary human rights protections between and among states in the subregion as a complement to efforts to develop a formal treaty. Such agreements would facilitate the transfer of individuals between states in cases where time does not allow one to proceed with a formal, treaty-based extradition request. UNODC, CTED, OHCHR, and the Commonwealth Secretariat should work with ICPAT and its member states on this issue.

17. Develop a legal cooperation network in East Africa to foster subregional and international legal cooperation among prosecutors and judges to allow, for example, for the timely sharing of noncontentious evidence and for facilitating the presentation of formal letters of request for mutual legal assistance. This subregional network, once developed, could be linked to networks in other parts of Africa and other continents to allow for better transregional cooperation.

a) Training courses are needed in this area to show experts in the subregion how this has been done in other regions and its benefits.

b) UNODC, CTED, and the Commonwealth Secretariat should work with ICPAT and its member states on this issue.

18. Deepen interagency cooperation and coordination at the national level, which should not just be limited to the traditional counterterrorism actors. Nontraditional ones, such as the development, health, and social services ministries, should be invited to the table as well. UNODC, CTED, and the Commonwealth Secretariat should work with ICPAT to identify examples of best practices in this area from countries outside the subregion, for example, the UK and Australia.

⁷⁰ “Kampala Statement: Meeting of Ministers of Justice of IGAD Member States on Legal Cooperation against Terrorism,” 20-21 September 2007, Kampala, Uganda.

19. Improve engagement between states in the subregion and international partners on specific counterterrorism cases. So far, there have been very few requests by states for support from technical assistance providers in this area.

20. EAPCCO should seek to

- a) Stimulate more intense cooperation in the exchange of timely and reliable information among its member states;
- b) Extend the I-24/7 communications systems beyond the National Central Bureaus to all entry and exit points to better allow the interdiction of criminals seeking to cross borders;
- c) Improve the communications capabilities of states in the subregion, including by helping them address equipment needs, with the support of the donor community;
- d) Encourage countries to join the relevant international and regional counterterrorism instruments and adopt and implement the necessary legislation;
- e) Persuade states to adopt “counterterrorism” legislation as opposed to revising existing penal codes, which are not as effective tools for fighting terrorism; and
- f) Encourage states to populate the Interpol databases with known terrorists and terrorist groups in the subregion.

Pillar 3 – Measures to Build States’ Capacity to Prevent and Combat Terrorism and to Strengthen the Role of the United Nations in this Regard

As the report makes clear, building state capacity in East Africa in order to develop and implement holistic strategies to prevent and combat terrorism should be a priority. Going forward, however, capacity-building activities need to be more balanced, both among the different countries in the subregion, to ensure that all are receiving the necessary attention, and between short-term preventative measures and longer-term development and other institution-building work. In addition, the report notes that capacity-building activities in the subregion need to be broadened beyond what are largely law enforcement and security-related ones to address the wide range of vulnerabilities in the subregion. Thus, for example, more attention should be given to developing deradicalization projects at the national or subregional level, focusing on vulnerable groups. The report also makes clear that, in order to maximize its ability to help countries in the subregion, the United Nations needs to be better coordinated (both within the Task Force and in the field); and UN entities need to work more interactively with states and other stakeholders on the ground, engaging wherever possible through subregional fora such as those provided by ICPAT.

21. Develop a more integrated UN approach to Strategy implementation at the country and subregional levels. This would provide a better basis for cooperation between the UN and other partners in the subregion. Developing such a program in East Africa, in close cooperation with ICPAT, could offer a model for other regions/subregions. For example, as noted in recommendation 6, to stimulate a more integrated UN effort, ICPAT could inform the Task Force that it will convene the relevant law enforcement experts from different countries in the subregion in 2009 and request the Task Force to provide or facilitate the provision of training in a number of areas relevant to the Strategy. Under the current, largely fragmented UN approach, this training/assistance would generally be delivered by individual UN entities in related fields despite limited capacity in the countries to receive and absorb these multiple training activities.

22. Enhance the capacity and effectiveness of the UN Counter-Terrorism Implementation Task Force. For example,

- a) Member states should provide funding to the Task Force from the UN regular budget to ensure that all states retain a sense of ownership over the Strategy and the work of the Task Force.
- b) In the interim, a group of ambassadors from different regions should approach the Secretary-General and ask that he reassign two or three staff members in his office to strengthen the Task Force secretariat, one of which should focus primarily on awareness raising.
- c) All of the individual members of the Task Force, in particular those that have as yet proven reluctant to engage on the Strategy, such as UNDP, need to take policy decisions at the headquarters level to actively support its implementation.
- d) The Task Force should consider establishing region-focused working groups to engage with interested regions on implementation of the UN Strategy. Such working groups could (i) develop or stimulate the development of country- or region-specific projects aimed at promoting Strategy implementation, which donors could then fund; (ii) promote partnerships between the relevant Task Force working groups and regional and subregional bodies and civil society; and (iii) articulate clearly what roles the different stakeholders in each region might play in contributing to implementation, outlining a division of labor in both the “hard” and “soft” areas of the Strategy.
- e) Consistent with Security Council Resolution 1805, CTED should consider seconding to the Task Force secretariat, on a six-month rotating basis, one or two experts to provide support to the Task Force’s capacity-building activities.
- f) The Task Force and the relevant UN entities need to do more, through community dialogue and other forms of social interaction, to inform (and reassure) local stakeholders about the holistic approach outlined in the Strategy. The Task Force should draw lessons from the United Nations’ anticorruption efforts as it considers ways to raise awareness about the Strategy and coordinate UN Strategy-related activities in the subregion and beyond. The relevant UN anticorruption initiatives include (i) the development of the International Group for Anti-Corruption Coordination, which attempts to coordinate the anti-corruption efforts of donors, multilateral anticorruption enforcement officials, and NGOs to help facilitate their work by avoiding duplication and leveraging resources, and (ii) the production and dissemination of awareness raising materials that can be used globally in anticorruption campaigns in the UNODC field office network and by governments, NGOs, or other civil society organizations. In addition, special focus is placed on the International Day against Corruption (9 December) to raise public awareness to the problem of corruption.

23. Ensure that CTED engagement with the subregion produces concrete results and tangible benefits to government and other stakeholders on the ground. To this end,

- a) CTED needs to improve its capacity to understand the vulnerabilities in the subregion, identify the capacity gaps and priority needs, and facilitate the delivery of the necessary technical assistance to address these needs.
- b) Consistent with the February 2008 revised CTED organizational plan and with Security Council Resolution 1805 (2008), it should interact directly with counterterrorism practitioners in capitals, including through more regular visits to the subregion. It should thus identify points of contacts in implementing agencies in national capitals, i.e., not just within ministries of foreign affairs.

c) It should seek to place its work in the context of the UN Strategy to help overcome the resistance it still faces as a result of being a Security Council body operating under a Chapter VII mandate.

d) It should participate in the relevant subregional training activities carried out by UNODC, ICPAT, and the Commonwealth Secretariat.

e) It should, in cooperation with ICPAT, organize subregional training seminars on different elements of Resolution 1373 and Resolution 1624 that bring together the relevant counterterrorism practitioners, as well as other experts from within and outside the subregion.

f) To allow it to engage more regularly with actors on the ground; develop partnerships with subregional stakeholders; and attain a deeper understanding of the vulnerabilities, needs, and priorities for the subregion, some of CTED's New York-based operation should be moved into the field, integrating CTED officers into the relevant UN country or regional offices. In the interim, CTED should enter into a memorandum of understanding with UNODC to allow UNODC Terrorism Prevention Branch officers in the field to engage on behalf of CTED.

24. Encourage IGAD ministers of justice to use what is intended to be an annual meeting of the ministers as a platform not only for reviewing progress on strengthening national and regional cooperation against terrorism, but for reviewing Strategy implementation efforts as well. UNODC, CTED and other relevant UN and subregional stakeholders, including respected civil society groups, should participate in such meetings.

25. Help ensure the sustainability of capacity-building training activities. UNODC and other technical assistance providers involved in the training of national officials in Strategy-related areas should take a number of steps to help ensure the sustainability of this training. For example, they should

a) Ensure that the government officials participating in the training will stand to benefit from the training over the long term, i.e., a promotion or reassignment is not imminent.

b) Develop a practitioners' manual for the trained officials to use when they return home to better allow them to share the lessons learned with government colleagues and answer questions regarding the new techniques.

c) Adopt a "train the trainers" approach, whereby they invite the same senior government officials to multiple training sessions and then ask them to participate in and/or deliver the training.

Pillar 4 – Measures to Ensure Respect for Human Rights for All and the Rule of Law as the Fundamental Basis of the Fight Against Terrorism

The report highlights how the UN Strategy situates respect for human rights and the rule of law as the fundamental basis of the fight against terrorism. It describes how efforts to strengthen law enforcement and other security-related counterterrorism capacities in the subregion have led to increased violations of human rights and the oppression of civil society. Strengthening the weak and sometimes nonfunctioning criminal justice systems in the subregion should be a priority for the United Nations and other stakeholders interested in promoting effective implementation of the UN Strategy in East Africa. This should include ensuring that all states in the subregion adopt and implement counterterrorism legislation that includes the necessary human rights protections and that all counterterrorism practitioners, including judges, prosecutors, and other law enforcement officials, receive the necessary training on the application of international human rights norms. The following recommendations are aimed at strengthening the subregion's respect for human rights and the rule of law as it seeks to implement the UN Strategy on the ground.

26. Ratify the international human rights instruments. All states in the subregion should become parties to the relevant international human rights instruments, in particular the International Covenant on Civil and Political Rights and its two Optional Protocols (concerning individual complaints and the abolition of the death penalty) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

27. Adopt and implement national counterterrorism legislation that comports with international human rights standards. All states in the subregion should adopt human rights-compliant counterterrorism legislation.

a) States in the subregion should engage international partners, including the necessary human rights specialists from OHCHR, UNODC, and CTED, in the drafting and reviewing of national counterterrorism legislation to help ensure that it fully complies with international human rights law.

b) ICPAT should consider cohosting a seminar with OHCHR that brings together human rights and security practitioners from across Africa and outside the continent to share best practices in this area and highlight examples of how the failure to respect human rights has impeded effective counterterrorism efforts.

c) The AU Peace and Security Council should adopt the AU draft model law on terrorism. Once adopted, the AU should reach out to IGAD countries, as well as other AU member states, to promote that regionally devised model.

d) Law enforcement practitioners, including judges, prosecutors, and customs and immigration officers, should receive the necessary human rights training. OHCHR and CTED should encourage states in the subregion to request such training and otherwise reinforce the capacity of security officers, judges, and civil society. Such training could be provided by OHCHR in close cooperation with UNODC, CTED, and ICPAT.

e) UNODC should ensure that its efforts to get countries to adopt comprehensive antiterrorism legislation go hand in hand with initiatives that help the states of the region utilize the new instruments in a way that strengthens public support, the rule of law, and respect for the rights of the victims of terrorism as well as the rights of suspected terrorists.

f) Particular attention should be paid to ensure that UNODC workshops raise awareness of human rights issues that may confront practitioners as they seek to implement any legislation.

28. Cooperate without reservation with the UN Human Rights Council, UN treaty bodies, and UN special procedures. All states in the subregion should cooperate with the UPR mechanism and agree that the submission of reports to the UPR and UN treaty bodies and the implementation of recommendations made by the Human Rights Council and special procedures are essential elements of effective international and subregional cooperation in the fight against terrorism. OHCHR should be made available to those countries that require help in the preparation of such reports/submissions.

29. Send a standing invitation to visit the subregion to all special rapporteurs and independent experts of the Human Rights Council, in particular to the Special Rapporteur for the promotion and protection of human rights and fundamental freedoms while countering terrorism. ICPAT should invite the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to address its members.

30. Ensure that future OHCHR workplans for the subregion include activities specifically aimed at promoting the implementation of the UN Strategy.

31. Ensure that legislation concerning civil society organizations conforms with international human rights standards so that independent and informed civil society is strengthened and can contribute to the implementation of the UN Strategy.

a) The Task Force working group on “protecting human rights while countering terrorism” should highlight the importance of this issue, for example, by identifying the relevant best practices, which could be shared with states in the subregion.

b) CTED should include this issue in its reviews of each country’s legal framework for combating terrorism, emphasizing the important role that civil society can play in helping states combat terrorism.

32. Reinforce existing national institutions that effectively promote and protect human rights. OHCHR should continue to make this a priority, working in close cooperation with states and civil society.

33. Establish a subregional mechanism, either informal or formal, possibly using the IGAD ministers of justice forum, where human rights concerns can be raised and discussed in the context of counterterrorism initiatives in the subregion. OHCHR and appropriate civil society participation should be encouraged in such a forum.

34. Increase public support for counterterrorism activities. The lack of information currently being provided to the public has helped galvanize human rights advocates against many governments in the subregion. In addition, the limited public confidence enjoyed by security and law enforcement agencies in the subregion has often resulted in counterterrorism activities receiving little public support. Civil society, in particular, can play a significant role in building local support through education and raising awareness, lobbying government authorities to make the UN Strategy part of domestic legislation, monitoring implementation of the Strategy, investigating and publicizing abuses committed in the name of fighting terrorism, giving assistance and support to victims, and promoting the importance of peace and security.

35. Share with IGAD countries concrete examples of cases outside of the subregion where countries have struck the correct balance between countering terrorism and safeguarding fundamental rights. OHCHR should help identify these instances and ensure, in cooperation with ICPAT, that these examples are disseminated to the relevant stakeholders in East Africa.

36. Donors and other providers of technical assistance need to be sure to balance capacity-building assistance to law enforcement and security services with human rights training, perhaps even involving civil society groups in such training.

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