**IMPLEMENTING THE UN GLOBAL COUNTER-TERRORISM STRATEGY
IN EAST AFRICA (IGAD REGION) – BUILDING NATIONAL CAPACITIES
4-5 MARCH 2008
HILTON HOTEL, ADDIS ABABA**

DISCUSSION PAPER

OVERVIEW

This discussion paper provides background for the 4-5 March 2008 meeting, *Implementing the United Nations Global Counter-Terrorism Strategy in East Africa – Building National Capacities*, which is being organized by the Center on Global Counterterrorism Cooperation (Center) and the IGAD Capacity-Building Programme against Terrorism (ICPAT). This meeting is part of a larger Center project financed by the Ministry of Foreign Affairs of Denmark looking at implementing the UN Global Counter-Terrorism Strategy (Strategy) in East Africa.[1]

This meeting and the larger project are seeking to identify ways in which states, relevant multilateral bodies, and other stakeholders in the sub-region can contribute to the implementation of the UN Strategy, with a view to strengthening cooperative counterterrorism efforts in East Africa. One of its goals is to develop a clear sense of what Strategy-related activities are being undertaken by the different stakeholders and where additional action is needed. The workshop will also aim to identify national requirements as countries in the IGAD region endeavor to build their capacity to resist terrorism, while seeking to secure tangible and relevant international support for this important task of assuring security in the region.

This paper provides a preliminary overview of issues relevant to the implementation of the UN Strategy in East Africa and is not intended to be comprehensive. It has been circulated to encourage discussion and comments and should not be cited without permission from the Center. Following the conclusion of the workshop in Addis, the Center will be publishing a project report in May, which will include an analysis of the Strategy-related counterterrorism efforts of stakeholders in the region, identify gaps in those efforts, and enumerate a series of policy-relevant recommendations directed at different parts of the UN, regional and sub-regional bodies, national governments, and civil society. The recommendations will identify ways in which those different stakeholders can contribute to implementation of the Strategy in East Africa.

This project is the third component of a broader effort to enhance implementation of the UN Strategy in different regions around the world. The Center completed an assessment of the Asia-Pacific region in April 2007, one of southern Africa in November 2008, and intends to conduct similar assessments of other regions before the end of 2008. 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 (Task Force).

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 that have been the Security Council's focus since September 2001, but also

gives priority attention to addressing underlying conditions conducive to the spread of terrorism, such as poverty, lack of good governance, and social and economic marginalization. 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 pre-existing 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 sub-region a framework through which to promote a more holistic response to the threat. The Strategy is particularly relevant to East Africa as it represents a conceptual shift away from a primarily law enforcement/military approach to this "softer," more holistic one that one might characterize as a "human security" approach to counterterrorism. If this conceptual shift is going to succeed, however, donors need to reflect this change of emphasis in their policies. Donors and the UN need to emphasize the development pillar of the Strategy and in particular target disaffected and marginalized groups and parts of the sub-region which are potential breeding grounds for terrorism.

In the more than sixteen months since its adoption, much of the UN Strategy-implementation work has focused on the United Nations itself, under the leadership of the Task Force, which brings together twenty-four entities across the UN system and various specialized agencies, funds, and programs.[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 United States) 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.

The Task Force's creation is a step forward towards 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 adoption of the UN Strategy is a significant political development, however at the same time, its breadth risks rendering it "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] 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 be effective or appropriate. Rather, regions and sub-regions need to determine how best to implement the Strategy's generally broad provisions to maximize its impact on the ground. 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, two goals of this project, are essential elements for ensuring 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 Africa, including within those government agencies where most national counterterrorism practitioners work (*i.e.*, not the foreign ministry).

The Task Force, therefore, needs to emphasize outreach to states, regional and sub-regional organizations, and civil society and avoid taking an insular, UN-focused approach to its work. In addition to raising awareness of the Strategy, the Task Force should identify steps that these 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 sub-regional 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. An intermediate step, and one of the goals of this Center project, is to identify which UN, regional and sub-regional, 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 sub-regional bodies and civil society can perform in furthering Strategy implementation. This could be complemented by a stocktaking of relevant bodies in each region and sub-region, their respective mandates and capacities, and what Strategy-related programs they have undertaken or are currently undertaking.

II. East Africa: Threat, Vulnerabilities, and Capacity Gaps

The Executive Secretary of 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."[6] 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]."[7] Most casualties from terrorism in East Africa are not linked with the international terrorism but with insurgencies in different countries in the sub-region. 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, which has led to the perception that terrorism is a

predominantly Western concern. As a consequence, this has complicated efforts by some governments in the sub-region to support international counterterrorism efforts without being seen as pushing external interests.[8] 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.

The sub-region has experienced prolonged and severe intra- and inter-state 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 between the two countries, 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.[9] 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 country[10] 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 an 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,

> 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.[11]

In the last couple 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 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.[12]

Despite the ongoing conflict in Somalia, in many ways, 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 than Somalia.[13] 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, north-eastern Kenya has been severely affected by the near absence of state control in Somalia where inter-clan 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.[14]

To complicate matters further, the poor response to the rise in expectations for socio-economic betterment 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, and it became 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 sub-region'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 sub-region.

To their credit, political leaders in East Africa have acknowledged the sub-region's vulnerabilities and that capacity building across many areas is needed to address current weaknesses.[15] With this in mind, states in the sub-region, often at the behest of the United States 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. Much of the focus of these efforts, however, has been on short and medium-term measures, aimed at catching and bringing terrorists to justice and strengthening national counterterrorism infrastructures, with a particular emphasis on training military, intelligence, criminal justice, and border security officials and pushing for more robust counterterrorism legislation.[16] To a certain extent, UN counterterrorism efforts in the sub-region 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 by escalating rather than diminishing the threat.[17] 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."[18] In some instances, strengthening law enforcement and other counterterrorism authorities has lead 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 the 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.[19]

According to many experts, 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.[20] Such a strategy should include measures aimed at addressing the political, economic, and social factors that lie at the root of much of the insecurity in the sub-region. 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, sub-regional, and local actors to address the threat of terrorism in the sub-region. Given the nature of the states and the problems and realities on the ground in this complex sub-region, 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 the sub-region for initiatives labeled as such. The international counterterrorism rhetoric may be too muscular and unnecessarily polarizing for a sub-region where the concept of counterterrorism is sometimes seen as an external or specifically Western agenda. Framing Strategy implementation efforts in the context of more easily understandable notions, such as promoting good governance and combating transnational crime may resonate better with states and other stakeholders in the sub-region.

Another significant challenge to Strategy implementation is overcoming the serious intra-regional rivalries in East Africa which have circumscribed the potential for effective sub-regional security cooperation. While the contentious state of relations between certain countries in East Africa does complicate sub-regional 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 sub-regional level.[21]

The chances of overcoming these challenges to implementing the Strategy in the sub-region will increase significantly if relevant international, regional, and sub-regional 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 sub-region.

III. THE ROLE OF THE UN SYSTEM AND ITS PROGAMS 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 sub-region. 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 sub-region 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 the UN Office of Drugs and Crime's (UNODC) 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), the Office of the UN High Commissioner for Refugees (UNHCR), and the UN Educational, Scientific and Cultural Organization (UNESCO).[22]

One of the most important roles for the UN system in Strategy implementation is assisting states to implement their obligations; therefore improving UN system-wide efforts to provide technical support to its member states and regional and sub-regional bodies is critical. As

yet, it appears that states in East Africa have so far not benefited from UN technical support in implementing UN counterterrorism mandates apart from legislative drafting and criminal justice training delivered by UNODC's TPB. 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 towards improving coordination and cooperation across the broader UN system on Strategy-related capacity building.[23] Yet, it remains unclear whether this working group can stimulate the necessary cooperation from states and information sharing and coordination among UN assistance providers. That 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.

Before discussing the contributions that some of the individual UN entities have made and can make to Strategy implementation, it is worth making a few general points that also apply to East Africa. First, UN actors must be informed by the particular socio-cultural, economic, and political situations as they seek to engage with countries on the ground. Second, effective partnerships between the United Nations and regional and sub-regional 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. Third, given the number of entities on the Task Force, engagement with under-resourced regions and sub-regions needs to be efficient and well coordinated, while maximizing synergies and minimizing duplication, so as not to overburden already overtaxed national bureaucracies. Fourth, 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. Fifth, 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 the manner in which and substantive issues on which they engage.

UN Counter-Terrorism Committee/Counter-Terrorism Executive Directorate

The Security Council's Counter-Terrorism Committee (CTC), with the support of its expert group, the Counter-Terrorism Executive Directorate (CTED), is charged with monitoring the implementation of 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.[24] Despite the significant capacity gaps in the sub-region, the CTC/CTED's interactions with and impact on East Africa have been limited. 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 sub-region and sensitize donors to those needs, the CTC/CTED has had little contact with the various sub-regional bodies active in East Africa. A recent positive development, however, was the meeting it convened in Nairobi in October 2007 with over seventy international, regional, and sub-regional 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 sub-region, 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 sub-regional and national efforts to secure

borders. [25] It remains to be seen, however, whether this meeting will help the CTC/CTED deepen its engagement with the sub-region going forward.

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 active 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.[26] Generally, however, the CTC/CTED has had difficulty sustaining a dialogue with countries in the sub-region, 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.[27] Although its difficulties in facilitating the provision of technical assistance extend well beyond East Africa,[28] the shortcomings of the CTC/CTED effort so far are magnified when looking at a sub-region such as East Africa where both the terrorist threat and capacity needs are so significant.

There are signs, however, that the situation will improve with the appointment of a new, highly qualified, CTED Executive Director, and as the CTC/CTED moves away from relying on written country reports, and seeks to engage more directly and informally with experts in capitals. The upcoming review of CTED's mandate, which expires in late March 2008, offers an opportunity to find additional ways to deepen both the CTC/CTED's engagement with and relevance to states and organizations in East Africa (and beyond).

Whether any changes will help improve its performance in East Africa, however, is unclear. The controversial nature of Resolution 1373, which stems partly from a sense that it is part of a US-led, Western-imposed agenda, may continue to make it difficult for the CTC/CTED to get full cooperation from and engagement by states and other stakeholders in the sub-region. For example, CTED was not invited to participate in the September 2007 meeting of Ministers of Justice of IGAD Member States on Legal Cooperation against Terrorism, which was co-organized by UNODC, apparently because of IGAD concerns over having a Security Council body represented at what was designed to be a meeting with a technical rather than political focus.

The adoption of the Strategy, however, 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 the sub-region. Presenting its work in the context of the UN Strategy, hopefully as part of broader-based UN engagement on Strategy issues in the sub-region, 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 sub-region where, as noted, the securitization of counterterrorism efforts and state-centric approaches to security are often predominant and seen by some as exacerbating terrorism and other security problems.

Al-Qaida/Taliban Sanctions Committee

With such a significant al-Qaida presence in East Africa, both the Security Council's Al-Qaida/Taliban Sanctions Committee and its eight-person Monitoring Team have a critical role to play in the sub-region. Over thirty-five individuals and entities on the committee's Consolidated

List of the Taliban, al-Qaida, and associated individuals and entities subject to Security Council sanctions are believed to be nationals of, or residing or operating in, East Africa. All UN member states are required to implement the three Security Council-imposed sanctions measures, namely, the financial assets freeze, travel ban, and arms embargo, against them and others on the List, wherever they are located. The Committee, with the help of its Monitoring Team, is responsible for monitoring implementation of the sanctions.

In addition to its significant vulnerabilities, which are exacerbated by the fact that three countries share a border with the collapsed state of Somalia, the sub-region's capacity to implement the sanctions effectively remains weak, with most states still lacking the fundamental legal basis for implementing the measures at the national level.[29] As to be expected, the committee and its Monitoring Team have given the sub-region significant attention. The latter has traveled to five states in East Africa to discuss efforts to implement the sanctions[30] and encourage them to submit additional names to the committee for inclusion on the List. In 2006 the Monitoring Team held a meeting in Addis Ababa for regional security and intelligence services,[31] "which agreed to research and add to a preliminary list of al-Qaida-related individuals in Somalia, drawn up by the participants, with a view to submitting them to the Committee for possible inclusion on the Consolidated List."[32] Ensuring that the Security Council's Al-Qaida/Taliban Consolidated List is updated and accurately reflects the evolving threat in East Africa as perceived by countries in the sub-region is a small but important step in generating greater political will among countries in East Africa for implementing those sanctions.

In addition to these Monitoring Team activities, the Chairman of the Committee, the Permanent Representative of Belgium to the United Nations, visited the sub-region in July 2007 to build political support for implementing the sanctions regime.[33] The Team reported that the Chairman "was able to generate renewed interest in the sanctions"[34] among the visited states. With the significant capacity gaps and the limited progress that the sub-region as a whole has made in implementing the sanctions, however, it is not clear whether this "renewed interest" will generate concrete results, such as the establishment of 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 the national watch lists, and making certain that border security officials have the technology to access that information in a timely manner. Given the extent of the technical assistance needs and political complexities in the sub-region, more strategic and coordinated engagement by the United Nations is needed to generate further progress on implementing the sanctions measures in East Africa.

UN Office on Drugs and Crime

The UN Strategy highlights the role UNODC has to play particularly in assisting states to develop and maintain effective criminal justice systems capable of dealing with the threat of terrorism. According to its Executive Director, UNODC is "the only UN body empowered and equipped to provide [counterterrorism] capacity building [assistance] on the ground to assist member states to prevent terrorism."[35] Since 2002, through its TPB, UNODC has delivered various forms of counterterrorism-related assistance aimed at helping countries join and implement the universal instruments against terrorism. This assistance has included legislative drafting aid and the training of criminal justice professionals. In East Africa, for example, it has conducted a number of sub-regional and national legislative drafting workshops for counterterrorism practitioners.

To help sustain its involvement in the sub-region, 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 sub-region, 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.

Cooperation with sub-regional 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 both UNODC's and CTC/CTED's work, ratification of the universal anti-terrorism conventions in East Africa has increased since 2001, with four states having ratified twelve or more of them, although some of these states still lack the necessary domestic legislation and/or adequately trained criminal justice officials to implement them.

As UNODC continues with its work in the sub-region, 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,"[36] 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 anti-terrorism legislation goes 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 sub-region 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.

International Criminal Police Organization

Although a fully independent organization, the UN Strategy also makes extensive mention of the International Criminal Police Organization (Interpol), which is an active member of the Task Force. Interpol's database of lost and stolen travel documents, to which 124 countries have contributed almost 15 million documents (twenty-six countries in sub-Saharan Africa have contributed approximately 90,000 of these), is mentioned specifically in the UN Strategy.[37] Through its National Central Bureaus,[38] Interpol also facilitates cooperation and maintains databases with other critical law enforcement information such as fingerprints, wanted persons, and illicit weapons, as well as maintaining a Terrorism Watch List. With particular relevance to East Africa, given the significant presence of al-Qaida and al-Qaida-related actors in the sub-region, is the Interpol-Security Council Special Notice for individuals and groups included on the Al-Qaida/Taliban Sanctions Committee Consolidated List.[39] 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.[40]

Interpol has a Sub-Regional Bureau in Nairobi, which provides training and a sub-regional forum for sharing information. It also houses the Eastern Africa Police Chiefs' Cooperation Organization (EAPCCO), whose mission is to promote sub-regional cooperation on combating transnational crime, including combating terrorism. EAPCCO works with other regional organizations to strengthen counterterrorism measures in the sub-region. Its affiliation with Interpol gives it direct access to that organization's resources and expertise. Although its eleven members[41] ostensibly have access to Interpol's I-24/7 network, which enables law enforcement agencies to share information and access Interpol's databases, the extent to which they make effective use of this and other Interpol tools, including by making access to them available at critical frontline locations such as border crossings and airports, varies significantly from country to country.

UN Functional Organizations

UN functional organizations such as the International Maritime Organization (IMO), the International Civilian Aviation Organization (ICAO), and the World Customs Organization (WCO) propagate international counterterrorism standards and best practices, monitor their implementation, and work to varying degrees with their member states to provide assistance and otherwise improve implementation of those standards. Four of the seven countries in the sub-region have indicated their intentions to implement WCO's June 2005 Framework of Standards to Secure and Facilitate Global Trade,[42] and three are issuing or have plans to issue machine readable travel documents.[43] The Strategy highlights the importance of the capacity-building and standard-setting work these functional bodies perform, which is of particular importance in a sub-region where such significant capacity gaps and vulnerabilities exist. Each of these UN functional organizations, which are represented on the Task Force, has a presence in East Africa (Nairobi) through which it provides different forms of technical assistance and engages in varying degrees of cooperation with sub-regional organizations on the ground.

Other bodies in the UN system not traditionally associated with counterterrorism have critical roles to play in carrying forward the holistic approach to counterterrorism outlined in the Strategy including UNESCO, OHCHR, UNHCR, and perhaps most importantly, UNDP.[44]

UN Educational, Scientific and Cultural Organization

UNESCO, which has offices in Nairobi and Addis Ababa, can help to facilitate the implementation of those elements of the UN Strategy aimed at addressing conditions conducive to the spread of terrorism, particularly in the area of education and promoting inter-religious and cultural dialogue, and has acknowledged the "link between activities in support of the dialogue among civilizations, cultures and peoples, and efforts to discourage and dissuade extremism and fanaticism," as well as the importance of "fostering dialogue among peoples and countering extremism and fanaticism."[45]

Office of the High Commissioner for Human Rights

OHCHR plays an important role in the Strategy's mission to protect human rights while fighting terrorism by providing member states guidance through fact sheets it is devising and its *Digest of Jurisprudence of the United Nation and Regional Organizations on the Protection of Human Rights while Countering Terrorism,* which it is in the process of updating. It is also chairing the Task Force's human rights working group and is focusing on encouraging states to develop and maintain effective national human rights institutions and human rights ombudsmen;

training judges, lawyers, and law enforcement in counterterrorism and human rights; and developing tools to assist practitioners, such as those mentioned above. Its office in Addis offers training and advice to governments and civil society groups in the sub-region and works with the AU, the United Nations Economic Commission for Africa, and other sub-regional intergovernmental and nongovernmental organizations to streamline their human rights efforts. Despite limited resources and competing priorities, the task of ensuring that human rights is effectively integrated into all UN counterterrorism programs falls largely to OHCHR and it is important for it to become more active in this area, including in East Africa through its office in Addis Ababa and presence in Nairobi.

Office of the UN High Commissioner for Refugees

The UN Strategy similarly highlights the obligations of states under international humanitarian and refugee law. For example, while states are bound "to take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities," counterterrorism concerns are not to be used as a pretext for denying sanctuary to legitimate refugees and asylum seekers.[46] Although neither mentioned in the UN Strategy nor currently part of the Task Force, UNHCR has an important role to play in supporting UN Strategy implementation by providing guidance and assisting with refugee status determination, the application of "exclusion clauses" and other related issues such as application of the principle of non-*refoulement*, pre-entry interception and screening measures, and detention of asylum seekers. In a sub-region plagued by international and civil conflicts, large refugee flows, and limited capacity on the part of national authorities to manage them, UNHCR's role in this regard is essential.

UN Development Programme

Promoting good governance, the rule of law, social inclusion, and addressing other conditions conducive to the spread of terrorism, are central elements of the UN Strategy and although mention of the organization itself is conspicuously absent from the document, these are program areas for which UNDP is responsible. UNDP's long-term presence in almost all developing countries allows it to play an essential role in facilitating access to development assistance and other forms of support and forming strategic linkages, including, for example, with civil society and the private sector. It is in the best position to highlight the close relationship between security and development, based on a recognition that development can only be achieved and sustained if institutions and mechanisms of governance ensure the security and safety of citizens.

UNDP has been reluctant, however, to involve itself or associate any of its activities with combating terrorism for fear that a "counterterrorism" label might unduly politicize its work on the ground. For example, although UNDP is a member of the Task Force, it has so far had limited involvement with the group (for example, it did not participate in the Task Force's December 2007 meeting), 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. By incorporating much of the development agenda, in particular achieving the Millennium Development Goals (MDGs), and thus not limiting itself to a security agenda, however, the UN Strategy should make it easier for UNDP to engage systematically on counterterrorism issues.

The challenge is dispelling 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. As the former Permanent Representative of Denmark to the United Nations (and

former Chair of the CTC) recently stated, when talking about sustainable development and fighting terrorism, "we are talking about two sides of the same coin,"[47] as many of the same measures are needed to promote both goals. For example, the former Danish Permanent Representative pointed out that "a well-functioning financial system is necessary for economic development, for attracting direct foreign investment – and for fighting terrorism."[48]

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. The project has worked since 2006 to assist with the finalization of Kenya's anti-terrorism and anti-money laundering bills;[49] 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.[50] UNDP has conducted public awareness raising workshops in different parts of the country, focusing mainly on police chiefs and sub-chiefs. However, 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 the police, which has been accused of abusing its existing powers, much of the work has yet to take place. 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.

The close working relationship between UNDP and the counterterrorism elements of the UN system occurring in Kenya 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 that country, it provides a model of cooperation that could be reproduced elsewhere and demonstrates that UNDP's slow-moving efforts to devise a policy on counterterrorism in New York need not preclude cooperation in the field.

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. 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. 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 the short term, efforts should be made 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. 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.

IV. REGIONAL BODIES

As practical realities vary from region to region (and even country to country), regional and sub-regional bodies are potentially better suited to develop approaches that can take into account cultural and other contextual issues and undertake region- or sub-region-specific initiatives or other actions that complement and build upon 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, sub-regional, and local actors, increasing a sense of local ownership of the UN Strategy and fostering interest and maintaining momentum on the ground that it is fundamental to ensuring implementation of the Strategy. Although there are a number of regional and sub-regional bodies relevant to this project, this paper will briefly touch upon the work of what have so far been the ones more relevant to East Africa: the AU and its Algiers Centre for the Study and Research of Terrorism (ACSRT), ICPAT, the East African Community (EAC), and the Common Market for Eastern and Southern Africa (COMESA).

African Union

The AU has adopted a broad-based continental normative framework to combat terrorism. 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. Like the UN Strategy, these instruments stress that counterterrorism measures should not infringe on human rights or undermine the rule law. In addition, the plan of action calls 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.[51]

These instruments also highlight the important role that the AU can play in serving as a bridge between the international counterterrorism framework embodied in the international counterterrorism instruments and efforts at the regional level. The continent's robust regional normative framework, however, has yet to be implemented by many AU members.[52] Competing priorities within the AU Peace and Security Commission, differing perceptions of the threat among its members, as well as lack of resources have so far limited its contributions in this area.

Africa Centre for the Study and Research on Terrorism

The AU established the ACSRT in 2004 as its technical arm on matters related to terrorism and implementation of the AU counterterrorism program.[53] It charged the ACSRT with a number of important functions aimed at enhancing the counterterrorism capacities of and cooperation among its members.[54] It envisions a highly integrated network of State and Regional Economic Communities (REC) focal points coordinated centrally through Algiers. So far, the ACSRT has convened four meetings of the focal points from AU members (forty-one have been designated, including four from East Africa) and the RECs in Africa that have so far been designated (six have been designated, including one from COMESA, the EAC, and IGAD).[55] In addition, it has organized a few training seminars at its well-equipped facility in Algiers. With its focus on training, information exchange, alerts and prevention, and its recently adopted cooperation agreement with the EU aimed at promoting the implementation of Security Council

Resolution 1373 among its members, it is well-placed to contribute to the implementation of the preventative and capacity-building elements of the UN Strategy.[56]

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.[57] 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, 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 can 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, both of which will be discussed during the course of this project. As yet, the AU has, however, devoted much of its attention and resources towards 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 of its mandate, 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.

V. SUB-REGIONAL BODIES

The 2004 Protocol to the OAU convention explicitly endorses the complementary role that African sub-regional bodies, including those officially recognized by the AU as RECs, can play in furthering implementation of the AU framework. According to the Africa Center for Strategic Studies' Andre Le Sage, "[o]n paper, their objectives and strategies largely duplicate what the AU has already set to accomplish in the [Plan of Action]. However, by virtue of greater political buy-in by key governments, these sub-regional organizations have a strong role to play."[58] This same comparative advantage applies to UN Strategy implementation efforts as well. Going forward, however, there are a number of issues that will need to be addressed in order to maximize the overall sub-regional contribution to UN Strategy implementation. These include 1) overlapping membership and mandates in bodies such as the EAC, COMESA, and IGAD; 2) the fact that the primary counterterrorism activities of these bodies has been the "coordination and harmonization of the counterterrorism efforts of their member states and the development and implementation of a coordinated strategy for the entire organization;"[59] 3) the need to maximize use of the limited resources available to devote to counterterrorism programs; and 4) the importance of ensuring that sub-regional 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 sub-regional bodies, but of the UN counterterrorism program as well.

Intergovernmental Authority on Development

IGAD began with a focus on development issues but gradually took on security functions, underscoring the reality of the intimate relationship between security and development in the Horn of Africa.[60] 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 Strategy[61] where IGAD, through its capacity building programme against terrorism, is making its greatest contributions.

In June 2006, some three years following the development of the IGAD "Draft Implementation Plan to Combat Terrorism in the IGAD Region"[62] and a subsequent vulnerability assessment of terrorism in the IGAD region, the four-year ICPAT program was launched in Addis Ababa, where the program is based. It has utilized an innovative approach to develop an effective sub-regional counterterrorism mechanism, thus overcoming the human and financial resource limitations that other parts of IGAD as well as many other African-based organizations suffer from and the lack of political support for deepening sub-regional cooperation among its members in the security field. It is funded by European and other donors, administered by a non-governmental organization 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 (non voting) representatives from the countries that provide direct support to ICPAT, plus the ACSRT).[63] The program focuses on capacity and confidence building measures in the IGAD region, working closely with partners at the regional and global level. According to the head of ICPAT, the IGAD program "has been established – not because there is cooperation in the region – but to find ways to create cooperation."[64]

Although capacity in the Horn remains low, ICPAT's technical focus has allowed it to cut through some of the political tensions that permeate the region. Its work focuses on five areas: 1) enhancing judicial measures; 2) working to promote greater inter-agency 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.[65]

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 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 inter-ministerial counterterrorism coordination mechanisms in each country, to 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 the UNODC/ICPAT capacity building training.[66]

Despite success in its first year and a half of existence, ICPAT faces a series of challenges going forward, which will be addressed during the project. Perhaps first and foremost are the conditions in the sub-region, which pose an obstacle to the development of a successful sub-regional security agenda. Neither has it been possible to date to launch a special program for Somalia in light of its unique needs. In addition, the absence of Eritrea from the IGAD forum impacts 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 a lot to be desired. The above are manifestations of the complexity of the milieu in which ICPAT is expected to operate.[67]

In addition, ICPAT's focus on strengthening the capacity of national law enforcement and other security officials to fight terrorism, though emphasizing non-military means, may need

to expand to involve civil society in a more substantial way in order to deal with the threat effectively in the months and years to come.

East African Community

The EAC is a regional intergovernmental organization aimed at promoting cooperation among its five member states in political, economic, and social sectors.[68] Although the founding treaty makes no specific mention of counterterrorism as an area of cooperation among its members,[69] the three founding members' heads of state (Kenya, Tanzania, and Uganda) did agree in a 1999 memorandum of understanding signed on the margins of the signing of the founding treaty to set up a mechanism to deal with terrorism in the region.[70] While such a regional mechanism is not yet in place, the EAC has nevertheless developed a number of counterterrorism programs under the aegis of cooperation on "political matters, and legal and judicial affairs"[71] and 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.

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 sub-regional levels, as well as maximizing synergies with such bodies.[72] Despite those limitations, the EAC has a few programs that are relevant to the implementation of the UN Strategy. For example, it has 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 policy making organs. In addition, the EAC 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. The EAC also works with its partner states to train and otherwise enhance the capacity of security officials in the region.[73]

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, including eradicating poverty and rebuilding local institutions.[74] Such an approach would be fully consistent with 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.[75] In fact, according to its Secretary-General, the EAC has "sought to establish systems of good governance that guarantee equal opportunity and participation to all in the allocation and management of political and economic resources."[76] Moreover, the major elements of the third EAC development strategy (2006-2010), which include private sector development, industrialization, infrastructure development, and rural and agricultural development, focus on the creation of millions of jobs in the region in both the formal and informal sectors.[77]

Common Market for Eastern and Southern Africa

The COMESA is a nineteen-member state organization with a mandate to promote regional economic integration through trade and investment.[78] Although much of its focus

remains on trade and other economic issues, COMESA started to engage on peace and security issues in 2000 when it recognized that peace, security, and stability are basic factors in promoting investment, development, trade, and regional economic integration. Its Program for Peace and Security is based on a series of factors, including a number that have direct relevance to the UN Strategy such as inter-state cooperation; recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights; accountability, economic justice, and popular participation in development; the recognition and observance of the rule of law; and the promotion and sustenance of a democratic system of governance in each member state.[79]

COMESA's role in addressing issues of peace and security generally focuses on conflict prevention through preventive diplomacy. For example, the Secretariat is working to establish a regional early warning and response mechanism to complement the Africa-wide one being established under the auspices of the AU. Following its designation as a focal point of the ACRSRT, one of the foci of this system is expected to be early warning to anticipate and prevent terrorist activities in the region.

Apart from its participation in a regional seminar on international cooperation against terrorism and its financing organized by UNODC's TPB and convened in Djibouti, the COMESA Secretariat has yet to develop or become involved in counterterrorism capacity building programs. COMESA's Strategic Plan for 2007-2010, however, indicates that this might change as it emphasizes the need "to make a deliberate effort to develop programmes aimed at counterterrorism"[80] and develop a program to "to build capacity among immigration officials on the implementation of the Protocol on free and movement of persons and the detection of trans-national crimes and counter terrorism [*sic*]."[81]

COMESA, however, should take care to ensure that its planned activities do not duplicate what has been undertaken or is planned by other bodies with overlapping membership such as IGAD and the EAC.[82] If it seeks to design programs to support UN Strategy implementation among its members, it may wish to focus on some of elements in its Peace and Security Program that have yet to receive adequate attention from other multilateral bodies in East Africa, *i.e.,* promoting good governance, accountability, the rule of law, and the protection of human rights.

In general, regional and sub-regional 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 the sub-region. To this end, a sub-regional 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 duplicative programs, what each body is best at, and where additional effort should be directed. In addition, such a sub-regional task force, could help ensure that human rights are integrated into all Strategy-related initiatives going forward. An important step in the right 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 the 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 sub-regional bodies, with a view to enhancing the capacities of these bodies in the sub-region 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 what activities have taken place in and what are planned for the sub-region, which will help 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.

VI. 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 the sub-region.

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, post-conflict reconstruction, human rights monitoring, and other issues whose work relates generally to Strategy implementation, albeit having 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 Weapons[83] that ultimately became the basis for the establishment of the Regional Centre on Small Arms and Light Weapons are useful examples to learn from. However unlike in the area of small arms, 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 UN provides the broad umbrella for Strategy implementation, specific strategies need to be devised at the regional, sub-regional, 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 sub-regional task force and/or a network of civil society organizations devoted to Strategy implementation could be formed perhaps along the lines of the Africa Security Network.

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 sub-region. For example, there is in fact little incentive for civil society groups operating in the sub-region to engage on issues of terrorism and counterterrorism, as doing so may open up local civil society groups to retaliation by governments in the sub-region. 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 sub-region heavily circumscribed by governments.[84] 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 UN can play a role in accessing and promoting best practices related to these key principles.

Moreover, 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 sub-region. The antagonistic relationship between civil society and the less democratic regimes in the sub-region 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 particular country, is particularly important. Finally, the areas in the sub-region that may be most in need are unfortunately the least accessible and secure. Ongoing conflicts and security issues bar at times the operations of organizations engaged in even the most basic humanitarian assistance.

Given these challenges, the UN cannot passively sit back and expect civil society engagement on Strategy-related issues. The UN Task Force, both its traditional and non-traditional counterterrorism actors, need 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.

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 message has not been clearly articulated either by the Task Force or at the regional, sub-regional, and national levels, but it needs to be.

NOTES

[1] For purposes of this project, East Africa is defined as what had been the seven member states of Intergovernmental Authority on Development until Eritrea pulled out in mid-2007: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda.

[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.

[3] The twenty-four 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 of Human Rights, the Office of Legal Affairs, the Organization for the Prohibition of Chemical Weapons, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the United Nations Development 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: <http://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]

[6] 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]

[7] Ibid.

[8] See, *e.g.*, Princeton N. Lyman and J. Stephen Morrison, "The Terrorist Threat in Africa," *Foreign Affairs*, January/February 2004.

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

[10] 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, http://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.

[11] Thomas Dempsey, "Counterterrorism in African Failed States: Challenges and Potential Solutions," *Strategic Studies Institute,* US Army War College, Carlisle, 2006, p. 8.

[12] Steve Bloomfield, "Somalia: The World's Forgotten Catastrophe," *The Independent*, 9 February 2008.

[13] Harmony Project, "Al-Qaida's (Mis)adventures in the Horn of Africa" (West Point, NY: Combating Terrorism Center, 2006), http://ctc.usma.edu/aq/aqII.asp.

[14] 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. http://www.ascleiden.nl/Pdf/LectureAnnieChikwanha.pdf. [Undated]

[15] Report on IGAD Conference on "The Prevention and Combating of Terrorism," IGAD Secretariat: Addis Ababa, 24-27 June 2003.

[16] 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.

[17] Peter Gastrow and Annette Hübschle, "African Perspectives on the International Terrorism Discourse," *African Security Review*, vol 15 no 3, 1 October 2006, p. 70.

[18] Ibid.

[19] 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.

[20] 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, http://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.

[21] See, *e.g.*, John Prendergast and Colin Thomas-Jensen, "Blowing the Horn," *Foreign Affairs*, Vol. 86, Iss. 2, March/April 2007.

[22] There are a number of UN peacekeeping and other activities related to addressing the longstanding conflicts in the sub-region which are relevant to elements of the Strategy, but which will not be addressed in this paper due to space limitations.

[23] 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]

[24] The CTC/CTED is also responsible for engaging with and coordinating the counterterrorism activities of international, regional, and sub-regional bodies.

[25] The Joint Statement is available at http://www.un.org/sc/ctc/pdf/Nairobi_joint_statement.pdf.

[26] The CTC is scheduled to visit Uganda in mid-2008.

[27] 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].

[28] 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?," October 2007, http://www.ipacademy.org/asset/file/207/cter.pdf.

[29] In addition, only three of the seven East African states have reported to the Committee on steps taken to implement the measures as called upon by the Security Council in Resolution 1455.

[30] The Monitoring Team has not visited Somalia due to the security situation there and has not been granted permission to visit Eritrea.

[31] The 2006 Monitoring Team meeting in Addis Ababa was attended by Ethiopia, Saudi Arabia, Sudan, and Yemen, as well as the Transitional Federal Government of Somalia.

[32] *The UN Security Council Al-Qaida/Taliban Support and Sanctions Monitoring Team,* "Fifth 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/2006/750, 20 September 2006, para. 136.

[33] In July 2007, the Chairman of the 1267 visited Ethiopia, Djibouti, and Kenya.

[34] *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. 119.

[35] Antonio Maria Costa, "Strengthening Capacity to Prevent Terrorism," Opening Address to Symposium on "Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy, Vienna, 17 May 2007.

[36] 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.

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

[38] 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.

[39] 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.

[40] *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.

[41] The eleven members of EAPCCO are: Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, the Seychelles, Somalia, Sudan, Tanzania and Uganda.

[42] Ethiopia, Kenya, Sudan, and Uganda have indicated their intentions to implement the WCO's June 2005 Framework of Standards to Secure and Facilitate Global Trade. "Members Who Have Expressed Their Intention to Implement the WCO Framework of Standards to Secure and Facilitate Global Trade." http://www.wcoomd.org/ie/EN/Topics_Issues/FacilitationCustomsProcedures/WCO+TABLE+Intention+to+implement+the+FOS-+EN-FR.pdf.

[43] As of the end of 2006, Ethiopia, Kenya, and Uganda were issuing or had plans to issue machine readable travel documents. E-mail correspondence with Lise Boisvert, Chief, External Relations and Public Information Office, ICAO, 22 November 2006.

[44] 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 sub-region.

[45] "UNESCO's Contribution to Counter-Terrorism," Bureau of Strategic Planning, UNESCO Headquarters, Paris, June 2007. [Copy on file with the Center on Global Counterterrorism Cooperation]

[46] United Nations Global Counter-Terrorism Strategy, sect. II, paras 2 and 3.

[47] H.E. Ms. Margrethe Loj, "Keynote Address: Increasing States' Capacity to Prevent and Combat Terrorism and Strengthening the Role of the United Nations System: Lessons learned from UNODC's Technical Assistance Delivery," *Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy*, Vienna International Centre, 17-18 May (United Nations Office of Drugs and Crime; 2007) p. 116, www.unodc.org/pdf/07-85692_Ebook.pdf>.

[48] Ibid.

[49] Kenya's anti-terrorism legislation has, however, still not been passed by parliament.

[50] UNDP, e-mail communication with authors, 7 December 2007.

[51] See paragraph 10(e) of the 2002 Plan of Action.

[52] For example, only thirty-seven 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.

[53] The ACSRT is a structure of the AU Commission and the Peace and Security Council.

[54] 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, DC: National Defense University Press and Potomac Books; 2007), Appendix Four, p. 184.

[55] The ACSRT has also provided all focal points with the equipment needed to maintain regular contact and exchange information between the centre and member states. Geofrey Mugumya, Director for Peace and Security, AU Commission, "Prevention of Terrorist Movement and Effective Border Security," remarks at Fifth Special Meeting of the CTC with International, Regional and Sub-Regional Organizations, 29 October 2007, Nairobi, Kenya, p. 7, http://www.un.org/sc/ctc/pdf/nairobi_africanunion.pdf.

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

[57] 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. In 2007, the Council of the European Union contributed 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.

[58] Andre Le Sage, "U.S. Support for African Counter-Terrorism Efforts," in *African Counterterrorism Cooperation: Assessing Regional and Sub-regional Initiatives,* Andre Le Sage (ed.), (Washington, DC: National Defense University Press and Potomac Books; 2007), p. 129.

[59] Ibid.

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

[61] Pillar II focuses on measures to prevent and combat terrorism and Pillar III on measures to build States' capacity to prevent and combat terrorism.

[62] IGAD's "Draft Implementation Plan to Combat Terrorism in the IGAD Region" is available at: http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/igad/confjun03plan.pdf.

[63] 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.

[64] Hiruy Amanuel, Statement, *Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy*, (New York: UN Office on Drugs and Crime [UNODC], 2007), p. 13, http://www.unodc.org/pdf/07-85692_Ebook.pdf.

[65] 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 twenty-five Ugandan and twenty-five 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 ten 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*, http://www.iss.org.za/index.php?link_id=21&slink_id=2507&link_type=12&slink_type=12&tmpl_id=3.

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

[67] 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.), p. 98-99.

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

[69] "The Treaty for the Establishment of the East African Community," 30 November 1999, http://www.issafrica.org/AF/RegOrg/unity_to_union/pdfs/eac/EACTreaty.pdf.

[70] Wafula Okumu, "Counterterrorism Measures in the East African Community," *African Counterterrorism Cooperation: Assessing Regional and Sub-regional Initiatives,* Andre Le Sage (ed.), (Washington, DC: National Defense University Press and Potomac Books; 2007), p. 83.

[71] In addition, EAC member states have signed a MOU on defense cooperation, which has resulted in activities aimed at countering the trafficking and proliferation of small arms and light weapons in the region as well as countering terrorism. Currently, the EAC Secretariat's counterterrorism portfolio is split between the Peace and Security and the Defense Sectors in the secretariat, although, according to a senior EAC Secretariat official, the EAC will soon establish a Directorate of Peace and Security which will include a "fully-fledged unit to deal with issues of counterterrorism in the region." Email correspondence with the EAC Secretariat, 20 November 2007.

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

[73] Ibid.

[74] Ibid, p. 97.

[75] Juma Mwapachu, "AAGM: Military Co-Operation is the Way to Go," *The East African*, 1 May 2007.

[76] Ibid.

[77] Adam Ihucha, "Mwapachu says EAC Development Strategy to Focus on Jobs Creation," *IPP Media*, 29 May 2007, http://www.ippmedia.com/ipp/guardian/2007/05/29/91414.html.

[78] COMESA's member states are: Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.

[79] "Profile: Common Market for Eastern and Southern Africa," July 2006, http://www.iss.co.za/AF/RegOrg/unity_to_union/comesaprof.htm. The COMESA Secretariat's Legal Affairs Department is responsible for the implementation of the Program for Peace and Security, which is mandated to facilitate meetings of Ministers of Foreign Affairs from COMESA members at least once a year to consider modalities for promoting peace, security, and stability in the region.

[80] "COMESA: Strategic Plan –2007-2010," at p. 52, http://www.comesa.int/copy_of_about/Multi-language_content.2006-07-05.1952/en.

[81] Ibid.

[82] One of the goals in its 2007-2010 Strategic Plan is to ensure that regional programs and policies implemented by COMESA are harmonized with those of the EAC, IGAD, and the Southern African Development Community. Ibid, p. 71.

[83] 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.

[84] For example, laws restricting NGOs have been passed by states in the sub-region, including Eritrea, Ethiopia, the 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, http://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, http://www.civicus.org/new/media/Resisting%20Repression%20(Merged)%20Final.doc.