

## APPENDIX A

# Draft Implementation Plan to Counter Terrorism in the IGAD region

## 1. Introduction

Member states of IGAD have long espoused the need to counter terrorism at both the individual and collective levels. At the initiative of the Government of Sudan this issue was discussed by the 9<sup>th</sup> IGAD Summit held in Khartoum in January 2002 and the meeting resolved that the issue required further elaboration, resulting in the IGAD Conference on the Prevention and Combating of Terrorism that was held in Addis Ababa from 24-27<sup>th</sup> June 2003. At the continental level IGAD Member States actively participated in the adoption of the Convention on the Prevention and Combating of Terrorism by the 35<sup>th</sup> Assembly of Heads of State and Government of the Organization of African Unity (OAU) in Algiers in July 1999 which entered into force on 6 December 2002. IGAD Member States also played an active part in the development and finalization of the Plan of Action of the African Union High-Level Intergovernmental meeting on the Prevention and Combating of Terrorism in Africa, completed in Algiers from 11-14 September 2002.

Eradicating terrorism requires a firm commitment and joint action by Member States to pursue common objectives. These include: measures to establish a regional approach to counter terrorism within a broader international strategy; measures to counter the financing of terrorism; enhancing of operational capacity to counter illegal cross border movement; enhancing operational capacity to record and share information; ensuring the protection of human rights in counter terrorism operations; educational programs to enhance public support; and implementation measures.

The concerted response reflected in this Implementation Plan is situated within the context of the provisions contained in the Agreement establishing the Inter-Governmental Authority on Development (IGAD), in particular Article 18A that reflects our commitment to act collectively to preserve peace, security and stability

and to take effective collective measures to eliminate threats to regional co-operation, peace and stability.

Severe conditions of poverty, deprivation and injustices experienced by large sections of the African population provide a fertile breeding ground for terrorist extremism. Few African governments are in a position, on their own, to marshal the requisite resources to combat this threat. Pooling resources, therefore, is essential to ensure the effectiveness of counter-terrorism measures.

Terrorism is a violent form of transnational crime that exploits the limits of the territorial jurisdiction of States, porous borders, and the existence of informal and illegal trade and financing networks.

The implementation of this implementation plan is urgent, given IGAD's vital role in the global struggle against terrorism, and its international legal obligations in terms of the United Nations Security Council Resolution 1373 and relevant resolutions taken by African Heads of State and Government.

This Implementation Plan gives concrete expression to these commitments and obligations, to enhance and promote IGAD Member States' access to appropriate counter-terrorism resources through a range of measures establishing a counter-terrorism co-operation framework in the region. It does so within the framework provided by the Plan of Action of the African Union High-Level Intergovernmental meeting on the Prevention and Combating of Terrorism in Africa referred to earlier in this document. To this end, Member States of IGAD hereby agree to take the measures detailed hereunder, in the spirit of Article 12 of the Agreement establishing IGAD that provides for the IGAD Secretariat to implement the decisions of the Assembly and the Council, to prepare draft proposals and agreements on matters arising from the decisions and recommendations of the Assembly and the Council and to prepare surveys, studies, information and guidelines on legal, political, economic, social, cultural and technical matters of common concern to, and essential for broadening and deepening cooperation among Member States.

## **2. Measures to Establish a Regional Approach to Counter-Terrorism within a Broader International Strategy**

### ***2.1 Ratification and Implementation of Regional and International Instruments***

Member countries agree, as a matter of urgency, to sign, ratify and accede to regional and international instruments for the prevention and combating of terrorism. This includes the ratification and implementation of the OAU Convention on the Prevention and Combating of Terrorism, 1999, the Plan of Action of the African Union High-Level Intergovernmental meeting on the Prevention and Combating of Terrorism in Africa, 2002 as well as the relevant United Nations Counter-Terrorism Conventions such as:

- a) Convention on Offences and Certain Other Acts Committed on Board Aircraft, 14 September 1963.
- b) Convention for the Suppression of Unlawful Seizure of Aircraft, 16 December 1970.
- c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 23 September 1971.
- d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 14 December 1973.
- e) International Convention against the Taking of Hostages, 17 December 1979.
- f) Convention on the Physical Protection of Nuclear Material, 3 March 1980.
- g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, 24 February 1988.
- h) Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation, 10 March 1988.
- i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, 10 March 1988.
- j) Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1 March 1991.

- k) International Convention for the Suppression of Terrorist Bombings, 15 December 1997.
- l) International Convention for the Suppression of the Financing of Terrorism, 9 September 1999.
- m) UN Convention against Transnational Crime, 15<sup>th</sup> November 2000.
- n) And subsequent international treaties and protocols that relate to combating terrorism, money laundering, organized crime, drug and arms trafficking.

## ***2.2 Counter-Terrorism Legislation***

Member states agree to:

- a) Develop effective legislation relating to domestic and international terrorism, money laundering, organised crime and corruption, drug and arms trafficking and to harmonise such legislation with the requirements of the relevant international instruments.
- b) Regularly assess new international and regional terrorist threats and counter-terrorism strategies and make recommendations for adoption and implementation.
- c) Adopt new and strengthen existing legislation to take into consideration for new challenges and developments in the prevention of terrorism.

## **3 Measures to Counter the Financing of Terrorism**

Member States agree to assess whether current instruments are in line with international requirements and sufficient in preventing the financing of suspected individuals and/or organizations associated with terrorism.

Member States undertake to:

- a) Identify measures to enhance the relationship between the private sector, financial institutions and State structures in enabling the exchange of information on suspicious financial transactions.
- b) Establish specialized units that will have contact with other similar structures within the region as well as other regional and international structures to assess and counter new trends in the financing of terrorism.

- c) Implement measures to ensure that persons or financial institutions are licensed or registered and subject to all the Financial Action Task Force (FATF) Recommendations that apply to banks and non-bank financial institutions.
- d) Assess and implement measures to freeze funds or other assets of terrorists. These measures will also include the adoption and implementation of legislation.
- e) Design criteria to verify the activities of charitable organizations, including legislation that would set a minimum standard for the registration of such organizations.

Member states commit themselves to identify, detect and freeze or seize any funds used or allocated for the purpose of committing a terrorist act and to establish mechanism to use such funds to compensate victims of terrorism and their families.

#### **4. Enhancing Operational Capacity to Counter Illegal Cross Border Movement**

##### ***4.1 Conduct a national and regional assessment of the strength of current border control***

Member states agree to:

- a) Tighten security along the borders that would include the establishment of border control units and observation posts at coastal towns and villages as well as mobile operational units who can respond to emergencies.
- b) Commit themselves through IGAD to study and analyse the motivation or reasons behind the influx of illegal immigrants and to implement counter measures or solutions.
- c) To accept dual responsibility in the establishment of refugee camps within the sub-region including the monitoring of shared borders.
- d) To further commit them to establish a national register, including the re-evaluation of identification documents and passports in introducing additional security measures against forgery and duplication.
- e) Address the issue of corruption at border posts. The first step will be to assess the level of corruption through an independent inquiry that

would uncover the extent and motivations for corruption. This information would be used for the development of counter measures and strategy.

- f) Commit themselves not to provide sanctuary in their respective territories to terrorists and groups engaged in subversive activities not to give sanctuary.

## ***4.2 Information resources in border control***

Member states agree to incorporate additional security measures to detect forged travel documents. This must go hand-in-hand with a regional upgrade of computer networks that serves to share information within and between countries to prevent the infiltration of trans-national criminals and suspected terrorists.

Governments should draw on and implement regionally and internationally compatible computer networks to identify and/or apprehend suspected individuals.

IGAD should facilitate the regular evaluation of border and immigration structures with regard to the implementation of the necessary measures in the strengthening of regional information networks.

## ***4.3 Small Arms and Light Weapons***

Member States pledges to take the necessary measures to implement regional and international declarations and programs of action at the prevention and eradication of proliferation, illegal cross-border transportation, importation, export, stockpiling and use of arms, ammunitions and explosives and other materials and means of committing terrorism in line with the Nairobi Declaration on the Problem of the Proliferation of Illicit of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, March 15<sup>th</sup> 2000.

# **5 Enhancing Operational Capacity to Record and Share Information**

## ***5.1 Establish a regional database and/or Terrorism Centre***

Member States mandate the IGAD secretariat to engage with the Eastern African Police Chiefs Cooperation Organisation (EAPCCO), based in Nairobi), the Algiers

Centre for the Study and Research on Terrorism and other relevant organizations to embark/commission a feasibility study on the establishment/expansion of a regional transnational crime database, to enhance the sharing of information on criminal activities in the region.

This database could include the following:

- a) A terrorism database focussed on:
  - i) Identified individuals associated with terrorism;
  - ii) Analysis of previous acts of terrorism in terms of characteristics of perpetrators (age, background, actions prior to acts of terrorism, modus operandi, target selection, etc). This would enable law enforcement to detect trends that might lead to pro-emptive actions.
  - iii) A study of the causes of terrorism, their means of recruitment and propaganda (national as well as transnational).
- b) An organized crime database:
  - i) Information on criminal groups and their associates
  - ii) Mapping of supply routes (for example: firearms and narcotics).
- c) Financial support networks that enable transnational crime, including:
  - i) Money laundering (identification of role-players, strategies etc)
  - ii) Identification of precious stone syndicates (actors, routes, etc.) that include IGAD countries and smuggle routes inside and into/out of the IGAD region.
  - iii) Identify external role-players such as charitable and other organisations associated with the financing of individuals and groups associated with terrorism.

## ***5.2 Exchange of Information***

Member states shall cooperate with each other and undertake to exchange studies and research on combating terrorism as well as the exchange of expertise in the field. To this end Member States will:

- a) Establish a national contact person (or office) responsible for counter-terrorism should be identified in each Member State to facilitate interaction amongst the various counter-terrorism authorities, including:

security forces (police, military, border control, etc.), legislative authorities, judicial authorities and financial authorities. This office will be tasked to follow up on a common approach in countering above-mentioned manifestations of transnational crime, associated with terrorism and to facilitate regional co-operation.

- b) Establish communications between the national contact point in each country that is responsible for gathering all relevant intelligence from the agencies responsible for the investigation of transnational crime and terrorism as well as with other regional and international organizations engaged in countering terrorism.
- c) Identify and establish links with independent organizations that deal with security issues and academic faculties that deal with strategic studies relevant to the terrorism issue. The national contact point and IGAD secretariat should be at liberty to consult these independent players, as and when it becomes necessary, on any emerging developments.

Member states undertake to respect the confidentiality of information exchanged between them and shall refrain from passing it to any non-Member state or other parties without prior consent from the source country.

If established, the database mentioned in section 4.1 above must be accessible to national police forces and other law enforcement agencies in the region, as well as other regional and international law enforcement agencies such as Interpol.

### ***5.3 Mutual Legal Assistance, Extradition and Harmonization of National Legislation regarding Terrorism***

Member states undertake to assess and harmonize current instruments available to facilitate mutual legal assistance and extradition. Member states also undertake to embark upon a process to harmonize national legislation as it relates to terrorism. To this end Member States call on the IGAD secretariat to facilitate technical, legal and financial assistance in this regard. Mutual legal assistance would include procedures aimed at facilitating and speeding up investigations, the collection of evidence and

other measures that would enhance cooperation between law enforcement agencies. It could also include measures to identify and seize assets belonging to terrorist organizations or used in furthering terrorism.

Member states undertake to expeditiously consider requests for extradition and to extradite those indicted or convicted of terrorist crimes in other countries/Member States, in compliance with national legislation.

#### ***5.4 Co-ordinated training***

National, regional and international training programmes should be encouraged between all relevant agencies. To this end the IGAD Secretariat should engage all relevant institutions to undertake an assessment of training and equipment of the agencies engaged in countering terrorism and other related transnational crimes.

#### ***5.5 Enhancing of International Cooperation***

International meetings for the exchange of knowledge and experience will be of assistance. In addition international organizations such as the Counter-Terrorism Committee (CTC), Interpol (especially the Fusion Task Force), the United Nations Centre for Drugs and Crime and the Organization for Security and Cooperation in Europe (OSCE) could be approached in providing assistance with capacity building, training and resource mobilization.

### **6. Measures to Ensure the Protection of Human Rights during Counter Terrorism Operations**

Countries commit themselves to the protection and promotion of human rights as set by the relevant UN Conventions and, in particular, that contained in the African Charter of Human and Peoples' Rights. The attention of Member States is also drawn to the specific areas of concern as reflected in Plan of Action of the African Union High-Level Intergovernmental meeting on the Prevention and Combating of Terrorism in Africa.

### **7. Education Programs to Enhance Public Support**

Attempts should be made to study the root causes of terrorism, including the role of socio-economic conditions and historical injustices. Through including other ministries (for example, Health, Education etc.) an all-inclusive short, medium and long-term counter-terrorism strategy will be developed with the focus on prevention. Terrorism is a threat against all citizens and not only against a segment of the population, government or international representative.

As part of this national strategy, Member States, with the assistance of external role-players (academic institutions and NGO's committed to the study of threats to national, regional and international security), should promote programs to prevent community persecution based on religion, race or ethnicity (and all political opinions). Member states acknowledge that knowledge and the sharing of information is the most effective strategy against the development of perceptions that leads to a feeling of "protection" versus "persecution". To this end Member States each undertake to promote information activities and to support the use of the mass media in order to prevent the formation and spread of perceptions and misconceptions against any religion, ethnic group or culture in the fight against terrorism.

The aim of such a program must be to increase understanding, encourage tolerance and respect for human dignity, while reducing mutual mistrust between communities. Through creating a sense of responsibility community members should be encouraged to come forward with information. This objective will be achieved through sensitising "civic action" with the intention to gain the good will and consequent cooperation of the population. Part of this strategy will be achieved through the provision of appropriate rewards including development assistance of various types, such as development of local infrastructure and water projects, access to small business loans, making available (or, better yet, training people to provide) basic medical care and veterinary services.

## **8. Implementation Mechanism**

Member States mandate the IGAD Secretariat to oversee the implementing of this Implementation Plan in preventing and combating terrorism and to prepare an annual progress report to the IGAD Council of Ministers. This report should, amongst others

detail the progress within the region with regards to the ratification and implementation of the relevant Conventions and Protocols.

Member states also encouraged the IGAD Secretariat to liaise with Member States to ensure compliance as well as in respect of other continental and international obligations such as those reflected in UNSC 1373, the AU Convention on the Suppression and Combating of Terrorism and the African Union High-Level Intergovernmental meeting on the Prevention and Combating of Terrorism in Africa. Member States further agree to support and collaborate with the IGAD Secretariat in the execution of this responsibility.

Member states further mandate the IGAD secretariat to approach donors and research agencies that could assist Member States, regional organizations and the IGAD secretariat in the above for resources mobilization, capacity building and technical assistance.