

## THE AFRICAN UNION (AU) COUNTERTERRORISM FRAMEWORK AND THE RHETORIC OF REGIONAL COOPERATION

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### **Abstract**

*Terrorist attacks have grown to become more intense in recent years with over 80% of these attacks, in 2015 alone, occurring in Africa. Countries like Somalia, Kenya, Mali, Nigeria, Egypt, Tunisia, and Libya are notably the 'hot spots' of global terrorism as terrorist groups even outside Africa have links to one or more of these countries. Since 2002, the AU rolled out an Action Plan for the Prevention and Combating of Terrorism in Africa. This plan of action was intended to show the commitment of African leaders to dealing with and eradicating terrorism on the continent. However, incidents and fatalities from terrorism have continued to be recorded in Africa. While some scholars have challenged the political will of African leaders, others point to the problems of poverty, good governance, human rights abuses, underdevelopment and lack of democratic participation, as the reasons for the increased rate of terrorism on the continent. This paper examines the AU's Counterterrorism Plan of Action and shows that a robust counterterrorism framework is already in place but the AU has been unable to provide the political cohesion and unity of purpose required for sustaining the regional cooperation needed to combat terrorism on the continent. It argues that the challenges of regional cooperation, within the economic, political and security dimensions have crippled the efforts of the AU in combating terrorism on the continent, resulting in significant implications for implementing the counterterrorism framework.*

**KEY WORDS:** *African Union, Terrorism, Counterterrorism, Regional Cooperation and Constructivism*

### **Introduction**

Africa continues to be the target for terrorism and insurgency led largely by Islamic militants (Maina, 2015). Although some scholars argue narrowly that terrorism is not as wide spread as the media makes it out to be in Africa, given that major terrorist activities take place in limited areas like Mali, Nigeria, Sudan, Somalia and the DRC (Campbell, 2013), terrorism has a tremendous impact on Africa's populations and is undeniably one of the most intense challenges facing the continent claiming thousands of lives, causing destruction of state infrastructure and private property (Simon, 2016). Many observe that abject poverty, official corruption, ethnic, political and religious tensions make the continent terrorism-friendly and offer very attractive destinations for terrorists organizations (Dagne, 2004). Scholars like Worcester (2015) point out that the problem is compounded by the enormous size of a continent with strong traditional Islamic presence, along with a mosaic of societal structures that are in most cases misunderstood. Despite being plagued by poverty, disease, chronic instability and terrorism, Africa is a continent of growing economic, social, political and geostrategic importance not withstanding the level of terrorism in Africa which

is an indication of the presence of local, regional and international actors comprising the global insurgency (Berschinski, 2007:17). Although terrorism is not necessarily caused by socio-economic problems alone, there is always a clear correlation between relative deprivation, the awareness and politicization of absolute deprivation and radicalism (Taspinar, 2009:76). The desire for Africa to have a peace that is protected and maintained by Africa (Mazrui, 1967) is not recent, as the continents leaders have long sought to take more responsibility for their security and development with the belief that African regional organizations could, potentially, be better suited to respond effectively and efficiently to peace and security threats within its region (Jentzsch, 2014:1). Promoting integration is considered one of the most important elements of a long term strategy of conflict prevention and stability strengthening (Voronkov, 1999) as such several regional and bilateral efforts have been made, both military and civilian, to build regional intelligence, military, law enforcement and judicial capacities, strengthen aviation, ports and border security, stem the flow of terrorist financing and counter the spread of terrorism (Ploch, 2010:1), though with relatively low success rates in the continent. Scholars like Fulgence (2015) point to the lack of genuine regional integration, in spite of the proliferation of regional organizations over the years, and argue that the difficulty of promoting regional integration, addressing violent conflicts, increasing intra-African trade, and networking African interdependence, has greatly contributed to the slow pace of curbing the threat of terrorism in Africa.

The AU has been intensely criticized for its lackluster performance in dealing with terrorism in the continent and has come under increasing pressure to deal proactively with the issues that produce and sustain both regional and external terrorist threats (Davis, 2013). It is within these criticisms that some have argued that there is an absence of a policy framework to deal constructively with the threat of terrorism in Africa while ignoring the deeper issues relating to regional cooperation (Gabrielson, 2011:10). It is in response to this criticism that this paper, using the constructivist theory of regimes, argues that the problem is not the absence of a policy framework but the absence of genuine regional cooperation aimed at integration and enhancing unity. The threat of terrorism is no doubt still spreading in Africa and groups continue to exploit the fragility of the continent (Williams, 2016), there is therefore need more than ever before for AU member states to show more commitment to integration because the transnational nature of the threat only reinforces what we already know, – the indispensable need for regional cooperation! This paper presents a brief overview of the AU's counterterrorism framework to show that a robust plan of action exists and then examines the nature and challenges of economic, political and security dimensions of cooperation among the AU member states to show how the lack of cooperation and integration in these areas limits the ability of the AU to implement its robust plan of action aimed at dealing with terrorism.

### **Theoretical Framework**

The major philosophical traditions of international relations, realism, liberalism and constructivism all prescribe solutions to the security dilemma in the international system, but liberalism and constructivism particularly focus on the development of security communities as a means to overcome the security dilemma (Thiam, 2008:1). Within these traditions, we have the power-based theories of realism, interest-based theories of liberalism, and the knowledge-based theories of constructivism. Power-based theories focus on the importance of relative gains and security concerns to rational agents and argue that the distribution of power and the presence of anarchy, that is the absence of an authority to enforce contractual obligations, are paramount (Bevir,

2007:802). Interest based theories of international cooperation focus on the ability of self-interested rational agents to overcome collective action dilemmas and focus is on the role of regimes/institutions in shaping preferences and facilitating cooperation (Bevir, 2007:802). Finally, Knowledge-based theories of Constructivism emphasizes the role of identity, which helps shape the rational choice that utility maximizing actors would make and influences the normative patterns of international politics (Tarzi, 2003:36). Constructivist theories of cooperation and integration identify “ideas, norms, identities and discourses as ideational drivers of regionalism” (Borzal, 2016:10). For them a security community is formed by a group of states who no longer consider force as a means to solve conflict and agree that collectively shared meaning structures, norms and values are important for a regional identity that facilitates mutual trust and renders armed conflict inconceivable (Acharya, 2001). For them, the international system is a set of ideas, a system of norms created by a given people for a particular purpose, which are not static but can undergo processes of changes (Thiam, 2008:15). Constructivism examines international relations from the perspective of individual values, thoughts and ideas in a broader context (Barnett, 2011:160) and argues that it does not exist outside the realm of human consciousness but must take into account the actors ideas and beliefs as well as the interactions (Barnett, 2011:160). It also allows for consideration of non-state actors as players rather than just state-to-state relations of traditional diplomacy (Barnett, 2011:160). Regionalism is seen as something constructed and constantly reconstructed by collective human action (Gavua, 2007:17). Actors beliefs about each others rationality is summed up as common knowledge and this knowledge constructs what they consider as truth and specific cultural forms like norms, rules, institutions, conventions and ideologies are all made up of common knowledge (Gabrielson, 2010:11). Constructivists, emphasize the importance of a shared identity for a successful regionalism meaning that where the shared identity is not sufficient, regionalism may not succeed (Ibrahim, 2016:17). This paper anchors its arguments on the constructivist theory, because it provides a framework for understanding the actual patterns and realities of the nature and state of cooperation among AU member states in order to show that it is not the absence of an effective framework for counterterrorism, nor a lack of interest to deal with the threat of terror, that is the problem, but the absence of genuine regional cooperation among AU member states that is making the AU framework for counterterrorism difficult to implement.

## **Methodology**

This paper examines the provisions of the AU framework for counterterrorism which is a combination of the 1999 OAU Convention on the Prevention and Combating of Terrorism, the 2002 African Union (AU) Plan of Action on the Prevention and Combating of Terrorism and the 2004 Additional Protocol to the Convention on the Prevention and Combating of Terrorism. It then examines the provisions against the four (4) pillars of the United Nations (UN) Global Counterterrorism Framework, to show that the AU has provisions within its framework that comply with international expectations for action against terrorism. It then turns to the thorny issue of regional cooperation and identifies the challenges of regional cooperation under three broad categories namely: economic, political and security dimensions, to show how the lack of political cohesion and unity among African States within these core dimensions of cooperation make the AU framework inoperable. It specifically shows how these challenges impact on issues regarding funding, norm compliance, border policing, intelligence sharing, tracking terrorist financing and coordination and engaging the continents Regional Economic Communities (REC's), all of which are identified as critical to the war on terrorism in the continent. This paper relies largely on existing official documents of the African Union (AU), the Organization of African Unity (OAU)

1999 Convention, the AU Plan of Action for Counterterrorism, the UN Global Counterterrorism framework, extant literature on the subject, journal articles and reports from credible institutions such as the Institute for Security Studies (ISS), United Nations (UN), the African Union (AU) and documents of other relevant sub-regional organizations in the continent.

### **Literature Review: Regional Cooperation in Africa**

Broadly speaking, mainstream theories recognize economic interdependence as a critical driving force for the occurrence of regional cooperation but they also add that increased economic interdependence does not automatically result in increased regional cooperation or integration (Borzel, 2016:16). While some debate about whether or not the drivers of regional cooperation and integration lie within or outside the region (Soderbaum and Sibragia, 2010), others argue that the main drivers for regional cooperation and integration have been material gains that states expect to get from trade with each other. These gains include “reduced transaction costs, policy externalities, economies of scale, technological innovation due to greater competition, more foreign investments, and direct economic and political weight in international markets and institution” (Borzel, 2016:2). Regional cooperation and integration has taken on new dimensions in international relations especially following the Cold War (Gavua, 2007). Regional integration leads to increased growth and development through trade and investment (Velde, 2011:19). However, the conditions under which regional integration will be successful include the following, significant economic gains from market exchange within the region, fulfillment of supply conditions that include situations under which political leaders are committed to accommodating demands from regional institutions at each step of the integration process and a benevolent leading country within the region seeking integration that can manage regional interaction and coordinate rules, regulations and policies (Gavua, 2007:9). States do not always have all the resources to cope with the increasing complex global environment and so need to come together in an economic alliance or network based on cooperation, flexibility and shared interests and objectives (Agbonkhese, 2014:373).

There is a widely accepted belief that regional integration has the potential to contribute to growth and development in Africa (Gumede, 2011:254). However, the high dependence on industrial states for development capital, raw materials and technology has served both to promote and hamper progress towards integration making the continent vulnerable to external economic influences thus impeding regional cooperation (Ravenhill, 1979:231). African integration has its ideological roots in Pan-Africanism, that is, a political and cultural phenomenon that regards Africa, Africans and African descendants all over the world as a unit (Esedebe, 2004:5). The idea of Pan-Africanism has been around for centuries and is the driving force behind the idea of African unity (Murithi, 2005). Pan Africanists believe that African regional integration promotes economic growth, alleviates poverty and maintains peace and security among African States (Tamura, 2008). However, despite past and current efforts targeted towards integration, sub-regional, regional and continental experiences show that the failure can be traced to the inability of the political elites to connect the agenda of integration to the general issue of ‘African Renaissance’ (Gumede and Oloruntoba, 2015:2). Regional cooperation among African States has been more on paper than experienced in reality, as there appears to be a gap between policy rhetoric and programme implementation, hence evidence does not reflect the policy rhetoric when it comes to AU’s counterterrorism framework (Taylor, 2015:332). Although all African States express interest in regional cooperation, they have not demonstrated enough commitment but have focused more on their narrow national preferences rather than the collective interest of the AU.

## **Evidence of an African Union (AU) Counterterrorism Framework**

The United Nations (UN) General Assembly in 2006 adopted a Global counterterrorism framework within which the UN Counterterrorism Implementation Taskforce (CTITF) operates. The UN framework is a unique global instrument created to enhance national, regional and international efforts in counterterrorism (UN CTITF, 2017). According to the UN, this framework is anchored on four (4) robust pillars namely: Addressing the conditions conducive to the spread of terrorism, Preventing and combating terrorism, Building states capacity for strengthening the role of the United Nations, and Ensuring human rights and the rule of law (UN, 2017). The AU was borne out of a continental desire to have a more robust framework, different from the OAU that existed at the time. Its framework for counterterrorism derives from the 1999 OAU Convention on the Prevention and Combating of Terrorism supplemented by an additional protocol, and the 2002 AU Action Plan for the Prevention and Combating of Terrorism. While this trio forms the bedrock of the framework, there are several other mandates that contribute to this framework such as the 2010 mandate of the AU Special Representative for Counterterrorism and Cooperation. The 1999 OAU Convention contains clear commitments of member states to criminalize terrorist acts under their national laws, condemn all terrorist acts, methods and practices, and reject, in very strict terms, all forms of extremism and terrorism in whatever guise (OAU Convention, 1999:206-207). In 2002, the AU Plan of Action specified practical counterterrorism measures that substantially addressed Africa's security challenges, including measures in areas of police and border control, legislative and judicial measures, financing of terrorism and exchange of information (AU Plan, 2002). In 2004, the AU adopted an additional Protocol to the 1999 Convention that recognized the growing threat of terrorism in the continent and its increasing nexus with drug trafficking, organized crimes, money laundering and illicit proliferation of small arms and light weapons. Furthermore, in 2010, the AU Special Representative for Counterterrorism Cooperation was appointed and in 2011, the African Model Law on Counterterrorism was developed to assist Member States in harmonizing domestic counterterrorism legislation and implementing the provisions contained in the various continental and international counterterrorism instruments, including the 1999 OAU Convention and its related Protocol. In 2004, the AU established the African Centre for the Study and Research on Terrorism (ACSRT) in Algiers to serve as the central point for information and research on terrorism in order to build capacity. The ACSRT is responsible for organizing and coordinating functions aimed at improving counterterrorism capacities and cooperation among AU member states. It seeks to create a highly integrated network of RECs and States that could create a platform for wider international cooperation (AU Report, 2004). The ACSRT also aims to educate AU members about the threat of terrorism in Africa, provide capacity building assistance to enhance national and regional capabilities, create a mechanism for all member states to access expert guidance, build a database to facilitate the sharing of intelligence and other terrorism related information, harmonize and standardize domestic legal frameworks with AU and international counterterrorism frameworks, disseminate counterterrorism research across the continent (AU Report, 2004).

In 2014, the AU convened a Heads of State-level Peace and Security Council (PSC) Meeting in Nairobi, Kenya and tasked the PSC with the responsibility to establish a Counterterrorism Fund and convene an annual AU Coordination Forum to coordinate efforts in counterterrorism (UNOAU, 2017). The PSC also called for the establishment of the specialized joint counterterrorism units at the sub-regional level within the framework of the African Standby Force

(ASF) and, the African Capacity for Immediate Response to Crises (ACIRC) pending the achievement of the ASF (PSC Report, 2014). The Sahel-Fusion Liaison Unit (UFL), the Nouakchott Process, the Committee of Intelligence and Security Services of Africa (CISSA) and the African Centre for the Study and Research on Terrorism (ACSRT) are all existing efforts to enhance legislation, intelligence sharing, operational capability and coordination in dealing with the threat of terrorism in the continent. The AU Assembly decision to establish the African Mechanism for Police Cooperation (AFRIPOL) to enhance interstate police cooperation in addressing transnational crime has also been endorsed by the PSC Council. Externally, the UNOAU assists the AU in operationalizing the decisions of the PSC and in ensuring coordination with the relevant UN agencies, and other sub-regional arrangements (UNOAC, 2017). In sum, the AU framework has specific provisions for police and border control, legislative and judicial measures, suppressing the financing of terrorism, exchange of information, coordination at the regional, continental and international levels, the role of the commission and the role of the ACSRT (AU Plan, 2002). These provisions create a robust framework that accommodates measures targeted at addressing the conditions conducive to the spread of terrorism, preventing and combating terrorism, building states capacity for strengthening the role of the UN, and ensuring human rights and the rule of law (UN, 2017), in line with the four (4) pillars of the UN Global counterterrorism strategy.

## **The African Union (AU) and the Rhetoric of Regional Cooperation**

### **a. Economic Cooperation among AU countries**

Regional economic cooperation aims to find possible areas of partnership in the search for sustainable economic development. African states have a long history of cooperation in the area of economic issues. Almost all Africa's sub-regional organizations grew out of economic partnerships as the origin of regional cooperation was purely economic. Some of these include the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the Intergovernmental Authority on Development (IGAD), the South African Development Community (SADC), the Arab Maghreb Union (UMA), the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA), and the Community of Sahel-Saharan States (CEN-SAD). Although there has been some success in regional economic cooperation, it has not been on the anticipated scale as these arrangements have failed to produce the desired level of continental economic performance. Africa is described as a region with the highest density of economic integration and cooperation arrangements but as Sako (2006:iv) rightly observes, the poor economic performance is due to inadequate political will and commitment to the process, high rate of conflicts and political instability, poor design and planning of regional integration arrangements, proliferation of schemes, inadequate funds and marginalization of key players from the entire process.

According to Gonzalez (2015), there are a lot unexploited prospects to be tapped through regional integration in Africa, to deliver poverty reduction and development benefits. Regional trade integration has long been a strategic objective for Africa, yet despite some gains in removing tariffs within regional communities, the market still remains extremely fragmented and a range of non-tariff and regulatory barriers still raise transaction costs limiting movement of goods, services, people and capital across borders thereby hindering economic integration (Gonzalez, 2015). Although some like Massoud and Magee (2009) find that trade has a statistically significant but very small positive effect on political and economic cooperation, economic cooperation in the

continent has been in the form of trade agreements and partnerships taking place within and between sub-regional groupings of the Regional Economic Communities (REC's) which are seen as the building blocks to achieve the goals of economic cooperation (Agbonkhese, 2014:360-361). However, as Geda and Kebret (2007) posit, proliferation of REC's breeds inefficiency, duplication of roles and confusion and the biggest challenge to cooperation in this issue area remains that of overlapping membership of the REC's. They observe that 51% out of the 53 member states belong to at least two (2) REC's, 34% belong to at least three (3) REC's, 13% belong to at least 4 REC's and only 7 are in one REC. Again, uncoordinated policies in one REC lead to spill over problems for the rest of the continent as evidenced by the ECOWAS Protocol on free movement of persons goods and services. While the ECOWAS protocol is a great policy for West Africa, it has created an avenue that criminals exploit to facilitate cross border trafficking (Onuoha, 2013:5).

Freezing of terrorist finance and confiscation of assets appears a more effective measure than trade, investment or transport sanctions (Bayne, 2001:1) but AU member states have been unable to intercept terrorist finances within and across their borders despite being committed, on paper, to measures of freezing terrorist assets. Reporting institutions, in member states, do not have the capacity to identify suspicious transactions related to terrorist financing, and so terrorists groups take advantage of large informal cash-based economies to fund their activities (Financial Action Task Force (FATF), 2013: 5). Also, security and surveillance at various national borders are weak, compounded by numerous unofficial border cross points resulting in the infiltration of terrorists and illicit Small Arms and Light Weapons (SALW) (FATF, 2013: 6). Again, domestic interagency cooperation and collaboration as well as information sharing among members states remains weak creating an enabling environment for the illicit flow of cash and illegal SALWs across state borders without being detected (FATF, 2013: 6).

#### **b. Political Cooperation among AU countries**

The challenges of economic cooperation in some ways spill over into political cooperation because economic relationship underpins and constrains political relationships (Armstrong, 2010). Political cooperation covers a spectrum of activities ranging from peace accords, ceasefires, economic linkages and verbal support (Reuveny, 2003). Networks of political cooperation exist to provide a considerable degree of coordination among governments (Hamilton, 2012:144). The major hindrances to regional political cooperation in Africa is political instability within AU member states occasioned by bad governance and corruption and a lack of respect for the constitution and the rule of law, all of which are symptoms of leadership and institutional failure (Owoye and Bissessar, 2015:1). Africa has been home to authoritarian regimes that profess democracy and yet continue to adopt unconstitutional changes of government, hold on to power unnecessarily and even kill their citizens to do so, thus creating protracted violent conflicts around the continent, exacerbating ethnic, political and religious tensions by exploiting them for political gains. The weak institutionalization of democracy constrains the capacity to structure electoral rules and ensure compliance by political players, and this imposes a heavy toll on efforts at democratization (Omotola, 2011:9) and contributes to protracted conflicts around the continent. The recent event in the Gambia, a small state in West Africa, regarding the refusal of the former President Yahya Jammeh to hand over power to the duly elected president – Adama Barrow is a case in point.

Conformity to the norms of the AU, particularly respect for the rule of law, and the general norms of counterterrorism are necessary for effectively dealing with terrorism. As Whitaker (2010:642) rightly posits, government policies at the national level are the foundation of global (and regional)

counterterrorism efforts. Although AU member states agree that “terrorism cannot be justified under any circumstances and consequently should be combated in all its forms and manifestations, including those in which the states are involved directly or indirectly, without regards to its origin, causes or objectives” (OAU Convention, 1999:206), they have often been found to run contrary to these stated commitments, and have themselves sponsored terrorist activities in the continent. Bad governance, abject poverty and official corruption, along with other factors, have created failed states dominated by ethnic and religious groups with uneven access to economic rewards from their economy; resulting in the abuse of human rights and sustaining the conditions enable and sustain terrorist activities (Young 2006, Dagne, 2004).

Political systems are the formal and informal political processes through which decisions concerning the use, production and distribution of resources in any given society are made (Scott and McLoughlin, 2014:1). Within African states, there is a high level of structural imbalance and as Raheem et al (2014:163) observes for Nigeria, uneven distribution of natural endowments, difference in climate and physical conditions and lopsided institutional policies translate into a non-uniformity of economic and political opportunities for the regions large populations. The result is varying political systems that make integration difficult. African states have different political systems some are democracies, others are constitutional monarchies, still others though democracies operate autocratic or authoritarian regimes. Consequently, the perception and definition of what constitutes an act of terrorism may differ from Sudan to Nigeria. Merging these different political systems poses a challenge for political integration with significant policy and counterterrorism implications for the AU.

The failure of AU member States to ratify some of the protocols aimed at combating terrorism is an indication of the paucity of political cooperation in the continent. Although the AU seeks to achieve its policy goals through the adoption of treaties, it does not have the power to force member states to ratify its treaties and comply with their provisions (Maluwa, 2012:1). The 1999 OAU Convention entered into force 6 December 2002 and by 2012, ten years later, only 40 ratifications or accessions against 49 signatures were recorded (Maluwa, 2012:26). While this figure represents a majority, the timeline of ratification suggests a rather slow pace of commitment. It has been suggested that the OAU/AU treaties most likely to be ratified and successfully implemented are those that are least disruptive of the domestic legal structure and preferences of member states (Maluwa, 2012:28). This has significant implication for counterterrorism efforts, because where many AU member states do not make enough domestic changes to help absorb the necessary legislation and institutions, dealing with terrorism on a regional level will continue to be difficult.

The allegiance of North African countries to the Arab League (LAS) creates institutional overlaps and some level of divided loyalty. Algeria, Egypt, Sudan, Libya, Mauritania, Morocco, Somalia, Sudan, and Tunisia are members of the Arab League. Egypt is supposed to be a sub-regional hegemon in North Africa with responsibility to coordinate and enhance cooperation, Algeria is host to the ACSRT, Somalia is home to one of the deadliest terrorist groups in Africa -Al-Shabbab, and Libya in recent years is experiencing a rise in Islamic terrorism with the presence of Al-Qaeda in the Islamic Maghreb (AQIM) in the region. Although the AU and the LAS have had consultations on political, peace and security issues in order to strengthen their political dialogue and institutionalize their cooperation (AU, 2015) to fight terrorism, this overlap, which ought to enhance counterterrorism efforts has some constraints as most of these North African countries



belong to the severe category of the index of the Political Violence and Terrorism Risk (Bordas, 2015:202). For instance, despite the collaboration of the United States with Africa, it has been observed that Libya, Morocco and Algeria contributed fighters to the Jihad against, what they referred to as, ‘infidel’ American forces in Iraq (OECD, 2012:21). Different norms and values govern both regional organizations and integration is impossible if member states are trying to belong to the two at the same time. Another case in point is in the approaches to sanctions in regards to interference and non-interference in domestic affairs of member states in counterterrorism efforts (see Hellquist, 2014).

**c. Security Cooperation among AU countries**

Security cooperation here refers to any state interaction that is intended to build defense relationships and promote African Security interests (Rickman, 2015:5). Although most regional and sub-regional organizations originally emerged with purely economic objectives, their scope and agenda have progressively expanded as many of these organizations have broadened their mandates to include the promotion of peace, security and stability in their sub-regions (Meyer, 2011:10-11). Consequently, these regional and sub-regional organizations are the primary units of security and conflict management for the African continent (Malan, 1999). One important issue area of the AU is the establishment of collective security system aimed at promoting peace and security as a necessary requirement for the continents development (AU Constitutive Act No. 17 Paragraph 8) and, in the words of Moller (2009:1), “the African security architecture developed by the AU envisages a considerable outsourcing of responsibilities to the various sub-regional organizations”, because it lacks the capacity to manage armed conflicts and other security challenges in the entire continent on its own.

Without sufficient power to control and coordinate their members, regional institutions will lack the ability to increase accountability, transparency and efficiency (Meyer, 2011:35). Jentsch (2014) observes that having access to necessary financial, material and logistical resources has been a major challenge for regional peace and security operations in Africa as these areas have often exposed the dependence of African states on the international community to act in their crises. About 70% of the AU Commission is funded by external donors (Allison, 2014), and ‘he who pays the piper dictates the tune’. The AU budget in 2014 for instance was just US\$308 million, a sum very inadequate, to tackle the various challenges and perform relevant duties in the continent (Allison, 2014). Member countries do not contribute enough, and South Africa and Nigeria contribute far more than is fair (Allison, 2014). As long as member states financial accountability remains limited, the AU will not be able to monitor and control effective implementation of regional policies nor will it be able to reduce the scope for political leaders to prioritize individual over collective interests (Meyer, 2011:35).

Furthermore, while the AU commits itself to the global war on terrorism, some of its member countries condones activities that run contrary to this commitment. Sudan has hosted a series of terror conferences where al-Qaeda and about 250 other leaders of terrorist organizations formally agreed to a Jihad against the United States (Davis, 2013:10). Many African countries including Sudan, Chad, Libya, Mali and Somalia are havens for terrorist groups, providing training and launching attacks in the region. External groups like the Muslim Brotherhood, Hezbollah and Hamas are alleged to have sought sanctuary in some of these countries (Davis, 2009:9) even though as stated in the OAU convention “State Parties undertake to refrain from any acts aimed at organizing, supporting, financing, committing or inciting to commit terrorist acts, or providing

havens for terrorists, directly or indirectly, including the provision of weapons and their stockpiling in their countries and the issuing of visas and travel documents” (OAU Convention, 1999:208, Article 4{1}).

Effective regional organization collective security requires an arrangement where all member states agree, as a collective, to reverse any threat posed by an insider or outsider state against any of its member states (Gebresilassie, 2012:3). Although the issues of security in Africa sometimes go beyond the issue of ‘African ownership’ and may require greater focus on the most appropriate coordination of means and relevant actors at different levels, national, sub-regional, continental and international levels (Luntumbue and Padonou, 2014:1), the AU still needs more security cooperation to harness global benefits. The challenges of collective security is the greatest hindrance to security cooperation in Africa and manifests also largely in sub-regional efforts. For instance, although ECOMOG has recorded huge success and represents the first credible attempt at a regional security initiative within Africa (Ibrahim, 2008:8), it, like many other efforts at peace operations, is plagued with several challenges ranging from language differences, lack of standardized equipment, arms and ammunition, lack of adequate logistic support, inadequate resources to deal with humanitarian challenges, poor coordination with relief agencies to absence of vital air-to-ground support assets and poor sea and airlift capabilities (Khobe, 2000). These challenges very easily characterize the AU’s security cooperation.

A lack of hegemonic leadership is another problem that affects security cooperation. Regional collective security will only succeed if the dominant powers are involved whether it is West, Southern, East or North Africa (Rugendo, 2013). Hegemons are necessary to shoulder the costs of rule-making and enforcement while they in return set the rules for others to adjust to. Different sub-regions have their own hegemons: Nigeria in West Africa, South Africa in Southern Africa, and Egypt in North Africa; East Africa is the only region without a clear hegemon (Meyer, 2011:29). Gabon, Cameroun, Chad and Equatorial Guinea make claims to regional leadership every now and then (Erikson and Hagstromer, 2005). Nigeria and South Africa are named as regional hegemons but they do not appear to have provided the necessary leadership that should foster deeper integration in the region particularly with respect to security issues. This has provoked some scholars to argue that the role of South Africa and Nigeria in promoting regionalism in sub-Saharan Africa was simply to form regional alliances to balance powerful states posing a threat in and outside the region (Francis, 2006). Given that the broader security framework for collective security in the AU depends on the sub-regional groups and efforts, any challenge they have is transferred on to the AU thereby making it difficult to function effectively. While Regional Organizations like the SADC, ECOWAS, ECCAS and IGAD have forged ahead with institutionalizing elaborate mechanisms for conflict prevention, management and resolution, in coordinating activities in this realm, the AU has slowly consolidated its strategic leadership role within an institutional set-up that includes an innovative continental early warning system (CEWS) and an African Standby Force (ASF) to tackle regional security concerns (Franke, 2010).

### **Challenges of Regional Cooperation and Implications for AU’s Counterterrorism Framework**

The challenges of regional cooperation highlighted in the previous section affect counterterrorism efforts on the continent in significant ways. These include, but are not limited to:

**a. Adequate Funding for Counterterrorism Efforts**

Funding plays a crucial role in counterterrorism at the national, regional or global level particularly in relation to police training, gathering intelligence, research, joint military operations, peacekeeping, peace-building, tracking terrorist finance or passing legislation on terrorism. Where cooperation does not manifest in financial commitments, the AU will lack the wherewithal to implement its counterterrorism framework. For Instance, the ACSRT, with its huge mandate for the, much needed, terrorism research in the continent needs to be funded from “the regular budget and extra budgetary funding sources mobilized by the commission” (ACSRT/CAERT Report, 2017). The ACSRT is a key component of the framework for dealing with the threat of terrorism in Africa. AU member states are expected to identify with this research institution, engage personnel for training, research and capacity building. This is to enhance uniformity of knowledge and expectations, and also help to harmonize the sub-regional practices that tend to put a strain on collaborative and collective security efforts at peace building and fighting terrorism. However, many AU member states argue that they lack sufficient financial capacity to fund their national demands, and the order of priority is usually, national before sub-regional, then regional. Financial contribution to the AU is not treated as an immediate priority and this leads, invariably, to the over-dependence on external sources of funding. This contributes to the challenge of prompt response and timely implementation of decisions and policies. Fighting terrorism requires huge financial resources, given the nature of the threat and if states are not financially committed to this course the AU will definitely struggle and no matter how fantastic the counterterrorism framework may be, effective and timely implementation will remain a mirage.

**b. Norm Compliance**

Scholars like Whitaker (2010:639) while examining the levels of compliance with the counterterrorism regime in Africa observes, rightly, that even under international pressure, some African governments have seized the anti-terrorism rhetoric while others have either been reluctant or resisted the imposition of the regime. The lack of political cooperation among AU member states tends to affect the level of norm compliance with terrorism legislation. Political cooperation is expected to enhance norm compliance by harmonising government perception of the terrorist threat, ensuring financial commitment of members to make funding available, strengthening domestic political institutions and reducing the influence of competing domestic constituencies (Whitaker, 2010:640). In situations where states fail to comply with expected behavior, the AU is weakened and cannot implement its counterterrorism policies. The international counter-terrorism regime expects and requires countries to make adjustments in their domestic and foreign policies (Sasikumar, 2010:615). Only when every state does this, will it become possible for the AU, in collaboration with the REC’s, to implement the counterterrorism framework effectively.

**c. Border Policing**

The border is the first line of defense against terrorism, and the last line of a states territorial integrity (Spencer, 2007:110). While some scholars have argued that colonialism has a lot to do with the challenges of the borders of African States (Onuoha, 2013), others insist that the high level of insecurity on African borders is a result of the way they are managed and less to do with colonial mapping (Okumu, 2010:22). AU member states recognize the importance of policing their borders in the fight against terrorism but many are not effectively policing their borders. This situation contributes to increased movement of small arms and light weapons across national boundaries (Onuoha, 2013) without being tracked. The weakness of government along with the problem of corruption among security agencies, saddled with this responsibility, makes it easy for terrorists to

cross borders and traffic sophisticated weapons and drugs; and proliferate extremist ideas. Member states inability to live up to their commitment to police their borders, makes it difficult for the AU counterterrorism framework to function effectively. In 2002 the United States initiated the Pan-Sahel Initiative (PSI) programme to assist countries like Mali, Mauritania, Niger and Chad on implementation to protect their borders, combat terrorism and enhance regional stability but there has been very slow cooperation and coordination. There is also the US-led Trans Saharan Counterterrorism Initiative (TSCI) or Partnership (TSCP) designed to strengthen regional counterterrorism capabilities, enhance information sharing and institutionalize cooperation among the regions actors, fight smuggling and trafficking, promote democratic governance and human rights (Pope, 2005). Despite all the domestic and external initiatives, where member states do not cooperate, the AU is made to look incompetent.

#### **d. Intelligence Sharing**

Generally, the creation of an effective counterterrorism network requires that institutional (or state) boundaries be broken down to enable free flow of information through the intelligence community (Field, 2009:997). Terrorist activities often involve more than one state (Fulgence, 2015) and so given this transnational nature of terrorism and the ability of groups to plan and carry out activities in another state while hiding in one, intelligence sharing among regional security agencies is key to fighting terrorism on the continent. As Cline (2016:447) acknowledges, the need for sharply improved intelligence cooperation both within Africa and by African countries, with larger intelligence sharing systems, cannot be over emphasized. However, lack of political cooperation hampers the effectiveness of intelligence sharing. The abduction and trafficking of human beings by terrorist groups and the ease with which arms are trafficked across state borders shows the weak level of intelligence sharing among security forces in Africa. This lack of cooperation compels the security forces to depend on external information rather than genuine intelligence. Where states focus on their narrow national priorities at the expense of the region, terrorism will continue to spread and deepen. However, where states work together and share information and intelligence, terrorists will not operate unrestrained within the continent.

#### **e. Tracking Terrorist Finance and Coordination**

Combating the financing of terrorism is a core pillar in counterterrorism, and rather than rhetorical collaboration, strategies need to include real international and bilateral cooperation in the field of intelligence sharing, police and judicial cooperation (Dalyan, 2008:137). Again, the transnational nature of terrorism in Africa means that funding comes from several sources including transnational finance. It will take a great degree economic and political cooperation to identify businesses that are fronts for terrorism financing. International Convention for the Suppression of Terrorist Financing, like other conventions and treaties, is expected to provide common norms of operation, but as the Council on Foreign Relations (2013:1) rightly concludes, although the international community has used the strategy of tracking and cutting off funding for terrorist groups, monitoring and enforcement of commitments remain scarce because some countries simply lack the political will or governance capacity to deal, especially, with non-state actors. The objective of the 1999 UN Convention for the Suppression of Financing of Terrorism, is to criminalize the provision or collection of funds for terrorists, prohibit the provision of funds, assets or financial services to terrorists, and establish adequate identification and reporting procedures for financial institutions (Phillips, 2004:84) and in line with this, the AU plan of action proscribes anonymous accounts, provides for the confiscation of movable and immovable assets intended to finance terrorism, establishes the need for financial intelligence and calls for training of personnel

in charge of preventing and combating money laundering (Le Sage, 2007:48). However, despite such elaborate provisions very few AU member states have adjusted domestic legislation to accommodate these counterterrorism provisions making it difficult for the AU framework to be efficient.

**f. Engaging the continents Regional Economic Communities (REC's):**

Africa's current integration landscape includes eight (8) REC's that are recognized as building blocks the AU depends on to achieve its objectives in the continent (UNECA, 2017). The greatest challenge to coordination and cooperation is overlapping memberships and functions. This is because, while political and strategic reasons may be given for the multiplicity of memberships in REC's, as the ECA (2004) observes, it tends to cloud the goals of integration and leads to counterproductive competition among member states and institutions. Alves et al (2007) describe it as a bowl of spaghetti that prevents integration and results in a complicated mix of political commitments and institutional requirements. Although the efforts of sub-regional organizations are key to regional cooperation and integration, the programmes, goals and objectives of REC's should be tailored towards the general good of the region for maximum efficiency and impact. It is only then that the AU can surmount the challenges of overlapping memberships to coordinate and coherently implement its counterterrorism framework. In addition, the differences in histories, cultures, languages and levels of development in Africa's sub-regions amplify and contribute to the challenges of regional cooperation and integration (Rukato, 2008), again making it difficult for the AU to meet its broad objectives.

**Conclusion**

Terrorism in Africa is a transnational threat and can be tackled only by cooperation among member states (Sasikumar, 2010). The AU has taken a broad approach anchored on a framework of treaties aimed at countering terrorism which is based on the 1999 OAU Convention, the 2002 AU Plan of Action and the 2004 additional Protocol to the Convention. Together, these contain provisions aimed at strengthening cooperation for counterterrorism in Africa. The absence of strong enforcement mechanisms within regional agreements, conventions or protocols (Whitaker, 2010:642), means that regional bodies, such as the AU, depend on the political will of member states to fulfill its objectives and mandates. Consequently, without regional cooperation, implementation of the AU counterterrorism framework cannot be achieved. Regional cooperation and integration has significant potential for promoting security and stability within states (Meyer, 2011:35) and member states must be committed to go beyond rhetoric to actual cooperation given that regional cooperation is very developmental (Bruszt and Palestini, 2013) and should be supported by member states; particularly with regards to controlling, managing and preventing regional conflicts and dealing with other non-traditional security threats like terrorism (Acharya, 2011). The challenges of regional economic, political and security cooperation account for the apparent weakness of the AU to deal effectively with terrorism on the continent. Many critics choose to dwell permanently on the weaknesses of the AU and ignore the huge role of individual member states in the proper functioning of the continental body. Where states refuse to comply with AU norms of good governance, implementation of the policy framework for terrorism is significantly hampered. Lack of regional cooperation affects funding, border policing, tracking terrorist finance and coordination, intelligence sharing, norm compliance and coordination of RECs all of which have implications for counterterrorism. As Davis (2013) rightly observes, while terrorism may be a major obstacle to peace and regional integration, the war on terror offers Africa

an opportunity to develop into and retain a unique global posture of strategic relevance. However, in the long run, fighting terrorism requires a coordinated effort at both regional and national levels (Mbaku, 2016). In line with global frameworks, the AU has crafted its plan of action to deal with terrorism. It is therefore a narrow argument to question the existence of a comprehensive framework. The AU, with the commitment of all member states, only needs to move from rhetoric of regional cooperation to more concrete and substantive action.

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