UNDERSTANDING TERRORISM IN AFRICA:
BUILDING BRIDGES AND OVERCOMING THE GAPS

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Contents

About the authors .................................................. iii
Introduction ......................................................... vi

Panel 1: Bridging Gaps in Definitions and Understanding of Terrorism

Terrorism: An Etymo-Epistemological Analysis ................................................................. Mhand Berkouk
Challenges in understanding terrorism in Africa ......................................................... Anneli Botha

Panel 2: Bridging Gaps in Understanding the Impact of the War on Terrorism

The Impact of the War on Terrorism in Western Democracies ................................................ Clinton W Watts
The Impact of Terrorism on the Middle East and North Africa ........................................ Mohamed Kamal
The Impact of the War on Terror on Governance and Human Rights in Sub-Saharan Africa ............................................................... Samuel M Makinda
Economic Consequences of Terrorism in North Africa: Insights from Economic Theory ......................................................... Abdallah Shehata Khattab
Terrorist Attacks and the Kenyan Economy ........................................................................ Martin Kimani Mbugua
The Impact of War on Terrorism on the Media and Civil Society in North Africa ......................................................... Al-Shikaki Ahmed

Panel 3: Building Bridges in Preventing and Combating Terrorism in Africa

Egyptian Legislative Strategy in Addressing Terrorism ......................................................... Ismael Abd El Rahman
Gaps and Challenges in Preventing and Combating Terrorism in East Africa ......................................................... Waifula Okumu
Initiatives to Prevent and Combat Terrorism in Southern Africa ......................................... Anneli Botha
Counter-Terrorism Measures in West Africa ........................................................................ Gani Yoroms
Panel 4: International Experiences in Preventing and Combating Terrorism

Terrorism in Southeast Asia: Threats and Responses ................................................................. Mohamed Bin Ali

Terrorism: The European Experience ..................................................................................... Karin Kneissl

The United States of America’s Experience in Preventing and Combating Terrorism .......... Donovan C Chau

Canadian Experiences in Preventing and Combating Terrorism ........................................ Kent Roach

List of Participants .................................................................................................................. 135
Clear connections exist between the war on terror, governance and human rights in sub-Saharan Africa, as elsewhere. The war on terror is a governance issue at two levels. At one level, bad governance, or the lack of effective governance, often gives rise to terrorism. Even where terrorism is not home-grown, bad governance, such as corruption or the lack of professionalism in the security forces, might make it easier for foreign-trained terrorists to carry out their activities.

At another level, an effective counter-terrorism strategy would be expected to address the issue of governance. It is through governance that African states, like their counterparts elsewhere, can find solutions to terrorism. Counter-terrorism initially emerged as an episodic reaction to terrorism, but over the years it has become a continuing practice that may anticipate, prevent or pre-empt terrorist activities. Such a practice cannot take place outside governance. Counter-terrorism measures may be undertaken at a unilateral (national), bilateral, regional or global level, depending on the nature of the problem and the means and interests of the parties involved.

In implementing their counter-terrorism measures, states and their agencies may trample on human rights or inconvenience their citizens in various ways. There have been claims that national counter-terrorism activities have curtailed civil and political liberties in sub-Saharan Africa. Therefore, any counter-terrorism strategy has to be understood against a backdrop of its possible effects on human rights.

This essay makes four key claims. First, terrorism generally emerges from conditions in which democracy, human rights, and social justice are perceived to be absent. Thus bad governance, social injustice, the denial of self-determination and the abuse of human rights are factors that underpin terrorism.

Second, and this statement appears to contradict the first claim, terrorists need the free media, which is an essential element of democracy and good governance, to succeed. Without the media in sub-Saharan Africa and other parts of the world giving publicity to terrorist acts, terrorism cannot generate the fear and uncertainty that make it an effective tool. In this sense, terrorism exploits elements of a democratic system to succeed.

Third, recent counter-terrorism measures, and especially the new or emerging legislative actions that constrain political and civil liberties, serve as an aid to the goals of the terrorists. Thus, unless sub-Saharan African governments tread carefully, they might put in place counter-terrorism strategies that serve the interests of the terrorists rather than those of their own people.

Fourth, if African governments were to pursue long-term solutions to solve problems posed by terrorism, they would need to devise counter-terrorism measures that are primarily aimed at enhancing good governance, human rights and social justice. Indeed, the war on terror can have a positive or a negative impact on governance and human rights, depending on what measures governments decide to take.

In the light of the aforementioned claims, the rest of this essay is divided into three sections. The first discusses the relationship between terrorism, on the one side, and democracy, human rights and social justice, on the other. The second explains the possible effects of counter-terrorism actions, including legislative measures, on political and civil rights. The third discusses governance and how it relates to counter-terrorism measures.

TERRORISM, DEMOCRACY AND SOCIAL JUSTICE

Any analysis of the impact of the war on terror on governance and human rights inevitably has to explore the relationship between terrorism, democracy and social justice. I use the term ‘democracy’ loosely to refer to a political system whose main features are periodic elections; free competition among political parties; and respect for the fundamental freedoms of thought, expression, and assembly. In a democracy, the rulers are theoretically accountable to those they rule, and the ruled have opportunities to participate in the governance of their community. While these features are the visible signs of democratic practices, democracy is an idea. If democracy is not internalised by the populace, the features, to which I have referred, will have limited purchase.

I use the term ‘social justice’ in this essay to refer to a fair and equitable distribution of social or material resources, such as income, jobs and social honours or status. In a society that promotes social justice, it is expected that no ethnic, social, political or other group should be marginalised on the basis of its identity.

In a number of sub-Saharan African countries and elsewhere on the continent, incidences of terrorism have frequently been explained in terms of political, economic or social marginalisation. Those who resort to violence have often complained of the lack of democracy and social justice. The rise of terrorism and extremism in Algeria in the early 1990s was due partly to the nullification of the general elections, which the Islamist party, Front...
Union’s security agenda may possibly have been influenced by Resolution 1373 of 2001. The idea of establishing the AU, which were authorised by the United Nations Security Council between the establishment of the African Union in July 2002 and the war on terror following the terrorist attacks of 11 September 2001, compelled African governments to pay more attention to the security and maintenance of liberal democracy and the rule of law. The Algerian example is a clear case of terrorism emerging from government-led attempts to deny groups a chance to exercise their democratic rights. However, it has been claimed that had the FIS won the election, it would eventually have abolished the democratic system. There has been no case in sub-Saharan Africa that can be compared with that of Algeria.

However, some of the terrorist attacks in sub-Saharan Africa cannot be traced to the lack of democratic processes or the existence of unbearable social injustices in these countries. For example, the al-Qa’eda terrorists who simultaneously bombed United States diplomatic missions in Nairobi, Kenya, and Dar es Salaam, Tanzania, in August 1998 did not do so because of the lack of democracy in these countries. The Nairobi terrorist bombing resulted in 291 deaths and 5,000 injuries while that in Dar es Salaam resulted in 11 deaths and 77 injuries. These attacks appear to have resulted from grievances about the lack of social justice in the Palestinian territories, which have partly been blamed on the US support of Israel.

While the Nairobi and Dar es Salaam terrorist bombings could not be blamed on the lack of democracy in Kenya and Tanzania respectively, the lack of effective governance in these countries, and especially corruption in high places, may have played a role in creating an atmosphere that made the terrorist actions possible. The existence of porous borders, the long coastline that could not be patrolled, and the low level of professionalism in the security forces were factors that made these countries vulnerable to infiltration by al-Qa’eda agents.

The question may be asked whether the war on terror has compelled African governments to pay more attention to the need for effective governance. There has been a coincidence between the establishment of the African Union in July 2002 and efforts to implement counter-terrorism measures, some of which were authorised by the United Nations Security Council Resolution 1373 of 2001. The idea of establishing the AU preceded the launch of the war on terror, but the implementation of the Union’s security agenda may possibly have been influenced by the global security climate, which was underpinned by the war on terror following the terrorist attacks of 11 September 2001.

The AU has paid more attention to governance than did its predecessor, the Organisation of African Unity. For example, the AU’s Charter on Democracy, Elections and Governance, which was adopted by the Heads of State and Government summit in Addis Ababa in January 2007, identifies the following among its principles: regular, transparent, free, and fair elections; representative government; respect for human rights; separation of powers; popular participation; and constitutional transfers of political power. The Charter on Democracy, Elections and Governance goes further and links democracy to human security, sustainable development, and peace (Chapter 5). Furthermore, it associates democracy with human rights by seeking the commitment of African states to promote democracy alongside the rule of law and human rights (Article 4(1)). In Article 27, it recognises ‘freedom of expression, in particular freedom of the press,’ as an essential ingredient of good governance.

Moreover, the AU’s Charter on Democracy, Elections and Governance recognises popular participation, particularly through ‘universal suffrage’ (Article 4(2)), as ‘the inalienable right of the people’. Chapter 7 of the Charter on Democracy defines the conditions under which democratic elections should be conducted, with particular reference to the AU’s Declaration on the Principles Governing Democratic Elections in Africa. The Charter on Democracy, Elections and Governance calls on African states to ‘commit themselves to democracy, the principle of the rule of law and human rights’. Furthermore, it calls on African states to ‘ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality, interdependence and indivisibility’.

While it has been recognised that a lack of democracy and social justice are factors that ignite terrorism, their existence in a country does not insulate it from terror. For example, the United Kingdom is a democracy that promotes social justice at home, but this did not protect it from the terrorists who targeted the London Underground system in July 2005. To understand the situation, one needs to pay attention to the politics of identity. People who enjoy democracy and social justice in one country may resort to violence because they identify with those who lack them elsewhere.

COUNTER-TERRORISM AND HUMAN RIGHTS

The popular perception is that counter-terrorism measures stem from a genuine desire to protect people and their values, including human rights. Terrorist attacks, on the other hand, do not take into account people’s right to life. They undermine values that make it possible for people to enjoy their rights. However, the reality is different. As was revealed by the Abu Ghraib prison abuses in Iraq in 2004, those who are entrusted with the protection of human rights sometimes abuse them. At Abu Ghraib, American troops tortured Iraqi suspects as any dictator would do. Even in African states, the torture of terrorist suspects has been common. Moreover, some counter-terrorism measures give law enforcement agents enormous powers that, when implemented, result in the erosion of human rights. When counter-terrorism measures undermine civil and political liberties, they threaten the security of the people, partly because security, broadly defined, is embedded in human rights.

Human rights need to be defined, but this is not an easy task. Some analysts regard human rights as entitlements of humans by virtue of their humanity. They are claims that individuals make against states, societies or fellow humans, and this means that they cannot be taken away by the state. During the 1970s, for example, Wilkinson (1977:121) postulated that the ‘primary objective of counter-terrorist strategy must be the protection and maintenance of liberal democracy and the rule of law’. He posited that ‘this aim over-rides in importance even the objec-
tive of eliminating terrorism and political violence’. Wilkinson’s argument was that undermining human rights and democratic processes would defeat the purpose of counter-terrorism.

Human rights are presumed to be based on the moral imperative that all people are equal, irrespective of gender, race, nationality, colour, religion, political conviction or ethnic origin. Natural rights theorists believe that people have the same rights, which are inalienable and inherent. In addition, human rights imply obligations. For example, the African Charter of Human and People’s Rights, which came into force in 1986, refers to obligations in Article 27(2) when it states that ‘the rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest’. Unfortunately, terrorists feel no obligation towards those whose lives they take away.

The means and significance that policy makers in sub-Saharan Africa and elsewhere attached to human rights during the Cold War were different from those in the immediate post-Cold War era. In the Cold War, few African and Western governments paid attention to human rights in Africa. The situation changed following the end of the Cold War, when the West sought to distance itself from African dictators and insisted on respect for human rights whenever they offered assistance to African states. However, in the aftermath of the 9/11 terrorist attacks, the US and some of its friends in Africa increasingly paid less attention to human rights. In this context, one may possibly argue that the war on terror has had a deleterious effect on human rights in sub-Saharan Africa.

The US government is reported to have rendered terrorist suspects to be tortured in African states. For example, an Egyptian-born Australian citizen, Mamdouh Habib, was arrested in Pakistan in late 2001 because of suspected links with al-Qa’eda. He was subsequently sent to Egypt by his US captors, where he was tortured for five months before being sent to Guantánamo Bay. Habib, who was released from Guantánamo in 2005 without charge, has made a documentary explaining how he was tortured after being rendered to Egypt. No sub-Saharan African state has been mentioned in relation to American rendition activities. The torturing of terrorist suspects by states and the suspension of the presumption of innocence until proved guilty indicate that the war on terror undermines human rights.

Yet it was as a result of war that international society came to pay special attention to the significance of human rights in the 1940s. The 1948 Universal Declaration of Human Rights was the most significant step in efforts to universalise rights. In its preamble, the Universal Declaration drew a link between human rights, security and governance when it stated that ‘recognition of the inherent dignity and of the equal and inalienable rights’ of all peoples was ‘the foundation of freedom, justice and peace in the world’. The impetus for the Universal Declaration was the brutality of World War II, and especially the extermination of Jews. International society’s response to the Jewish holocaust was to establish the Nuremberg tribunal. This was a normative development that touched on governance in at least three respects. First, Nuremberg placed human rights in the domain of global governance. Second, it helped redefine aspects of morality at the global level. Third, for the first time in history it gave coherence to the idea of crimes against humanity, in which individuals, as well as governments, were held responsible for war atrocities. The idea of crimes against humanity stems from the assumption that each human has a duty toward others.

The imperative to eliminate anti-Semitism eventually developed into a global struggle against racism and for racial equality. The struggle for racial equality was most vividly demonstrated in global efforts to end the system of apartheid in South Africa, which succeeded in the early 1990s. A commitment to end racial discrimination is essentially a proclamation that all humans are equal. Therefore, it was not surprising that the fight for racial equality was followed by efforts to achieve the rights of women, minorities and children. The war on terror appears to be undermining these achievements.

For liberals, the post-World War II period was the beginning of a new global moral order based on the equality of all peoples. Nuremberg and the Universal Declaration of Human Rights were important initial steps in the construction of a base for global governance. In addition, they were the beginning of systematic efforts to establish a basis for addressing the welfare, security and basic needs of humans outside national boundaries. These efforts were consolidated through the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which were adopted by the UN General Assembly in 1966. These two instruments and the Universal Declaration constitute what is called the International Bill of Rights. The International Bill of Rights, in turn, arguably laid the moral foundation for global governance. However, under the present conditions, human rights in sub-Saharan Africa and elsewhere have to be understood against the backdrop of the war on terror.

ENHANCING GOVERNANCE

Governance provides the context within which the war on terror is pursued. Without governance and the rules, norms and institutions that underpin it, the war on terror would be unintelligible. However, some tactics through which the war on terror is pursued have the potential to undermine certain forms of governance. At the same time, the best way to undermine terrorism is to enhance governance and the values, norms, rules and institutions on which it is based.

One may ask what governance is. It occurs at various levels of social activity, from the village to the state and the global system. The Commission on Global Governance has claimed that governance is ‘a continuing process through which conflicting and diverse interests may be accommodated and co-operative action may be taken’ (Commission on Global Governance 1995:2). From this perspective, governance would describe the structures, rules and institutions that African people have established to manage their political, cultural, economic and social affairs. Governance has also been used to refer to formal and informal sets of arrangements.
As governance is based on values, norms, rules and institutions, which are dynamic, it can be assumed that governance is dynamic. For this reason Rosenau (1998:34) has observed that governance ‘is in a continuous process of evolution, a becoming that fluctuates between order and disorder as conditions change and emergent properties consolidate and solidify’. In this sense, governance is historically contingent. In practice, governance reflects the preferences of hegemonic actors. To the extent that the interests of hegemonic forces shape governance, the latter does not accurately reflect the diversity of interests in a particular situation.

Various types of governance exist, among others bad governance, cooperative governance, corporate governance, global governance, good governance and regional governance.

In much of sub-Saharan Africa, counter-terrorism measures have been taken in response to global, continental, sub-continental and national governance factors. Some of the global governance forces include the UN Security Council Resolution 1373 of 2001, which requires all countries around the world to implement particular counter-terrorism measures. Countries that do not have the capacity to put in place counter-terrorism measures can ask for assistance. Several sub-Saharan African states have passed counter-terrorism legislations and established national counter-terrorism centres for the purpose of meeting UN Security Council requirements.

At the continental level, African states have partly responded to the 1999 OAU Convention on the Prevention and Combating of Terrorism (also called the Algiers Convention). The Algiers Convention, which was adopted before the global war on terror was launched, does not require African states to undertake any onerous security activities.

Within sub-regions, African states have participated in sub-regional counter-terrorism measures. An example of regional governance is the Inter-Governmental Authority on Development (IGAD’s) Capacity Building Programme Against Terrorism (ICPAT), which is a product of the global war on terror. The origin of ICPAT was an IGAD Heads of State resolution in 2002, the Khartoum Declaration on Terrorism and Transnational Organised Crime, whose aim was to launch a regional programme to counter terrorism. An implementation plan was subsequently prepared and approved by the IGAD summit in Kampala, Uganda, in October 2003. Subsequently, a more concrete proposal was prepared and finalised by experts and officials meeting in Mombasa, Kenya, in October 2004. ICPAT has been implemented from Addis Ababa since 2006. This is evidence of how the war on terror has fostered regional governance in sub-Saharan Africa. ICPAT’s broad aims are to counter terrorism, freeze the finances of terrorists, prevent illegal cross-border movements, enhance judicial measures and promote strategic cooperation among IGAD member states and their supporters.

ICPAT is guided by a steering committee made up of focal or relevant ministry representatives from IGAD member states. The six donor countries, Canada, Denmark, Italy, Netherlands, Spain and Sweden, are also members of the steering committee, but they do not have voting rights. The first meeting of the steering committee was convened in Addis Ababa on 14 June 2006. While ICPAT is regarded as a regional effort, it would not have come off the ground without funding from the six donor countries.

The main problem with a collective approach like ICPAT is that it brings together countries that come with baggage in terms of their regional differences, thereby requiring constant high-level diplomatic leveraging by external forces to make the programmes work. Because security is a sensitive issue and the relations between the member states of IGAD are fraught with problems, ICPAT works mainly at building national capacity while seeking to gradually promote a regional security agenda to the extent that is possible. According to observers, ICPAT’s value stems from the fact that it is a programme that is indigenous to the region, but which has international links that can help regional countries identify their shortcomings and establish a viable system to combat terrorism nationally, while building regional cooperation. It is a sub-regional governance structure that might be emulated by other sub-regions.

CONCLUSIONS

In sub-Saharan Africa, a coincidence has existed between the global war on terror and efforts to re-examine afresh security and governance strategies on the continent. At the national level, several countries have passed counter-terrorism legislations and established national counter-terrorism centres in response to the UN Security Council Resolution 1373. However, several countries have yet to establish counter-terrorism acts. At the sub-regional level, efforts have been made to pool resources with a view to enhancing counter-terrorism efforts. IGAD’s ICPAT is an example of such efforts. At the continental level, the Algiers Convention has assumed extra significance because of the global war on terror. While the AU’s plans to focus attention on new security and governance approaches were in place before the 9/11 terrorist attacks, it is possible that the global war on terror provided more impetus to this effort. Unfortunately, some sub-Saharan African states have used the global war on terror to undo some of the gains made in the promotion of democracy and human rights.

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