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Terrorism and Africa: A Study of Africa's Response to the Global War on Terror

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A minor dissertation submitted in full fulfillment of the requirements for the award of the degree of Master of Social Science in International Relations

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COMPULSORY DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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Abstract

The dissertation has firstly attempted to identify counter-terror commitments in Kenya, Ghana, Senegal and Uganda. Secondly, it focused on the political processes or dynamics in place when countries pass anti-terror legislations. Kenya and Uganda were chosen in the study as they had experienced the direct threat of terrorism and inversely Ghana and Senegal were chosen as they had no direct experience with terrorism in their countries. These two distinctions between countries-when discussing terrorism-are important as they identify different political dynamics within countries that had and that had not experienced terrorism.

Each of the four countries under review had displayed their political will and commitment to prevent and combat terrorism by becoming parties to international and regional counter-terrorism measures. It seems evident that in most of the countries under review the institution of anti-terrorism legislation was as a result of international pressure after the attacks of September 11, 2001. The countries chosen have instituted the international measures to combat terrorism, however when enacting national legislation it has been a more lengthy, difficult and controversial process. The reasons for this are as a result of the struggle to define terrorism as well as the prevention of human rights' abuses.

The four countries under review that had experienced terror were better equipped to deal with incidents related to terrorism. This was the case, firstly because they had existing structures in place to deal with terror-related incidents and secondly because they were better able to coordinate counter-terrorism efforts through specialized units. The legislative measures which have been presented by these four countries and other African countries are just the beginning in creating a sustainable contribution to counter terrorism both on a national and transnational level. African countries need to work together by sharing intelligence, and work through their sub-regional and regional counterparts in order for a uniform and coherent structure to be in place when countering terror.

The African Union has been a major role-player when countering terrorism on the African continent. It has provided the legislative assistance to states as well as training initiatives to member states. Each country under review have their own internal problems occurring at this moment, like any African country and that does influence anti-terror legislations to the effect that some countries such as Uganda have used anti-terror legislation to promote their own ends. However, there have been success stories within Africa and the political forces driving the passing of anti-terror legislations here should be emulated by other African countries. The goal here is to create a coordinated African network not only with regard to anti-terror legislation but also with any political issue including the promotion of democracy on the continent.

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Acronyms and Abbreviations

ACSRT	African Centre for Studies and Research on Terrorism
ADF	Allied Democratic Forces
ASF	African Standby Force
AU	Africa Union
BCN	National Central Bureau (Senegal)
BIP	General Intervention Brigade (Senegal)
BNI	Bureau of National Investigation (Ghana)
CIA	Central Intelligence Agency
CID	Central Investigations Department (Ghana)
CID	Central Investigations Department (Uganda)
CISSA	Committee on Intelligence and Security Services in Africa
CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
CTC	Counter-terrorism Committee
CTJF-HOA	Joint Task Force-Horn of Africa
DPJ	Criminal Investigation Police Department (Senegal)
DRC	Democratic Republic of Congo
DGSN	General Directorate of National Security (Senegal)
DPJ	Criminal Investigation Police Department (Senegal)
DSE	Department of State Security (Senegal)
EAC	
EASBRIG	Eastern African Standby Brigade
ECASS	
ECOWAS	Economic community of West African States
EU	European Union
EUCOM	U.S European Command
IGAD	Inter-Governmental Authority on Development
Interpol	International Criminal Police Organisation

ISO	External Security Organisation
JAT	Joint Anti-terrorism Task Force (Uganda)
LRA	Lord's Resistance Army
MFDC	Movement of Democratic Forces of Casamance
NSIS	National Security Intelligence Service (Kenya)
OAU	Organisation of African Unity
PSC	Peace and Security Council
SADC	Southern Africa Development Community
SARPCCO	Southern African Regional Police Chiefs Cooperation
TSCTI	Trans-Sahara Counter-terrorism Initiative
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
U.S.	United States
USAID	United States Agency for International Development
ZANU-PF	

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Chapter One

Introduction

Since the attacks on the United States of America (US) on September 11, 2001, Africa has taken center-stage in the emerging anti-terrorism debate. The focus of the dissertation will therefore be on anti-terrorist legislation in four African countries and how effective these countries have been in implementing these legislations. Thus, the thesis fits into the broad contours of terrorism studies, specifically focusing on anti-terror commitments by African countries. The US has had a strong presence on the continent since the attacks of 9/11 and has pumped funds into the continent in the terror-ridden areas in order to achieve its goal of a terror free global society; whether the US will achieve this goal remains to be seen.

1.1) Background Statement

Certain African countries have been eager to become involved in the war on terror, not only on a regional level but also on a domestic level. Africa has had 6177 casualties from 296 acts of terrorism from 1990-2002, making it the continent with the second-largest number of terror-related casualties after Asia.¹ This number may even be greater, as it only indicates the number of international terrorist attacks and does not include those of a domestic nature. African countries have pledged their support to combat terror in their respective countries, although some have been more enthusiastic than others have. The reasons for this may be because of problems with institutional capacity or simply underdevelopment. There can be no doubt that there has been a vast amount of pressure on African states to take heed of the US anti-terrorist sentiments, given the US's strong focus on Africa and its 'problem' areas.

The pressure on African states to institute anti-terror legislations comes not only from the US but also from the United Nations (UN). The UN proposed to assist countries

¹ Goredema C & Botha A 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries" *African Human Security Initiative* pp. 51

where terrorists are based in order to develop “a global strategy of fighting terrorism that addresses root causes and strengthens responsible states and the rule of law and fundamental human rights.”² In retrospect, the terror threats in the Middle East and the bombings in Kenya and Tanzania were merely a preview of 9/11. The security debate has intensified over the last two decades, and now, as the threat of terrorism is growing this problem will most certainly demand a global response; including one from Africa.³ Awareness about terror, specifically in Africa, has existed for a long time, but it has greatly intensified since the events of 9/11.

1.2) Aims and Significance

The purpose of this mini-dissertation, however, is not to examine the US foreign policy around terrorism in Africa but rather the extent to which African countries have instituted anti-terror legislations and, more importantly, what the driving forces are in passing these legislations. The focus is thus on whether those forces are domestic, regional or international; and in identifying the political processes and dynamics at play, it will also lead to an understanding of what anti-terror legislations mean for African countries and their regional counterparts. Most importantly though, the dissertation looks at the political processes in two countries that have been affected by terror, namely Kenya and Uganda, and at two countries that have not been affected by terror, namely Ghana and Senegal, examining why these countries have passed anti-terror legislations. The objective of the study is to assess the commitments made by certain African countries in instituting anti-terror legislation, and to establish whether this was done because of international, regional or domestic political dynamics.

1.3) Methodology and Research Design

The study is based on secondary research, using primarily books, journals, electronic databases, pieces of legislation, seminar papers etc. This will include web-based research as well. Thus the dissertation will be a literature study. No interviews were conducted.

² United Nations General Assembly, fifty-ninth session, Agenda item 55, 2 December 2004. A/59/565

³ Cilliers J & Sturman K “Africa and Terrorism: Joining the Global Campaign” in ISS Monograph Series No. 74, July 2004

1.4) Literature Survey

In 1992, the heads of state and governments of the Organization of African Unity (OAU), adopted a resolution [AHG/Res. 213 (XXVIII)]; aimed at putting in place mechanisms to combat radicalism.⁴ Another initiative took place in 1994 in Tunis, when the OAU adopted a Declaration on the Code of Conduct for Inter African Relations [AHG/Decl 2 (XXX)]. This dealt with extremism and terrorist acts, particularly those of a religious nature. In 1999, at the Algiers Convention, the OAU adopted the Convention on the Prevention and Combating of Terrorism just two years before the fateful attack. Furthermore, even though the steps toward combating terrorism had been taken, ratification remained slow and sometimes even came to a halt. The African Union (AU) has now incorporated in the principles of the Constitutive Act, “respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities.”⁵

Africa has certainly responded to the call by the US since the attacks of 9/11 to join the ‘war against terrorism’. The OAU as well as the AU have recently put the legal frameworks in place. The question is, however, whether these frameworks and policies have been instituted by African governments because of domestic or international forces. Certain countries have, for example, instituted anti-terror legislations even though they may not be directly affected by terrorism. In Uganda, opponents of the government have criticized the anti-terror bill by saying that it “seeks to lower the standard of proof on which one can be held and convicted on a terrorism charge.”⁶ This would make it easier for the government to manipulate the rule of law to crush opponents of the regime. In Uganda, domestic institutions have played a critical role in instituting anti-terror legislation. The importance of involving regional bodies in this was realized when the international community realized that contemporary terrorism could not be combated by traditional methods.

The international community has reiterated the importance of “strengthening cooperation among states and functioning of international instruments. The fight

⁴ *ibid*

⁵ African Union, 2000 “Constitutive Act” Article 4 (0)

⁶ *Ibid* pp. 2

against terrorism therefore requires resolute cooperation among regional and sub-regional organizations as well as among the UN and other international bodies.”⁷ However, terror is not only transnational but also domestic. For instance, Africa has experienced domestic terror long before the attacks of 9/11, and this fact cannot be ignored. Terrorism has been adopted by insurgents and guerillas, as well as by organisations and states for years. Africa has been a breeding ground for terrorists because of its weak states, mineral wealth and its 250 million Muslims.⁸

Resolution 1373 of 28 September 2001, which the UN’s Security Council adopted to criminalize acts of terrorism, saw states reporting to the counter-terrorism committee to advise what steps had been taken by them to implement the resolution. These included African states’ reports on the anti-terrorism measures that have been put in place in countries such as Botswana, the DRC, Malawi and South Africa, all of whom started to put such legislation in place after 9/11. These four countries have established executive bodies to deal with their obligations in terms of Resolution 1373. This may seem to be an indication of a noble and concerted effort to combat terror, but one has to look deeper at the reasons for Africa’s enthusiasm in this regard.

Disturbingly, certain African countries have merely signed up in order to ensure that they are supported by the West. It seems as if any African government, no matter how undemocratic, can join the war and reap the rewards. Certain countries are thus able to introduce anti-terrorist legislation to further their own corrupt aims and in the process give the governments the tools to build a state, which not only insists on ‘anti-terrorist’ legislation but also uses it to “suppress or undermine democratic opposition and human rights.”⁹ These new anti-terror legislations may thus in fact undermine democracy on an already volatile African continent. In Nigeria, for example, representatives of the Nigerian police advised that they wanted to see a revival of the Anti-Terrorist Squad, which had been set up by the late dictator General Sanni

⁷ Botha 2005, “An Assessment of Terrorism Countermeasures Adopted by the African Union” Africa Centre for Strategic Studies.

⁸ Botha A. “Terrorism in Africa” *South African Yearbook of International Affairs* South African Institute of International Affairs, Johannesburg 2003-04 pp 333

⁹ Sankore R “Anti-terror legislation and Democracy in Africa” <http://www.peace.ca/antiterrorlegislationafrica.htm> (accessed 17/05/06).

Abacha. It is interesting to note that not one single terrorist had been arrested by the new squad. Ironically, this new unit had been used to terrorize the media, the pro-democracy movement and other threats to the existing government of that time.¹⁰

These are only a few examples of anti-terrorism legislations being used to the advantage of African leaders and this may be why the war on terror has become a very attractive cause for them – at a price. In view of the above, this study identifies the initiatives and legislations put in place to combat terror in four African countries, and assesses what the motivations for these may have been, e.g. whether it was in response to domestic or international pressure, regional pressures and obligations, or for personal gain. In the UN High level panel report of December 2004 and the UN Secretary-General's report of March 2005, three security threats were identified, one of them was terrorism. It was also reported that terrorism, rather than the communist threat of the Cold War, was affecting the distribution of development funding.¹¹ There is no doubt that the anti-terror campaign could change US-African as well as inter-African relations significantly.

1.5) Limitations

In terms of terrorism, the study will not be examining the extent of terrorist activity in Africa in great depth. It will be touching on this issue to give the reader a broader understanding of terrorism in Africa and thus not to dwell on the specifics thereof. The paper will not be examining the issue of aid in great depth and its impact on the passing on anti-terror legislation.

1.6) Chapter Outline

This mini-dissertation is divided into six chapters: Chapter One is an introduction to the dissertation. Chapter Two focuses on the conceptual issues surrounding terrorism. It discusses the definitions of terrorism on a global, regional and domestic level, as

¹⁰ Ibid pp. 2

¹¹ Centre for Conflict Resolution 2005 "A More Secure Continent" Seminar report 23-24 April, Cape Town.

these interpretations of terrorism are quite varied. Chapter Three focuses on anti-terror legislations in Africa and identifies the main initiatives undertaken by African governments; it also investigates the reasons for African governments' involvement in the war on terror. This chapter examines whether the institution of these anti-terror legislations in African countries may have been motivated by domestic, regional or international politics.

Chapter Four looks at regional responses to terror in Africa, as the international community has regarded Africa's decision to combat terrorism regionally, as a major turning point for combating terrorism on the continent. The aim of this chapter is to look at regional and sub-regional organizations in Africa and their contributions to the anti-terror war. Chapter Five assesses national counter-terrorism units in the four countries under review in order to establish what national counter-terrorism initiatives have been implemented in Kenya, Ghana, Uganda and Senegal. Chapter Six is the conclusion and provides an analysis of the issues raised in the previous chapters.

As indicated above, definitions of terror will be dealt with in Chapter Two. Defining terror is problematic, because it is also a way of restructuring the conventional understanding of terror to suit African conditions. This is illustrated in Article 3 of the 1999 OAU Convention on the Prevention and Combating of Terrorism, which alludes to that fact that "the struggle waged by people in accordance with the principles of international law for their liberation or self-determination [which is a very real African phenomenon], including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts...."¹². This is particularly useful to African interpretations of terror. Thus, it is very important to formulate an African definition of terror when assessing anti-terror legislations in Africa. The international conceptualization of terror differs greatly from an African one.

Although anti-terror initiatives have pro-actively been introduced in many countries across Africa, according to the reports of the counter-terrorism committee of the UN,

¹² Maloka E 2005 "Africa and the War on Terror" in New England Journal of Public Policy. Winter Vol. 19 Issue 2 Pp 36

there have also been objections by various groups, such as pro-democracy and human rights activists, as they view the passing of these laws as an infringement of basic human rights or freedoms. In Zimbabwe, for instance Robert Mugabe has said that accusations of terror are not to be treated lightly and will be accompanied by severe punishments. This greatly benefits the ruling party; as any opposition can be deemed “agents of terror” and thus left to suffer the consequences.¹³ Anti-terror legislations could be used as a weapon against oppositions, particularly within the African political climate, which is often unstable. Effectively, then, the quest to instill “civilized values”¹⁴ could compromise African democracy.

Despite the above difficulties, though, it is imperative to define terrorism when doing a study that involves an assessment of anti-terror legislations. Terrorism has to be viewed from an international, regional and domestic perspective in order to understand fully the implications of anti-terror legislations in Africa. The following chapter looks specifically at this issue and aims to provide a definition of terror on all three levels, relating these specifically to this study.

¹³ Sankore R “Anti-terror legislation and Democracy in Africa”

<http://www.peace.ca/antiterrorlegislationafrica.htm> (accessed 17/05/06).

¹⁴ This refers to a speech made by Condoleeza Rice in T. Dagne’s (2002) report for Congress where she says that African nations with large Muslim populations should speak out at every opportunity to make clear that this is not a war of civilizations, but it is a war of civilization against those who would not be civilized in their approach to us (i.e. the US).

Chapter Two

Conceptual Analysis: Definitions of Terrorism

For the purposes of this study, definitions of terrorism will be divided into two categories, namely international terror and domestic terror. Distinguishing between different kinds of terror is important when doing a study relating to Africa as well as other places around the world, as terrorism is viewed differently all around the world. It is often forgotten that Africa should not only be assessed in terms of international conceptions of terror but also in terms of domestic ones. Terror is often conceptualized as “the unlawful or threatened use of violence against individuals or property to coerce and intimidate governments or societies for political, religious or ideological objectives.”¹⁵ However, finding a legal and internationally accepted definition is problematic, as different parties view terrorism differently, according to their beliefs and their political and historical backgrounds. Thus, one man’s terrorist may be another man’s freedom fighter.

2.1) International Definitions

The UN has aimed to provide a definition that encapsulates the different views in order to decrease the controversy, which accompanies attempts to define terrorism on an international level. This uncertainty has been the result of member states’ inability to agree on a unified definition of terrorism. The Security Council passed Resolution 1566 (2004) which aimed to create uniformity when defining and combating terror.¹⁶ Thus, according to Resolution 1566 (2004), definitions of terrorism should include the following elements:

a) Recognition, in the preamble, that State use of force against civilians is regulated by the Geneva Conventions and other instruments, and, if of sufficient scale, constitutes a war crime by the persons concerned or a crime against humanity;

b) Restatement that acts under the 12 preceding anti-terrorism conventions are terrorism, and a declaration that they are a crime under international law; and restatement that terrorism in time of armed conflict is prohibited by the Geneva Convention and Protocols;

¹⁵ Cilliers J & Sturman K “Africa and Terrorism: Joining the Global Campaign” in ISS Monograph Series No. 74, July 2004 pp.4

¹⁶ United Nations General Assembly, fifty-ninth session, Agenda item 55, 2 December 2004. A/59/565

c) Reference to the definitions contained in the 1999 International Convention for the Suppression of the Financing of Terrorism and Security Council Resolution 1566 (2004);

d) Description of terrorism as “any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.”

Not only the UN, but also the European Union (EU), contributed to providing a comprehensive definition of terrorism. The EU’s description of terrorism is contained in its Common Position, which was adopted on the 27 December 2001 [2001/931/CSFP].¹⁷ The Common Position’s definition of terrorism clearly distinguishes between a terrorist act and terrorist persons.¹⁸ To avoid the complications of accommodating the different legal traditions and national interpretations of terrorism in its various member states, the EU’s focus is on international terrorism.

The United States’ (US) definitions of terrorism are synonymous with the African phenomenon of terror, in the sense that the US’ war on terror is being waged in most parts of Africa today. Definitions of transnational terrorism include, “incidents originating in one country and terminating in another, as well as incidents involving demands made of a nation other than the one where the incident occurs”.¹⁹ Distinctions between international and transnational terrorism have been made by organizations such as the Central Intelligence Agency (CIA), but for the purposes of this paper, these two terms will be used interchangeably. The CIA’s distinction between international and transnational terrorism is summarized as follows: “International terrorism should be applied to groups or individuals controlled by a sovereign state while transnational terrorism is carried out by ... autonomous non-state actors”.²⁰ Most certainly, the spate of terrorist attacks in Kenya and Tanzania as well as New York and Washington have been initiated and carried out by autonomous non-state actors, such as Al-Qaeda cells worldwide; however, it would not be accurate

¹⁷ Cilliers J & Sturman K “Africa and Terrorism: Joining the Global Campaign” in ISS Monograph Series No. 74, July 2004 pp. 5

¹⁸ Ibid pp. 5

¹⁹ L.J. Martin, “The Media’s Role in International Terrorism”

<http://www.pegasus.cc.ucf.edu/~surette/mediasrole.htm> (accessed 01/08/2006)

²⁰ ibid

to say that all transnational terrorism is carried out by non-state actors. Africa, as I will show in this dissertation, definitely does not conform to this neat definition of terrorism as proposed by the CIA.

In some ways, defining terrorism becomes an elusive task, as terrorism can no longer be distinctively categorized as either international or domestic terrorism. The reason for this is that terrorism has become globalised and that domestic terrorism in some instances has international linkages, thus blurring the lines between the two types. Definitions of terrorism also prove problematic in the end, as countries do not have a standard mechanism of combating terror within their respective countries and end up conceptualizing terror in order to suit their own needs. This has led to certain African countries being accused of human rights violations and essentially bad governance. Certain African leaders have thus been using the concept of terror to further their own interpretations of anti-terror legislation and to take advantage of anti-terror legislation to prosecute their opposition.

2.2 Definitions of Domestic Terror

It is often more difficult to define domestic terrorism than international conceptions of terrorism, as there are different and unique factors that one needs to consider in each country. This is not only true in Africa, but also all over the world, as different countries have different legal systems, owing to their colonial heritage.²¹ Certain African countries, such as Senegal, in fact do not have any legislation in place in order to deal with the issue of terrorism and thus lump it together with other crimes. Anti-terror legislation also cannot be the same in each country, as each African country has its own political and social history. Domestic definitions of terror are often ambiguous and only seen from one perspective – i.e. the perspective of those with the most to gain.

Not all African countries are the same and most prefer to restrict the definition of terrorism as much as possible to avoid any issues of misperception and personal gain. Countries that have experienced transnational terrorism, such as Kenya, are quite clear

²¹ Goredema, C 2003. "Initiatives Against Terrorism in Southern Africa: Implication for Human Rights" in African Security Review Vol. 12 No.1

in their definition of terror, as they have experienced it first hand. The elements of a terrorist act and the legalities of any transgressor are thus clearly stated. It is often more difficult for a country that has not experienced the direct threat of terror to formulate a succinct definition that easily.

Although the definition of terrorism may have become more specific and narrow since the attacks of 9/11, terrorism in Africa has been a constant reality for African people long before this date. Guerillas and insurgents have used terrorism for many years throughout Africa.²² In fact, Africans are terrorized on a daily basis in countries such as Congo, Uganda and Sierra Leone. If African terror was defined principally on the basis of terror committed against citizens by non-state actors, it would include various organizations across Africa, such as the warlords in Somalia, the Lord's Resistance Army (LRA) in Uganda and militias in Congo, to name a few. However, it is unwise to define African terror as terror committed by non-state actors, as terror in Africa today is committed both by states and by non-state actors. Given Africa's volatile economic and political situation, exploitation of power has become commonplace in some African countries; in such a situation, terrorism becomes not only a state issue but also a domestic one, which involves innocent civilians.

When comparing fatalities post-9/11, as horrific as those were, the fatalities on that day were considerably less brutal and fatal than the numerous terrorist attacks in Africa. One important fact to take into consideration is that there is a distinct difference between western conceptions of terrorism and African ones. African leaders see terrorism as a threat domestically, whereas western definitions of terror solely define a terrorist act against a western target. Local African definitions of a terrorist act include acts of a regional nature. This is evident from the OAU's Algiers Convention, which defined terror as "any act of violence toward a person or property that is calculated or intended to intimidate, put in fear, force or induce any government or the general public to do or abstain from doing any act or to adopt or abandon a particular standpoint".²³ This definition seems very similar to that of conventional ones used by international bodies and rightly needs to be included in any

²² Mills. G 2004. "Africa's New Strategic Significance" in *The Washington Quarterly* 27:4 pp.157-169.

²³ Botha 2005, "An Assessment of Terrorism Countermeasures Adopted by the African Union" Africa Centre for Strategic Studies.

definition of African terror. In addition, the OAU at the time realized that such a definition, especially for the African continent, was far too general and thus incorporated other issues into the African definition as well, such as armed struggle against colonialism and aggression by foreign forces. Neither of these might have been regarded as terrorism in terms of the West, but they are entrenched in African history.

Many countries in Africa have not implemented a comprehensive definition of terrorism that would allow them to combat it effectively. Clearly, problems of definition are not only evident in the UN but also in the African context and in its regional organizations and countries. In responding to the UN's Security Council Resolution 1373 of 21 September 2001, African countries were feverishly trying to implement anti-terror legislation albeit without an accurate and comprehensive definition of terror. Africa not only needs to develop a definition of terror that is reflective of and applicable to the continent and its history, but it also has to accommodate the specific issues that arise in its various countries. Furthermore, such broad African definitions of terrorism would need to be adapted and modified to suit individual countries.

African states must be included in the formulation of such definitions of terror, as countries who are not involved in the drafting process may subsequently use these definitions to promote their own agendas whilst instituting anti-terror legislation. States who are not involved in the decision-making process may have or be inadvertently given the tools to commit serious offences, such as ethnic cleansing, and ultimately may have been unwittingly granted the right and power to abuse basic human rights in order to 'combat terror'.²⁴ Certain anti-terror legislations, for instance, include detention without trial, the establishment of military courts and even the institution of the death penalty.²⁵ Definitions of terrorism and of a terrorist act are thus problematic and need to be defined in such a way that they will serve the purpose of prosecuting those who transgress by way of terrorist acts.

²⁴ Maloka E 2005 "Africa and the War on Terror" in New England Journal of Public Policy. Winter Vol. 19

Issue 2 Pp 366

²⁵ Ibid

Africa is still a long way away from getting this right; nonetheless, country specific definitions of terror are needed in order to obtain the best results from the implementation of anti-terror legislations in African countries. Definitions of terrorism that are too broad are a means to an end for some corrupt governments, and cannot be justified. Counter-terrorism initiatives can only succeed if the proper legal definitions of terrorism are put into practice. Only then can the successful prosecution of terrorists occur. As Cilliers and Sturman²⁶ put it, “since counter-terrorism is designed to address specific conduct, the necessary definitions ought to be delineated with precision.”

Although this study will not be focusing on Arab countries, in order to illustrate the importance of definition, the Arab Convention needs to be taken into consideration. In order to combat terror, certain Arab countries have instituted within their legal systems the use of detention without trial for those who have been convicted of a terrorist charge, as well as for those who have not been convicted.²⁷ This is clearly an abuse of civil liberties and a good example of the power of governments and regional bodies to enforce certain rulings. As noted already, in Uganda the Anti-terror Bill, now an Act, is being used by the government to manipulate definitions of terrorism to suit their own aims and to oust those who are against them. When bills such as these are passed, as they have been in Uganda, the government will have the power to decide who is a terrorist by their standards. This would eventually lead to the end of democracy and the renewal of autocracy in many African countries. Thus, it all comes down to finding a definition that not only serves the government but also the citizens of a country.

There may continue to be a debate about definitions of terrorism especially within Africa, given its long history of colonialism and communism. However, finding uniformity in these definitions will be the starting point for eradicating not only terrorism but also issues of bad governance and ultimately the abuse of power.

²⁶ Cilliers J & Sturman K “Africa and Terrorism: Joining the Global Campaign” in ISS Monograph Series No. 74, July 2004 pp. 28

²⁷ *ibid*

For the purposes of this study, the definitions will draw on the following distinctions when defining terrorism, namely: international terrorism, transnational terrorism and domestic terrorism. The term 'international terrorism' is used to refer to acts of terror that have international consequences, for example, where certain individuals are attacked because of their connection with a foreign country. This includes attacking passengers on flights etc. International terrorists cross national borders in order to attack a foreign target.²⁸ Transnational terrorism occurs when terrorist acts go beyond the borders of one country, whether in terms of victims and/or suspects.²⁹ The term 'domestic terrorism' is used when acts of terrorism are confined to the borders of a specific country, and it does not include any foreign actor. It may also include terrorism by the state, the military, or the police etc., in which case it is known as state terrorism. Such state actors commit acts of terror against their own citizens.³⁰

Domestic terrorism is a crucial consideration when assessing African commitments to anti-terror legislation and its implementation. In certain cases, as has been discussed above, African countries use the institution of anti-terror legislations to their advantage and manipulate the law to suit them.

Transnational terrorism affects many African countries in the wake of the attacks of 9/11, as the US government believes that many Al-Qaeda operatives are based throughout Africa, which causes renewed interest in the African continent. The situation is complicated, though: African countries are not only perceived by the US government to be harbouring terrorists, but are also victims of transnational terror, as experienced in the Tanzania and Kenya bombings in 1998. Terrorists are in fact using African countries as US targets, which further supports this notion of transnational terror.

Transnational terror is not a new phenomenon: it has existed in Africa since long before the attacks of 1998 in Nairobi and Dar-Es-Salaam. "Between 1990 and 2003, six per cent of international acts of terrorism were committed on African soil."³¹ It is

²⁸ Goredema C & Botha A 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries" African Human Security Initiative pp. 56

²⁹ Ibid

³⁰ Ibid

³¹ Ibid

not surprising that the US only began to view terrorism as an issue affecting Africa after the attacks in New York and Washington. However, domestic terrorism has been rife in African countries for centuries, and attacks on foreigners are sometimes caused by the spillover effects of domestic terror.³²

The definition of the term 'terrorist' is similarly contentious. It is possible that the lawmakers in Africa will perceive terrorists as those that do not support their regime, however undemocratic or corrupt their governments may be. Definitions are critical in policy making and law enforcement, particularly when it comes to terrorist acts in Africa. Africa does not have a good record when it comes to democracy and civil liberties, and the war on terror may just be more ammunition to fuel this heritage. In volatile Zimbabwe, anti-terror legislation has become a tool to persecute and eliminate the opposition, and any acts of terrorism – or so-called terrorism – could face very severe repercussions. Here the definition of terrorism has been adapted to suit the Zimbabwe African National Union Patriotic Front (ZANU-PF) in an already unstable political environment,³³ raising fears that anti-terror legislation may be abused.

The US will no doubt be pushing African countries to eradicate terrorism even though these countries may not always provide the best governance. The question is whether they will be eager to enforce these laws to suit the Americans, even if their own citizens are prejudiced. Is the enforcement of anti-terror legislation just another avenue for bad governance? These are very real issues, which need to be dealt with. Many different factors need to be taken into consideration in this regard. However, the scope of this paper will be limited to anti-terror legislations in the context of the relevant political dynamics in four African countries. In order to provide insight into an analysis of what political processes are in play when passing anti-terror legislations, the definition of terrorism in its various forms is essential. The next chapter examines the level of terrorist activity in each country and how that affects the passing of anti-terror legislation.

³² *ibid*

³³ Sankore R "Anti-terror legislation and Democracy in Africa"
<http://www.peace.ca/antiterrorlegislationafrica.htm> (accessed 17/05/06)

Chapter Three

Anti-terror Legislation in Africa

The four countries that will be examined in this study are Kenya, Uganda, Ghana and Senegal. The discussion of anti-terror legislation will focus specifically on these four countries and we will survey them in terms of their contact with terrorist activity. This chapter will also assess their commitment to combating terrorism and explain the forces behind the setting up and enforcement of anti-terror legislation. It will thus look at how these African countries have enforced international agreements.

3.1 An Overview of Terrorism in four African Countries

This section will summarize the threat of terror in the four countries that are under review, namely, Kenya, Ghana, Uganda and Senegal. The main purpose of distinguishing between the varying threats of terror is to provide an indication of the different levels of terror in each country and to ascertain what drives their decision to pass anti-terror legislation. The degrees to which terror affects these countries vary considerably.³⁴ Domestic circumstances and direct experience with terror play an important role in the passing of anti-terror legislation.

Africa has been racked by internal conflicts, bad governance and weak institutions, making it the perfect breeding ground for terrorists. Africa is seen as a soft target, as it has seen the rise of many weak states that lack the institutional capacity to prevent well-coordinated terror attacks.³⁵ The four countries under review can be divided into two categories of terror: high threat of terror and low threat of terror. Those countries that are considered to have a high threat, have had direct experience or are suffering from ongoing threats of terror.³⁶ Countries that are considered as a low threat have had no direct experience of terror.³⁷

³⁴ Goredema C & Botha A 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries" African Human Security Initiative pp. 46

³⁵ Carson J. "Shaping U.S Policy on Africa: Pillars of a New Strategy" in *Strategic Forum*, Institute for National Strategic Studies, National Defense University, Sep. 2004 No. 210 pp. 4.

³⁶ Goredema C & Botha A 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries" African Human Security Initiative pp. 65

³⁷ *ibid*

3.2 High Threat Assessment

Kenya

Of these four countries, Kenya has been the only country that has experienced first hand the direct threat of terror.³⁸ It has been reputed to host a number of Al-Qaeda supporters and has experienced various terrorist incidents, which have caused outrage in the US political community.³⁹ In 1998, for example, terrorists attacked the US embassy in Nairobi, killing 224 people and injuring hundreds more. In 2002, terrorists drove a car loaded with explosives into the Paradise Hotel in Kikambala, near the coastal city of Mombassa, killing 15 people.⁴⁰ “Kenya is seen as a high priority for the United States in terms of regional priority in the fight against terrorism.”⁴¹ The Kenyan government charged four Kenyan nationals for the attacks in Mombassa, and Kenyan officials have been quite keen to catch those responsible for the attacks in Nairobi. These attacks were categorized as examples of transnational terrorism, which has raised concern among security officials and others as to the reasons why African nationals would have committed these crimes.

Uganda

Unlike Kenya, Uganda has experienced mainly domestic terrorism. The Allied Democratic Forces (ADF) were held responsible for acts of terror from 1997 to 2001 against local citizens. The ADF maintained that they wanted to undermine confidence in the government.⁴² For example, 48 explosives were used in Kampala killing about 50 people and injuring approximately 200.⁴³

In addition, terror groups from the Middle East have reportedly established a presence in Uganda over the years.⁴⁴ Uganda was one of the countries that clearly made their

³⁸ Ibid pp. 66

³⁹ Hills A. “Trojan Horses? USAID, counter-terrorism and Africa’s police” in Third World Quarterly, Vol. 27, No. 4, pp 637

⁴⁰ ibid

⁴¹ ibid

⁴² ibid

⁴³ Goredema C & Botha A 2004, “African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries” African Human Security Initiative pp. 66

⁴⁴ Dagne T. 2002 “Africa and the War on Terrorism”, CRS Report for Congress. Congressional research Service, The Library of Congress, pp. 2

feelings known with regard to the US invasion of Iraq when they declared that they were coalition partners in Operation Iraqi Freedom. The US thus included Uganda in its trip to Africa in 2003.

Terror incidents in Uganda have been mainly of an internal nature. Armed groups used “terrorist tactics, including abduction of children, amputation, rape and indiscriminate killing, to coerce local populations into supporting their causes or to garner resources to continue fighting.”⁴⁵ One such group is the Lord’s Resistance Army (LRA) under the leadership of Joseph Kony who said that he had committed these acts of terror as he believed that they were God’s will. The LRA does not have a specific target, but randomly selects its targets, preferring nocturnal raids on rural villages. Their war in northern Uganda has displaced 1.2 million people and has left thousands dead throughout the country.⁴⁶

The high concentration of Muslim populations in Africa has raised concern, particularly in the US, about the threat of terror. However, traditional African religions are historically the ones more closely linked to insurgent warfare on the continent than Islam. An example of this is the LRA in Uganda, where religion plays a major role in the acts committed by the group. Although Kony is currently in exile and although Uganda has elected a new democratic government under Museveni in February 2006⁴⁷, the damage caused by the LRA and others will cast a shadow over Uganda for a long time.

Although Uganda has been a victim of domestic terror like many other African countries, this did not catch the attention of the US before the attacks of September 11, 2001. In response to these terror attacks, coupled with pressure from the US campaign against terror, Uganda has prioritized the passing of anti-terror legislation.

⁴⁵ Mills G. 2004. “Africa’s New Strategic Significance” in *The Washington Quarterly* 27:4 pp. 158

⁴⁶ Goredema C & Botha A 2004, “African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries” African Human Security Initiative pp. 66

⁴⁷ Africa Research Bulletin: Political, Social and Cultural Series, Volume 43 Number 2, Feb. 1st -28th 2006. <http://www.africa-research-bulletin.com> (accessed 15/06/2006).

3.3 Low threat assessment

Senegal

Senegal has not had any direct threat of terror within its borders so far. In the West African region there have been no car bombings, suicide attacks or attacks on foreign targets that could be linked to terrorist cells. Nonetheless it should not be assumed that Washington has not been keeping a watchful eye on West Africa in general and Senegal in particular, given its large Muslim population. For the US this is a critical factor influencing the levels of terrorist activity in that area. There are many religious groups within Senegal, and Muslim brotherhoods are a big feature of Senegalese culture. Although a few organizations, such as the Mourides in Senegal, identify with political Islam, the national parties do not really promote religious doctrines.⁴⁸

The lack of terrorist activity in this area might be because it is geographically distant from North Africa and the Middle East.⁴⁹ Furthermore, Senegal has diplomatic relations with Israel, and Washington has engaged four West African countries, which include Senegal, in a \$5 million pilot project known as the Pan-Sahel initiative. The main aim of this initiative is to increase intelligence and security within the region.⁵⁰ One month after the attacks on September 11, an African anti-terrorism summit was held in Dakar, Senegal, showing the country's commitment to combating terror. Although Senegal has not been the victim of direct terror, the country's commitment to fighting terror has been noted by the US. The main proponents of the passing of anti-terror legislation in this country will be discussed later, as will the political forces at play.

Ghana

Like Senegal, Ghana has not experienced a direct threat of terror. The US Navy has concluded access agreements to harbours and airports for the US military with Ghana as well as with other West African states.⁵¹ Ghana is viewed as one of the most

⁴⁸ Lewis P. 2005, "Terrorist Challenges in West Africa: Myth and Reality", Africa Centre for Strategic Studies, Senior Leader Seminar, Commissioned Paper Series, Gaborone, Botswana 19 June to 1 July.

Pp.5-6

⁴⁹ *ibid*

⁵⁰ Kansteiner W. & Morrison J. 2004. "Rising U.S. Stakes in Africa: Seven Proposals to Strengthen U.S.-Africa Policy", A Report of the Africa Policy Advisory Panel pp.111.

⁵¹ *Ibid* pp.110

politically stable countries in the region, and has shown great commitment to the war on terror. Ghana had furthermore signed all 12 international conventions relating to terrorism by the end of 2004, which most other African countries did not do by that time. However, despite this stable political environment, there have been many chieftaincy and ethnic conflicts in the northern part of Ghana, in the town of Bimbilla.

A dusk to dawn curfew was imposed on this town following a long chieftaincy dispute in February 2006. Years earlier, in 2002, the king of the Dagomba clan was beheaded, which caused major unrest in the area. In 1994 and 1995, Bimbilla was once again the target of bloody ethnic wars, and fighters in those wars used AK-47's which killed 2000 people, internally displaced 200,000 thousand more and saw 400 villages destroyed. Peace was restored only after the government sent soldiers to enforce a state of emergency."⁵² Such conflicts have destabilized the area and should be addressed to prevent the possible degeneration of society. Conflicts of this nature have been proven to increase the possibility of terror groups finding a home in such strife-torn areas.

Ghana has been one of the few African countries to show a serious commitment to ending terrorism by actively enforcing anti-terror legislation. The political dynamics responsible for this pro-active behaviour will be discussed elsewhere.

3.4 Summary

All four countries have different political and social conditions as well as many domestic issues that are unique to them. In the two countries that have experienced terror (albeit different types), such as Kenya and Uganda, the political processes involved in instituting anti-terror legislation will be quite different to the processes in the two countries that have not experienced terror first hand, viz. Senegal and Ghana. These differences will be manifested in different outcomes. For example in countries that have experienced terror it may be more difficult to implement anti-terror legislation as there are many parties to consider such as the human rights groups in Kenya. Countries that have not experienced terror will not have the knowledge thereof

⁵² Africa Research Bulletin: Political, Social and Cultural Series, Volume 43 Number 2, Feb. 1st -28th 2006. <http://www.africa-research-bulletin.com> (accessed 15/06/2006).

and will likely have less opposition. The following section deals, firstly, with anti-terror legislation in African countries, and specifically with regard to the implementation of international agreements. Secondly, it focuses on domestic legislation in each of the four countries under review by (1) looking at countries that have instituted specific legislation to address terror in their specific country (viz. Uganda), (2) focusing on the countries that are still busy drafting legislation (viz. Kenya and Ghana), and (3) studying the countries that are making use of the penal code in terrorism cases (viz. Senegal).

3.5 African Countries' Commitments to the Prevention and Combating of Terror

② Since the attacks of 9/11, Africa has taken centre-stage in American foreign policy. Prior to that, Africa did not feature that prominently in US diplomatic circles. Since 9/11, the US has taken a keen interest in Africa, both because its potential terror threat and because of its oil reserves.⁵³ One out of six barrels of imported US oil comes from West Africa, specifically from Nigeria and Angola, and it is estimated that this amount will increase over the next few years.⁵⁴ Since 9/11, global security has been increasingly defined in response to anticipated acts of terror.⁵⁵ Previously, US foreign policy was engaged in anti-communism – now it is anti-terrorism. Consequently, Africa is now being pressured to participate in the US's war on terror. Resolution 1373 of September 2001, which the Security Council adopted to criminalize acts of terror, saw UN member states reporting to the Counter-terrorism Committee (CTC) to advise what steps they had taken to implement the Resolution. All of the countries have pledged their commitment to counter-terrorism initiatives, even though this may be because of pressure by the US and because of Resolution 1373. However, countries that had previously experienced terror have already had some sort of legislation in place to deal with terrorism.

This section examines two commitments that have been undertaken by these four countries, namely: (1) to sign and ratify international conventions relating to

⁵³ Carmody P. 2004, "Transforming Globalisation and Security: Africa and America Post-9/11" in Africa Today. Pp. 98.

⁵⁴ De Figueiredo A. "West Africa: Don't Let History Repeat Itself" in New African, June 2004 pp. 16.

⁵⁵ Joseph R. "Facing Africa's Predicament: Academe needs to play Stronger Role" in Chronicle of Higher Education, 3/7/2003, Vol. 49 Issue 26, p7.

terrorism, and (2) to implement international and regional instruments through national legislation. Article 2(b) of the Algiers Convention called upon states to “sign and ratify the international instruments listed in the annexure.”⁵⁶ Certain conventions will be looked at specifically those from 1999 onwards. These include: (1) the OAU Convention on the Prevention and Combating of Terrorism, 1999; (2) the International Convention for the Suppression of the Financing of Terrorism, September 1999; and (3) the UN Convention against Transnational Organised Crime (Palermo Convention), November 2000.⁵⁷

The UN has adopted certain conventions and made them relevant to mainly African countries. The Convention for the Suppression of Financing of Terrorism was one of the first conventions laid down by the UN with specific reference to terrorism. Resolution 1373 of 28 September 2001 took some of its elements from this Convention, and made it binding on all member states.

Table 1 below outlines the member states’ commitment to enforcing these conventions.⁵⁸

Table 1: Status of international conventions post-1999

	OAU Convention on the Prevention and Combating of Terrorism, 1999	International Convention for the Suppression of the Financing of Terrorism, 9 September 1999	UN Convention against Transnational Crime, 15 November 2000
GHANA	30 August 2002 {S}	06 Sep. 2002 {S}	
KENYA	28 Nov. 2001 {S}	27 June 2003 {S}	
UGANDA	02 Sep. 1999 {R}	05 Nov. 2003 {S}	12 Dec. 2000 {R}
SENEGAL	21 Jan. 2002 {S}		27 Oct. 2003 {S}

Key:

- Ratified {R}
- Signed {S}

⁵⁶ Goredema C & Botha A 2004, “African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries” African Human Security Initiative pp. 70

⁵⁷ *ibid*

⁵⁸ *Ibid* pp. 73

The commitment by member states increased dramatically after 9/11, in particular their commitment to regional and international counter-terrorism conventions. Kenya, Senegal and Ghana, but not Uganda, signed the Convention for the Prevention and Financing of Terrorism after 9/11. Uganda was the first to ratify the UN Convention against Transnational Crime in 2000, a year before the attacks, and Senegal was the only country out of the four countries under review, who actually signed this Convention. Domestic circumstances and international pressure motivated these countries to sign and ratify these conventions when they did.

Domestic legislation

For the purposes of structuring this section, I will draw on the categories identified by Anneli Botha⁵⁹, namely:

- (1) countries that have implemented specific legislation to address terrorism (eg. Uganda);
- (2) countries that are busy drafting legislation or making use of existing legislation (eg. Kenya and Ghana); and
- (3) countries that make use of the penal code in terror related cases (eg. Senegal).

3.6.1) Countries that have Implemented Specific Legislation to Address Terrorism

Uganda

4 Uganda has implemented an Anti-terrorism Act, which was formulated on 7 June 2002. This Act covers the punishment of "individuals, who plan, instigate, support, finance or execute acts of terrorism."⁶⁰ It also includes those individuals who publicly express their support of any group suspected of terrorist activity. The Act allows for "the authorization of the interception of correspondence and the surveillance of individuals suspected of planning or being involved in acts of terrorism."⁶¹ Out of the 53 Northern and Sub-Saharan African countries, Uganda was one of only seven countries who joined the global war on terror. The Ugandan government laid down

⁵⁹ Ibid pp. 74-83

⁶⁰ Ibid pp. 74

⁶¹ ibid

very specific guidelines for any terrorist activity within its borders, but they did not really incorporate international elements. As Uganda has mainly experienced domestic terror within its borders, it is understandable that its main concern is that of preventing domestic terror as opposed to international terror.

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Currently (2006), the Ugandan government is trying to convince Joseph Kony of the LRA to attend a meeting with the government in order to put a complete stop on all terrorist activities within the region.⁶² According to Kony, however, this is another ploy to get him out into the open to convict him of terrorist acts and crimes against humanity. This may indeed be true, as the Anti-terrorism Act gives the Ugandan government the right to convict him. Definitions of terrorism in terms of this Act have been adapted to suit the political issues within this country. Although the Anti-terrorism Act is quite comprehensive when dealing with domestic terror, it lacks the ability to respond to global terror. This may become an important issue when and if transnational terror does occur within its borders. In spite of this, the legislation laid down by the Ugandan government does serve to severely punish acts of terror from their inception. As such, it does serve as a deterrent to any person or persons wanting to become involved in any acts of terrorism within Uganda. From the Ugandan experience, it can be seen that the majority of African leaders, unlike their western counterparts, are primarily concerned with local terrorism than with terrorism on a global scale.⁶³ President George W Bush has included Uganda in his East Africa Counter-terrorism Initiative, which is intended to provide resources to improve policing and judicial counter-terrorist capabilities. It also provides support to senior-level decision-makers in Uganda with regard to the drafting of anti-terror legislation. This provides for an interesting twist, as it combines the interests of the West with those of African countries; whether this will be successful, remains to be seen.

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The 2006 Ugandan elections returned Museveni to the presidency, were marred by foreign disappointment, as Museveni was allowed to run for another term after parliament had changed the constitution.⁶⁴ A Kenyan Islamic organization,

⁶² Mail and Guardian online, "Uganda may attack rebels in DRC if talks fail", 23 July 2006 at <http://www.mg.co.za> (accessed August 2006).

⁶³ Mills. G 2004. "Africa's New Strategic Significance" in *The Washington Quarterly* 27:4 pp. 163

⁶⁴ Africa Research Bulletin: Political, Social and Cultural Series, Volume 43 Number 2, Feb. 1st -28th 2006. <http://www.africa-research-bulletin.com> (accessed 15/06/2006)

Munadhamat Al Dawa Al Islamia was reported to have been behind the attempts by guerillas of the Allied Democratic Forces of western Uganda to destabilize the Museveni government.⁶⁵ The president has often been reported to have called the West 'foreign meddlers', as they sought to dictate to the country about their political and social developments; however, interference seems to be more prone by domestic actors.⁶⁶ Some of Museveni's critics also saw him as an authoritarian leader.⁶⁷ Critics of the government stated that the Anti-terrorism Act of 2002 sought to reduce the proof that would be needed to convict persons on terrorism charges.⁶⁸ If this were true, it could cast doubt on the Anti-terrorism Act, leaving one to suspect that it might simply be a ploy to rid the country of any opposition. Dr. Kizza Besigye, Museveni's defeated rival, accused the newly elected government of "hobnobbing with terrorism", as he was accused of wanting to overthrow the government shortly after the elections.⁶⁹ He denied all charges. Issues such as these may arise quite frequently in Uganda, thus undermining the rule of law and democracy.

3.6.2) Countries Drafting Legislation or Making Use of Existing Legislation

Kenya

In May 2003, the Suppression of Terrorism Bill was brought in front of the Kenyan parliament; this Bill contained stiff penalties against persons who become involved in acts of terror.⁷⁰ The Bill defines "terror as the use of threat designed to influence the government or to intimidate the public or section of the public, or the use of threat made for the purposes of advancing a political, religious, or ideological cause."⁷¹ As of April 2004, Kenya was one of only five countries to ratify all twelve international conventions and protocols relating to terrorism.⁷² However, Kenya's ability to deal with global terror remains contentious, specifically for the US. Kenya is still trying to

⁶⁵ Gunaratna R. 2002, *Inside Al Qaeda: Global Network of Terror*, Hurst and Company, London pp.164

⁶⁶ Ibid

⁶⁷ ibid

⁶⁸ Sankore R "Anti-terror legislation and Democracy in Africa"

<http://www.peace.ca/antiterrorlegislationafrica.htm> (accessed 17/05/06)

⁶⁹ ibid

⁷⁰ Goredema C & Botha A 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries" African Human Security Initiative pp. 77

⁷¹ Ibid pp.77-78

⁷² Goredema C. 2003. "Initiatives Against Terrorism in Sub-Saharan Africa; Implications for Human Rights" in African Security review Vol. 12 No 1.

<http://www.issafrica.org/pubs/ASR/12No1/Egored.html> (accessed 02/08/2006).

implement domestic legislation with regard to terror. At present, those convicted of committing any act of terrorism will still be punished by normal criminal law.⁷³ Thus, the suspects who were arrested for the Kikambala bombings were charged with murder. In his visit to Washington in 2003, Mwai Kibaki, president of Kenya, came under renewed pressure to enact terror legislation as a prerequisite for receiving development assistance. The Suppression of Terrorism Bill was thus mainly drafted to keep Washington happy and, when it was presented to parliament, it was not accepted.⁷⁴

The coastal Muslim populations, who felt that it was clearly prejudicial against them and potentially an avenue of legitimizing religious persecution, opposed the Bill. Kenya is in a most peculiar situation politically, as it stands in the middle between Washington and its own nationals as it is trying to please both. This could be the reason why this Bill has not yet become law. If the Kenyan government does make this Bill law, it could lead to major opposition from the Muslim regions of the country. When the government tried to push this Bill through parliament, violent protests erupted in Nairobi and Mombasa. However, since Kenya is strategically important to the US – both militarily and economically – the US is likely to remain less aggressive against the Kenyan government, which should ease the pressure on the Kenyans.

In 2003, the Kenyan government drafted an International Crimes Bill. Although it was billed as “encompassing multi-faceted counter-terrorism measures that strike a balance between national security and the protection of human rights”⁷⁵, it was challenged by civil society. Civil actors believed that it would empower the Kenyan police to convict any person they felt to be guilty of a terrorist act and that this would lead to major human rights abuses. The Kenyan government took heed of these concerns and did not pass this Bill. In 2005, the government resubmitted this Bill with modifications as proposed by civil actors. Other international agencies have also tried

⁷³ Goredema C & Botha A 2004, “African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries” African Human Security Initiative pp. 77

⁷⁴ *Africa Research Bulletin*: Political, Social and Culture Series, “Bad News for Kenya” pp. 16047, Dec. 1st -31st 2004. <http://www.africa-research-bulletin.com> (accessed 15/06/2006).

⁷⁵ Khadiagala G. “Legal, Human, and Accountability Challenges to Combating Terrorism in Africa”, Africa Centre for Strategic Studies, Senior Leader Seminar, Gaborone, Botswana, Commissioned Papers Series, 19 June to 1 July 2005 pp. 12.

to assist Kenya in formulating a fair and effective counter-terrorism strategy. The United States Agency for International Development (USAID). USAID wishes to improve the capacity of the Kenyan police and military in order to provide a counter-terrorism function.⁷⁶ The question is, though, whether the Kenyans really care about counter-terrorism. Kenya has done the song and dance for the international community but where do their concerns lie? In April 2005, the chairman of the parliamentary committee commented that the country was under siege from armed thugs. Another MP commented that, "it was as if the country was at war",⁷⁷ and insisted that the police should shoot to kill. This misrepresentation of the country's affairs, is a very contentious issue particularly as these two statements were made by members of the Kenyan government, and it leaves many questions unanswered – especially with regard to anti-terrorism.

It is reported by Alice Hills that terrorism matters less than issues of crime and the ineffectiveness of the criminal justice system.⁷⁸ This was given as a major reason why the police did not respond to the Nairobi bomb incident as swiftly as they should have. The Kibaki administration in Kenya has been under immense pressure from the international community in respect of the implementation of counter-terrorism measures. In response, Kibaki and his administration have seized the opportunity to become more aggressive in matters of ordinary crime and at the same time build a solid relationship with the US. The situation is complicated by the fact that there have been allegations of corruption within the Kenyan government, and that those officers who are involved in counter-terrorism are near their retirement age; it is also reported that Kenya's 'strategic plan' is simply a wish list for equipment and no concrete plan.⁷⁹

Even though Kenya's National Security Intelligence Service (NSIS) is better equipped than its police to deal with issues relating to terrorism, its main loyalty lies with the

⁷⁶ USAID 2004 "Kenya: USAID's Strategy in Kenya" at http://www.usaid.gov/locations/sub-saharan_africa/countries/Kenya (accessed March 2006).

⁷⁷ Hills A. 2006. "Trojan Horses? USAID, counter-terrorism and Africa's police" in *Third World Quarterly*, Vol. 27, No. 4, pp 637

⁷⁸ *ibid*

⁷⁹ Rosenau W. 2005 "Al-Qaeda Recruitment Trends in Kenya and Tanzania" in *Studies in Conflict and Terrorism*, 28 pp. 1-10.

Kenyan government.⁸⁰ Thus, with these organisations in place, one can question the efficacy of bills such as the Suppression of Terrorism Bill of 2003. Amnesty International has argued that the Kenyan government did not follow any Kenyan law subsequent to the attacks on Mombassa in 2002, but that it took the law into their own hands. Amnesty International claimed that, when it followed “the police’s course in the war on terrorism. [It] concluded that its main result has been to increase fear of arbitrary arrests and detention.”⁸¹

The vice-president of Kenya, Moody Awori, is under pressure to resign, as he was accused of being involved in the Anglo Leasing corruption scandal in a fraudulent \$50 million government contract. Mr. Awori was accused of misleading parliament by claiming that the contract had been for passports and a new forensic laboratory. It was later found that the company that won the tender did not exist. Given that such high-ranking officials are being suspected and accused of corruption and they are part of the process to make legislative decisions with regard to terrorism, it is my contention that this casts doubt on the terrorism bill, which has still not been made law in this country. Leaders in government have the power to benefit themselves by using in this case, legislation to persecute people who do not support them. Kenya faces a wide range of serious political issues (e.g. corruption, poverty to name a few) and countering terrorism may simply be on its agenda to keep the peace with Washington and to receive assistance from the US. This was clearly illustrated in an interview with African journalists where US President George W Bush indicated that. “[Kenya] has been a place where there’s been threats. Everybody knows that. Not only threats, there’s been an attack in the past. And the government of Kenya has been very responsive. And we are – we are helping them.”⁸² Even though Kenya does not always promote the goals of the US’s war on terror, President George W Bush still praises Kenya for their contribution, whereas with other African countries he does not. This makes it clear that the relationship between the US and Kenya is mutually beneficial.

⁸⁰ Hills A. 2006. “Trojan Horses? USAID, Counter-terrorism and Africa’s police” in Third World Quarterly, Vol. 27, No. 4, pp. 639.

⁸¹ Ibid

⁸² Administration of George W. Bush, Interview with African Print Journalists, July 3, 2003 pp. 870.

Ghana

Ghana currently has no specific counter-terrorism legislation in place; however, in a report to the UN Counter-terrorism committee, it advised that the Ministry of Justice would be responsible for providing input on any anti-terror legislation. This input would take the form of providing a “definition, jurisdiction, penalties, financing of terrorism, money laundering, extradition, etc.”⁸³ Ghana would take a similar stance to that of Kenya, where the existing criminal law would be used in all terror related cases until terror-specific legislation had come into being.

Since the Bush Administration’s 2002 National Security Strategy, the US has had a presence in West Africa, and has signed seven new security access agreements with various states including Ghana from 2002 to 2004.⁸⁴ Ghana is one the countries under review in this dissertation that have not experienced the direct threat of terror; furthermore, it is often seen as one of the most politically stable countries in West Africa. In 1994 and 1995, however, political unrest – especially with regard to chieftaincy disputes –has caused chaos in certain areas of Ghana. These incidents have resulted in thousands of people being killed and subsequently displaced.⁸⁵ Experts have warned that this type of unrest could cause damage to even a politically stable environment if not curbed in time.

⁸³ Goredema C & Botha A 2004, “African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries” African Human Security Initiative pp. 80.

⁸⁴ Kansteiner W. & Morrison J. 2004. “Rising U.S. Stakes in Africa: Seven Proposals to Strengthen U.S.-Africa Policy”, *A Report of the Africa Policy Advisory Panel* pp.110.

⁸⁵ Africa Research Bulletin: Political, Social and Cultural Series, Volume 43 Number 2, Feb. 1st -28th 2006. <http://www.africa-research-bulletin.com> (accessed 15/06/2006)

The lack of anti-terror legislation in Ghana may be significant of the lack of terror-related incidents within the country. Domestic terror might be a possibility in Ghana, though, because of its long-standing chieftaincy system enforced by British colonizers. This, however, remains a speculation by me.

3.6.3) Countries that Make Use of the Penal System in Terror-related Cases

Senegal

Senegal has a francophone legal tradition and in terms of its constitution, international treaties take supremacy over domestic ones.⁸⁶ The commitment by the Senegalese government to establish some sort of legislation with regard to terror has been evident. In 2002, a working group of experts was established to review the Penal Code and the Code of Criminal Procedure. The working group subsequently submitted two draft laws, which amended both the Penal Code and the Code of Criminal Procedure. The intention of this review was to create a stricter version of these two laws in order to relate it specifically to crimes of terror: “The draft law amending the Penal Code defines all terrorist acts recognized as crimes, specifying certain aspects such as ecological terrorism.”⁸⁷ Thus, the amendments call for terrorist acts, including the financing of terrorism, to be punishable by law. The sentence for terrorist acts includes fines, 15-20 years prison sentences, and the death penalty.⁸⁸

On 27 October 2004, the Ministers of Justice of Francophone African countries adopted the Port-Louis Declaration. This aims to “promote the ratification and implementation of the universal instruments against terrorism and the United Nations Conventions against Transnational Organised Crime and Corruption.” The ministers in attendance, including the Minister of Justice of Senegal, gave their assurance that all UN conventions would be ratified, and approved the “legislative guide for the implementation of the universal instruments against terrorism proposed by the UNODC [United Nations Office on Drugs and Crime] and recommended its broadest

⁸⁶ Goredema C & Botha A 2004, “African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries” African Human Security Initiative pp. 83.

⁸⁷ *ibid*

⁸⁸ *ibid*

dissemination.”⁸⁹ The Cairo Declaration on 4 September 2003 had been a precursor to the Port-Louis Declaration a year later.⁹⁰ A third conference took place in Dakar, Senegal, in 2005, as a follow-up to the Port-Louis Declaration in 2004.

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Senegal has furthermore been involved with the US’s Trans-Sahara Counter-terrorism Initiative (TSCTI), which is a multi-faceted strategy to increase the capacities of regional counter-terrorism initiatives.⁹¹ The goal of this strategy is to enhance the capabilities within countries such as Senegal to enable them to become effective anti-terrorist fighters. The TSCTI was a follow-up of the Pan-Sahel initiative, which focused specifically on the Sahel region and was introduced by US government as part of the war on terror.⁹² Senegalese officials received training as part of the implementation of the TSCTI, and are thus reaping the rewards of becoming involved in the global war on terror. Since the attacks of 9/11, President Abdoulaye Wade has been a major force in the West African region, according to the US. One has to ask why, considering that Senegal has never experienced a direct threat of terror. It is my contention that Senegal may have decided to ratify the above counter-terror legislation in order to receive recognition and assistance [by undergoing training given by the US], militarily or otherwise; and generally to gain favour with the US.

The Senegalese government is currently dealing with fighting in the southern Casamance region, which has internally displaced 300 people from their homes into Gambia.⁹³ This fighting has ensued between the Movement of Democratic Forces of Casamance (MFDC) and the Senegalese army.⁹⁴ Thus the implementation of any anti-terror legislation may be just in time for the prosecution of the MFDC. In the meantime, however, the existing criminal law will continue to be used against anyone who is caught, for terrorist activities or otherwise, as no counter-terrorism legislation has yet been passed. Although Senegal has very limited experience when it comes

⁸⁹ “Francophone Countries Determined to Comply with the Instruments against Terrorism, Organised Crime and Corruption” at <http://www.unis.unvienna.org/unis/pressrels/2004/uniscp504.html> (accessed 21/06/2006).

⁹⁰ Country Reports on Terrorism, released by the Office of the Coordinator for Counter-terrorism, April 28, 2006 at <http://www.state.gov/s/ct/rls/crt/2005/64335.htm> (accessed 21/06/2006).

⁹¹ *ibid*

⁹² *ibid*

⁹³ Residents Flee Gunfire in Casamance, August 18, 2006 at <http://www.allafrica.com> (accessed 21/08/2006).

⁹⁴ *ibid*

terrorism, incidents such as these clashes will inevitably require a domestic response from the military and the police. Thus, becoming involved in the global war on terror may just prove to be useful to the country, especially considering its involvement in the TSCTI.

The population of Senegal is predominantly Muslim, and Muslim brotherhoods are present within the country, which in terms of the US could be a potential terrorist stronghold. It has also been reported that Senegal has networks of Saudi-sponsored religious schools, which also contributes to this view.⁹⁵ In spite of this, though, there have been no incidents of attacks targeted at foreign interests, which could be linked to religious radicalism.⁹⁶ In Senegal, political parties are generally not driven by religious doctrines. Although there are parties that openly identify themselves with political Islam, such as the Mourides as noted earlier, the Mourides, for instance, do not identify with radical Islam; they are driven by Sufi forms of Islam, which is more moderate than that of the Wahabi order. It would be safe to say that the 'politics'⁹⁷ of anti-terrorism have prevailed in Senegal President Wade has made his intentions known to the US, viz. that he regards himself as an ally of the US in its global war on terror and as a partner of the US despite its Muslim heritage. Whether Senegal will emerge as the next radical Islamist state in Africa remains to be seen; but at this time it seems highly unlikely.

⁹⁵ Lewis P. 2005, "Terrorist Challenges in West Africa: Myth and Reality", Africa Centre for Strategic Studies, Senior Leader Seminar, Commissioned Paper Series, Gaborone, Botswana 19 June to 1 July. Pp.5-6

⁹⁶ ibid

⁹⁷ The politics of anti-terrorism refers to the US pressure on African states to commit itself to countering terrorism both internationally as well as domestically. In Senegal's case the commitment seems to lie only with international agreements so as to be in good standing with Washington.

Chapter Four

Regional Responses to Terror in Africa

4.1) Summary

Africa has been very responsive to the US's global war on terror despite the fact that there have been minimal casualties related to terrorist activity in comparison with other regions around the world. This sentiment has been echoed in the US Department of State's annual report "Patterns of Global Terrorism"⁹⁸. According to this report, between 1997 and 2002, Africa ranked fifth in terms of total international terrorist attacks sorted by region, after Latin America, Asia, Western Europe, and the Middle East. Africa, despite its minimal terrorist incidents, has committed itself to establish a regional solution to the global threat of terror which has been commended by the US. It is important to discuss regional responses to terror within the African context, as terror not only affects regional organizations but also sub-regional organizations. Africa has taken centre-stage in America's foreign policy due to its potential terror threat despite the fact that it is only fifth on the list above. Thus, it is my contention that Africa had to respond to the call of President Bush in the wake of September 11.

Africa had formulated anti-terror legislation long before the attacks of 9/11, but has been under immense pressure since then to ratify and enforce various legislations both regionally as well as domestically. In October 2001, President Bush told 30 African ministers at the annual African Growth and Opportunity Act Economic Forum that, "America won't forget the many messages of sympathy and solidarity sent by African heads of state."⁹⁹ He also acknowledged the support given by the OAU/AU to the global war on terror. Sentiments such as these give African leaders the hope that they will receive US assistance and that their cooperation will ensure future positive relations with Washington. I am certain that this motivates them to do everything in their power to send the right messages and take the right actions.

⁹⁸ Maloka E. 2005, "Africa and the War on Terror" in New England Journal of Public Policy. Winter Vol. 19 Issue 2 pp. 368.

⁹⁹ Dagne T. 2002 "Africa and the War on Terrorism", CRS Report for Congress. Congressional Research Service, The Library of Congress, pp. 2

Given the above context, this chapter first looks at the role of regional organizations within Africa, such as the African Union (AU), which came into being in 2002, as well as at its predecessor, the Organization of African Unity (OAU), and specifically at how these relate to counter-terrorism measures. Secondly, this chapter focuses on sub-regional organizations in Southern Africa, East Africa, Northern Africa and West Africa, and their commitments to counter terror in their respective sub-regions. Thirdly, the chapter will identify the limitations of coordinating an effective regional strategy to counter terrorism within these regional African organizations.

4.2 Counter-terrorism Measures Adopted by the African Union

Although incidents of international terror have been minimal on the African continent, domestic instances of terrorism have been rife. After the attacks of September 11, the international community realized that the existing structures for fighting terrorism were inadequate; and that more cooperation with regional organizations was needed to strengthen the existing structures. In order to provide an adequate account of counter-terrorism initiatives in Africa, it is necessary to look at strategies both pre- and post-9/11.

4.2.1) Regional Counter-terrorism Strategies Pre-9/11

In July 1992, the OAU heads of state and government met in Dakar, Senegal and adopted Resolution 213.¹⁰⁰ The objective of this Resolution was to “strengthen cooperation and coordination between African states, in order to enhance the effectiveness of its initiatives against the first real manifestations of extremism.”¹⁰¹ At this meeting, the member states decided that no social, religious or ethnic divisions would allow member states to be hostile to one another. Two years later, in Tunis, Tunisia, the OAU assembly rejected fanaticism and extremism once more. At this assembly, the Declaration on the Code of Conduct for Inter-African Relations¹⁰² was drafted, focusing specifically on religious extremism and terrorist acts, thus

¹⁰⁰ AHG/Res.213 (XXVIII)

¹⁰¹ Botha 2005, “An Assessment of Terrorism Countermeasures Adopted by the African Union” Africa Centre for Strategic Studies. Pp. 2.

¹⁰² AHG/Decl.2 (XXX)

streamlining the focus of the protocols.¹⁰³ Algeria was one of the first countries that promoted the drafting of a UN declaration on Measures to Eliminate International Terrorism, which was an annex to Resolution 49/60, and was accepted on 9 December 1994.¹⁰⁴

On 7 August 1998, the US embassies in Nairobi, Kenya and Dar-Es-Salaam, Tanzania were bombed, and Africa awoke to the reality of transnational terrorism.¹⁰⁵ The attacks killed 224 people, of whom only 12 were American; Africa was not prepared for this and in reaction adopted the OAU Convention on the Prevention and Combating of Terrorism (Algiers Convention) in 1999. The convention called on member states not to “justify terrorism under any circumstances, origin, causes and objectives.”¹⁰⁶ Another aim of the Algiers Convention was to improve coordination between member states and to encourage countries to become involved in sharing information with regard to terrorist organizations and states that are financing terror organizations. This convention also covered issues such as “extradition, extraterritorial investigations and legal assistance.”¹⁰⁷

In their increased commitment to fighting terror, member states included in the Constitutive Act of the AU, the rejection of acts of terrorism (Art.4 (0)).¹⁰⁸ At the Lome Summit in Togo, in 2000, the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa was adopted.¹⁰⁹ In this declaration, a double reference was made to terrorism:¹¹⁰

- Under the principle on the stability, states declared, terrorism, in all its manifestations, is inimical to stability.
- In the Plan of Action, meant to translate into concrete actions the principles governing the CSSDCA process, the Member States agreed on the need to

¹⁰³ Goredema, C 2003. “Initiatives Against Terrorism in Southern Africa: Implication for Human Rights” in African Security Review Vol 12 No.1

¹⁰⁴ *ibid*

¹⁰⁵ Princeton L & Morrison J, “The Terrorist Threat in Africa” in *Foreign Affairs* Jan/Feb 2004, Vol. 83 pp 75-86.

¹⁰⁶ Botha 2005, “An Assessment of Terrorism Countermeasures Adopted by the African Union” Africa Centre for Strategic Studies. Pp. 2

¹⁰⁷ *ibid*

¹⁰⁸ *ibid*

¹⁰⁹ *ibid* pp.3

exchange information and cooperation, at the Sub-regional level, on security matters, especially on issues relating to terrorism.

The following section provides insight into the AU Convention on the Prevention and Combating of Terrorism, which was formulated in 1999.

4.2.2) The Algiers Convention, 1999

It seems as if Africa only woke up to the threat of terror after 9/11, even though the continent had experienced a multitude of domestic terror attacks prior to 9/11. With regard to the Algiers Convention or the AU Convention on the Prevention and Combating of Terrorism, it is interesting that only six countries had ratified these conventions before the attacks. Thereafter, however, 28 countries ratified these Conventions. It is clear that Africa's position toward terror prior to the attacks was vague, at least in the practical sense. No member state had been serious about the drafting or implementation of terror legislation, which could perhaps be attributed to Africa's weak states, poverty, HIV/AIDS and bad governance etc.

In 2002, the AU convened a governmental high level meeting in Algiers to formulate a plan of action in order to build momentum in the ratification of this Convention. At this stage, the AU proposed that an African Centre for the Study and Research on Terrorism (ACSRT) be established. A further draft protocol of the 1999 Algiers Convention was reviewed by the Central Organ in 2003. The draft protocol was not met with enthusiasm by member states, though, as they saw it as imposing additional obligations, which they could not meet together with the UN protocols.¹¹¹

In the next section of this dissertation, we will look at the initiatives post-9/11 and review the plan of action of African states (specifically the four identified for this study), which includes an assessment of the African Centre for the Study and Research on Terrorism mentioned above.

¹¹¹ *ibid*

4.2.3 Regional Counter-terrorism Initiatives Post-9/11

In 2002, African countries decided that the Algiers Convention was not substantial enough to combat terrorism. A protocol was thus added to the existing convention (this will be discussed later), as was a Plan of Action. A Peace and Security Council (PSC) was also established to work “towards a stable and conflict free-Africa.”¹¹² This was a new development in the architecture of a counter-terrorism strategy on the continent, which was needed to provide its members with more power. The main elements of the Plan of Action, which was adopted in 2004¹¹³, will be discussed to illustrate how it has affected the Algiers Convention.

4.2.4 Plan of Action of the African Unions’ Prevention and Combating of Terrorism Protocol

The main aim of the Plan of Action was to “give concrete expression to commitments and obligations (presented in the Algiers Convention and UN Resolution 1373), to enhance and promote African countries’ access to appropriate counter-terrorism resources through a range of measures establishing a counter-terrorism cooperation framework in Africa.”¹¹⁴ The Plan of Action requires members to comply with the rules and measures as proposed by the AU. Member states would also have the opportunity to acquire better information surrounding terrorism and other security issues with the establishment of the Peace and Security Council (PSC) and the African Centre for the Study and Research on Terrorism (ACSRT). The PSC’s main task is to prevent and combat terrorism; additionally, it has the power to “ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism [Algiers Convention] and other relevant international, continental and regional conventions and instruments and harmonize and coordinate efforts at the regional and continental levels to combat international terrorism.”¹¹⁵ The ACSRT was

¹¹² *ibid*

¹¹³ African Union “Strategic Plan of the commission of the African Union, Plan of Action, Programs to Speed up Integration on the Continent”, Vol. 3, 2004-2007 at <http://www.africaunion.org/AU%20summit%202004/Volume3%20%20Strategic%20Plan%20final.pdf> (accessed 21/08/2006).

¹¹⁴ *Ibid* pp. 5

¹¹⁵ *Ibid*

established to improve coordination between member states when it came to issues of security and terrorism in particular. The Centre will briefly be discussed below.

4.2.5 African Centre for the Study and Research on Terrorism (ACSRT)

The ACSRT was inaugurated in October 2004 in Algiers, Algeria. It was established to assist member states, by primarily being an information collection and dissemination centre.¹¹⁶ The centre also provides training to its member states. For example, the AU hired a consultant to draft a model of counter-terrorism legislation, which member states could refer back to when drafting their own counter-terror legislation. Initiatives such as these are pivotal in the success of the ACSRT and in counter-terrorism measures as a whole. Currently, the AU is working together with member states to eliminate ineffectiveness between the ACSRT and the Committee on Intelligence and Security Services in Africa (CISSA), which was established in January 2006 at the AU Summit in Abuja, Nigeria.

Ewi Martin, an expert in the AU's anti-terrorism unit, advised that the center's focus would be to prevent terror attacks from occurring in Africa. He said that, "This data will be used to forecast, to predict terrorist activities anywhere ... the centre will also help in training African experts on anti-terrorism matters."¹¹⁷ National focal points have been set up in member states, and these will be responsible for providing the ACSRT with up to date information on individuals and organizations who are involved in terrorist activity.¹¹⁸ Algeria has agreed to provide the infrastructure for the centre and the AU will provide the funding.¹¹⁹ The centre plays an important role in educating African leaders on issues related to terror, and in preventing terrorist attacks from taking place on the continent. This may seem like a big job, but the existence of such institutions on the African continent will hopefully make a sustainable change.

¹¹⁶ Country Reports on Terrorism, released by the Office of the Coordinator for Counter-terrorism, April 28, 2006 at <http://www.state.gov/s/ct/rls/crt/2005/64335.htm> (accessed 21/06/2006).

¹¹⁷ Packard G. "AU to Open Anti-Terror Center in Algiers", in *New York Amsterdam News*; 3/25/2004, Vol. 95 Issue 3, pp 1.

¹¹⁸ Botha 2005, "An Assessment of Terrorism Countermeasures Adopted by the African Union" Africa Centre for Strategic Studies, pp. 6.

¹¹⁹ *ibid*

4.2.6 Protocol to the OAU Convention on the Prevention and Combating of Terrorism¹²⁰

The main aim of this Protocol was “to enhance the effective implementation of the Convention and to give effect to Article 3(d) of the Protocol Relating to the establishment of the Peace and Security Council of the AU, on the need to coordinate and harmonize continental efforts in the prevention and combating of terrorism in all its aspects as well as the implementation of other relevant international instruments.”¹²¹ The Protocol also examined other areas of concern, such as new developments in terrorist activity.

The technological advancement of terrorists who are coordinating their attacks better than before, has come under the spotlight and has been incorporated into this protocol to provide ways of preventing such attacks. The need by terrorists to acquire weapons of mass destruction has also been a key issue, which the protocol aims to address. Thus, the protocol provides for up to date strategies and preventative measures in the light of the potential new wave of terror in Africa. This will not only assist member states in preventing terrorist activity but also provide a means to curb all threats to security, both nationally and regionally.

The OAU (which became the AU in 2002) has changed significantly since the Algiers Convention of 1999, and it has provided guidance to its 53 member states in the ratification and implementation of regional and international counter-terrorism commitments. Although this has been successful in the case of member states that were willing to participate, however, as in any regional organization, member states cannot be forced to sign and ratify agreements if they do not want to. The organisation provides a service to its members, however member states need to decide for themselves whether they will take up the AU’s services. The AU provides a bridge between international organizations, such as the Counter-terrorism committee, and member states. Despite its tremendous efforts, there have been inconsistencies and limitations, which will be discussed later in the paper. Sub-regional organizations can

¹²⁰ Heading taken from Anneli Botha’s (ISS Senior Researcher) paper, *ibid*

¹²¹ African Union, Protocol to the OAU Convention on the Prevention and Combating of Terrorism, Algiers, Algeria, 11-14 September 2002, pp. 3.

be a great help to the AU in improving the coordination of counter-terrorism initiatives, and these need to be examined to explain their role in countering terror. This will be done in the next section.

4.3 African Sub-Regional Organizations' Response to the Global War on Terror

In order to implement an effective counter-terrorism strategy in Africa, there has to be cooperation on the regional, sub-regional and national level. However, at the sub-regional level, cooperation between member states has been primarily based on whether those particular countries have been exposed to the direct threat of terror, among other things, or not. Countries that have been exposed to terror are generally more competent to deal with terrorist incidents. However, such a plan of action does not constitute a comprehensive plan against terror on the African continent.

The AU thus has an important role to play in securing a terror-free society in Africa by providing the strategies and measures to combat the threat; the implementation of such strategies, however, still relies on sub-regional organizations and national actors. There has been debate whether sub-regional organizations, such as the Southern African Development Community (SADC), EAC, Inter-governmental Authority on Development (IGAD), ECASS and Economic Cooperation of West African States (ECOWAS) are the best suited for implementing anti-terror legislation.¹²² Although sub-regional economic organizations have the institutional capacity to deal with and implement counter-terrorism measures, they lack the coordination necessary for implementation, as their membership often overlaps with various other sub-regional economic structures. There is thus a need for specific anti-terrorism arrangements within the Africa sub-regions, which would transcend various states and organizations.¹²³

In the Horn of Africa, for example, the US has introduced a combined Joint Task Force – Horn of Africa (CJTF-HOA) which encompasses states such as Djibouti,

¹²² ____, 2005 "Regional Strategies to Meet the Threats from Terrorism", Africa Centre for Strategic Studies, Senior Leader Seminar, Commissioned Paper Series, Gaborone, Botswana, 19 June to 1 July, pp. 15.

¹²³ *ibid*

Ethiopia, Kenya, Tanzania and Uganda. The US introduced this initiative in order to “deter, preempt and disable”¹²⁴ terrorist activity within the region, as it saw a great threat evident in Somalia, Kenya and Yemen. The focus areas of the CTJF-HOA are as follows: (1) counter-terrorism; (2) border control; (3) law enforcement and criminal investigation; and (4) airport security. These focus areas thus consider all factors when trying to combat counter-terrorism. This initiative has improved regional partnerships in this area, and has created a good relationship among countries such as Kenya, Uganda and Tanzania in countering terror. Despite this, though, it should not be ignored that these countries have their own internal problems and that their rhetoric might not match the reality. Security officials from the various countries have held meetings, however, in order to create a more effective solution to fight terror within these states, considering their relationship with terrorism. The impetus of these meetings has been to focus on intelligence sharing and the proposed institution of uniform anti-terror laws within this region.¹²⁵ The point of this would be to stop suspected terrorists from one country seeking asylum in other countries in the region.

As another example, Uganda, Djibouti, Kenya, Rwanda, Somalia, Eritrea, Ethiopia, Madagascar, Mauritius, Seychelles and the Comoros have all agreed to contribute 3000 soldiers among themselves to the Eastern African Standby Brigade (EASBRIG), which was established in January 2005.¹²⁶ This organization will be part of the African Standby Force (AFC), with its primary focus being to build a strategy to combat terrorism within these countries. Kenya was chosen as the headquarters (planning) for this organization, but the standby troops would be deployed as and when needed.¹²⁷ In 2004, African chiefs met in Kenya to discuss a common counter-terrorism strategy.¹²⁸ This indicates that there is some sort of collaboration occurring among states on all levels; how effective this will be in the implementation phase remains to be seen.

The US has also launched a campaign in the Sahel region – the TSCTI, which was discussed earlier – whose main aim it is to train troops from Niger, Mali, Mauritania

¹²⁴ Ibid pp 16.

¹²⁵ Ibid

¹²⁶ ibid

¹²⁷ ibid

¹²⁸ ibid

and Chad. The focus of the TSCTI is to “deal with militants seeking refuge in the remote fringes of their territory.”¹²⁹ The TSCTI is also being expanded to focus on counter-terrorism training and equipment and in so doing including other states such as Algeria, Morocco, Senegal, Nigeria, and Tunisia.¹³⁰ Efforts by the US European Command (EUCOM) have been commendable, as it not only gives African countries practical assistance in terms of counter-terrorism training and equipment, but also provides broader developmental assistance when it comes to terror-related activity. It is up to African states to take this gesture seriously, not only with regard to combating terror but also with regard to improving the security situation on the entire continent. It is my contention that African states can capitalize on the monetary assistance of the US and its global war on terror in order to improve their states, borders, policing and general security, with the aim of creating a more politically stable environment on the continent. In so doing, it is hoped that democracy will flourish and deter those that are against the process of democratization in African states.

It is unlikely that this will happen, though, as most African countries that have participated in the war on terror have already been accused of human rights’ violations and come under fire by civil actors. The next region that will be focused on is southern Africa and its contribution to the global war on terror.

States in southern Africa have not made a great impact when combating terror despite its institutional capacity. Southern Africa has a rich history of preventing cross-border criminal activity and thus this region has the greatest capacity to fight terrorism. The Southern African Regional Police Chiefs Cooperation Organization (SARPPCO), for instance, has had a long history of fighting transnational crime. Nonetheless, this region has made minimal contributions to the war on terror. The region has also experienced very few incidences of terror and very few incidents of transnational terror. The SADC states have furthermore demonstrated varying degrees of commitment to the global war on terror. States are obliged to report to the Counter-terrorism Committee (CTC) on the implementation of the UN’s Resolution 1373 (2001). SADC states have met this task with varying degrees of enthusiasm. For

¹²⁹ *ibid*

¹³⁰ Zartman W. “[African Response to North African Terrorism](#)”, Africa Centre for Strategic Studies, Senior Leader Seminar, Gaborone, Botswana, Commissioned Papers Series, 19 June to 1 July 2005.

example, South Africa and Mauritius have reported four times in the two years after states were expected to do so, but five of SADC's fourteen states have done so only once during that time. It is clear that southern Africa has contributed significantly less than other regions on the continent with regard countering terrorism. It has, at most only partially fulfilled the requirements of the Security Council's Resolution 1373, but other than that has remained relatively complacent surrounding issues of terrorism. This is a serious issue, considering that southern African states have the most capability in respect of institutional arrangements. Anneli Botha¹³¹ suggests that this complacency can be attributed to post-colonial influences, whether directly or indirectly related. These post-colonial influences, such as Apartheid and the liberation movement in South Africa and the assistance given to South Africa by other countries in the region, such as Mozambique and Angola, have had an effect of the priorities of southern African countries and have also affected definitions of terrorism. After 9/11, eastern and northern Africa – specifically Algeria – made immediate headway in countering terrorism, both on a regional and sub-regional level, whereas southern Africa was more reluctant.¹³² Thus, eastern and northern Africa has responded very differently to southern Africa. The effect of this may not be fully known at this stage, but the question is whether southern Africa will be able to respond to acts of terror when needed.

4.4 Limitations to and Recommendations for an Effective Regional Counter-terrorism Strategy in Africa

Substantial progress has been made with regard to implementing a regional strategy on the African continent, but one has to take cognizance of possible impediments to the success of these initiatives.

Clearly, the ratification and passing of legislation is not enough to provide a lasting solution to the global threat of terror. States have to be willing to cooperate on an international, national, regional and sub-regional level in order to counter terror. Enforcement of these legislations is imperative if they are to be taken seriously by all

¹³¹ Botha 2005, "An Assessment of Terrorism Countermeasures Adopted by the African Union" Africa Centre for Strategic Studies, pp. 7.

¹³² Ibid pp. 7

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actors. Definitions of terrorism have to be drafted in such a way that they firstly identify the threat and secondly counter it. As mentioned above, the commitments by African states, other than those of southern Africa, has been commendable, and it is issues such as these that will need to be grappled with in order to encourage all member states to become keener to participate in regional measures to counter terror.

The AU furthermore needs to provide follow-up mechanisms to ensure that member states are not abusing their rights in the guise of anti-terror legislations. Rotimi Sankore¹³³ comments that the “new wave of anti-terror legislation across the world [particularly in Africa] threatens to undermine democracy...” This seems indeed to be true. As many countries around Africa are opposing anti-democratic behaviour under the banner of anti-terrorism legislation. African states have limited resources and are often not equipped to deal with counter-terrorism efforts. This has impeded states at national and regional levels. At times, though, states do have the capacity but then those in power misuse government assets to enrich themselves. African states and its people should “make it clear that while they condemn terrorism, the fight against it cannot be used as an excuse to create more Mobutu’s on the continent.”¹³⁴ The AU thus needs to provide a platform for initial collaboration with member states as well as making an ongoing effort to sustain counter-terrorism strategies.

There is a great distance between the AU and sub-regional organizations; this gap should and must be narrowed if counter-terror strategies at the level of implementation are to be successful. There have certainly been limitations to the regional counter-terrorism strategy, but the AU has adopted the correct instruments for providing a long-lasting solution to the threat of terror on the continent. Member states not only need to pledge their commitment but also to provide practical solutions to curb terrorism. States need to work cooperatively together with the AU in order for them and ultimately the continent as a whole to succeed in implementing counter-terrorism strategies from the bottom-up.

¹³³ Sankore R “Anti-terror legislation and Democracy in Africa”
<http://www.peace.ca/antiterrorlegislationafrica.htm> (accessed 17/05/06).

¹³⁴ Ibid

Chapter Five
Institutional Measures to Combat Terror in
Four African Countries

5.1) Summary

This chapter will briefly examine the institutional measures that have been put in place to combat terror in the four countries under review, namely, Kenya, Ghana, Uganda and Senegal. From the previous chapters, we have seen a definite commitment by all four countries to counter terrorism, despite their varying experiences with this phenomenon. However, as with the AU, reality is more important than rhetoric. This chapter aims to provide a practical dimension to the theoretical instruments discussed in the preceding chapters. African countries do have resource constraints, and these factors should not be overlooked when examining counter-terrorism centers in any African country. This chapter builds on the information supplied in the previous chapter relating to the AU's Plan of Action for the implementation of the Algiers Convention (1999). It relates specifically to national counter-terrorism units or focal points, as described earlier.

National counter-terrorism units are broadly classified into two categories:¹³⁵

- Structures that are responsible for facilitating cooperation for analyzing and preventing terrorism;
- Structures that are responsible for the intervention and protection of people against acts of terror. This will mainly involve interventions by specialized units equipped to deal with these terror-related scenarios. Military and police units are normally involved in these cases in accordance with the AU's Plan of Action.

¹³⁵ Goredema C & Botha A 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries" African Human Security Initiative pp. 85

In order to sustain effective counter-terrorism strategies, there has to be cooperation between national intelligence and security agencies. States should be consistently communicating with each other in order to act as an early warning system in cases of terror.

The section below deals with counter-terrorism units that have been set up in two countries that have not experienced terror (Ghana and Senegal) and in those that have (Kenya and Uganda).

5.2) Ghana

A counter-terrorism centre was established under Ghana's National Security Council in 2001. The departments making up this organization were the Criminal Investigation Department (CID) under the police; the Bureau of National Investigation (BNI), which reports to the President, and military intelligence. The military and the police often conduct joint operations.¹³⁶

5.3) Senegal

Senegal's Ministry of the Interior has specialized units in the General Directorate of National Security (DGSN), which focus specifically on the prevention and combating of terrorism. The DGSN is made up of the Department of State Security (DSE), the Criminal Investigation Police Department (DPJ) and the General Intervention Brigade (BCN). "In conjunction with the National Central Bureau (BCN), these various units gather, centralize, use and exchange all information on terrorism in what amounts to the Senegalese equivalent of the International Criminal Police Organization (Interpol)."¹³⁷ There has been cooperation with other countries' intelligence units, where Senegal has played a vital role in providing security services by way of the police and military. Senegal does have the capacity to implement counter-terrorism to a certain degree and therefore has a counter-terrorism unit on a tactical level.¹³⁸ On

¹³⁶ Ibid pp. 88

¹³⁸ ibid

the downside, though, there have been problems within the police force, such as low-levels of computer literacy and issues with local technical support.¹³⁹

5.4) Kenya

In February 2003, an Anti-terrorism Unit was established in Kenya. The unit comprised Kenya's various security agencies. On 27 January 2004, a National Counter-terrorism Centre was launched in Nairobi. "Kenya's National Security Intelligence Service is to provide the centre with timely and factual intelligence."¹⁴⁰ The creation of these two units has been a step in the right direction, but Kenya has not enacted legislation to prosecute alleged terror suspects and has not finalized a national counter-terrorism strategy. Terror suspects related to the Kikambala bombing in 2002, the 1998 US embassy bombings and the 2003 plot to attack the new US embassy, thus remained unscathed as Kenya had arrested seven terror suspects, but did not prosecute them because there were no anti-terror laws. As a result, they were all acquitted.¹⁴¹

5.5) Uganda

In 1999, a Joint Anti-terrorism Task Force (JAT) was established in Uganda. This unit comprised the Department of Military Intelligence, which is the lead agency, the police's Criminal Investigation Department (CID) and a Special Branch, the External Security organization (ISO).¹⁴² Uganda has thus established an effective counter-terrorism unit on a tactical level.¹⁴³ The domestic situation within Uganda has motivated the country to implement effective counter-terror initiatives and to have a strong regional voice on the continent despite its internal political issues.

¹³⁹ Country Reports on Terrorism, released by the Office of the Coordinator for Counter-terrorism, April 28, 2006 at <http://www.state.gov/s/ct/rls/crt/2005/64335.htm> (accessed 21/06/2006).

¹⁴⁰ Goredema C & Botha A 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries" African Human Security Initiative pp. 89.

¹⁴¹ Country Reports on Terrorism, released by the Office of the Coordinator for Counter-terrorism, April 28, 2006 at <http://www.state.gov/s/ct/rls/crt/2005/64335.htm> (accessed 21/06/2006).

¹⁴² Goredema C & Botha A 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries" African Human Security Initiative pp. 90.

¹⁴³ *ibid*

Concluding Remarks

All four countries have in some way contributed to the global war on terror on a national level and implemented certain strategies in accordance with the AU's Plan of Action. Countries that had experienced the direct threat of terror were better equipped to deal with countering terror from an institutional perspective. The above discussion has shown that all of the countries under review have implemented additional measures to counter terrorism, in particular after 9/11. One can clearly see, though, that not all of them are at the same level with regard to implementation.

Countries such as Kenya and Uganda, which had previously experienced terror, had existing structures in place (pre-9/11) to deal with the threat of terror. These countries already had structures, which could better coordinate their security agencies. However, in Kenya's case, the lack of enactment of counter-terrorism legislation could be more directly related to domestic politics. Human rights groups and Muslim communities in the country have had serious objections against proposed legislation in the past and thus could be a factor in the slow implementation of counter-terrorism laws within Kenya.

Chapter Six

Conclusion

Following the attacks of September 11, 2001, African states had an obligation to the international community to show their commitment to counter-terrorism. This obligation had to be pursued in all spheres: internationally, regionally and nationally. Although the response by the majority of African states to the mandatory obligations was commendable, Africa should not forget that its primary obligations lie with its own people. This dissertation has, firstly, identified counter-terror commitments in Kenya, Ghana, Senegal and Uganda. Secondly, it has focused on the political processes or dynamics in place when countries have passed anti-terror legislations. Kenya and Uganda were chosen for this the study, as they had already experienced the direct threat of terrorism and, conversely Ghana and Senegal were chosen, as they had no direct experience with terrorism in their countries. These distinctions between countries are important, as they relate to the different political dynamics within these four countries.

Each of the four countries under review had displayed their political will and commitment to prevent and combat terrorism by becoming parties to international and regional counter-terrorism measures. In most of the countries under review, anti-terrorism legislation was only instituted because of international pressure after the attacks of 9/11. More specifically though Kenya was the only country of the four chosen that ratified all twelve international conventions and protocols relating to terrorism. However, this could be related to the fact that President Kibaki came under pressure from Washington to enact anti-terror legislation. Thus, in Kenya's case the determining factor in instituting anti-terror legislation would be as a result of international political forces. When the Suppression of Terrorism Bill was drafted and presented to Kenya's parliament, it was not accepted. Therefore the main determining factor for not instituting this bill was domestic. Thus, Kenya is an interesting example of a country that has drafted anti-terror legislation to receive development assistance but has not implemented legislation due to domestic opponents. In contrast, Uganda formulated anti-terror legislation specifically to deal with domestic forms of terror

(such as the LRA), however this legislation lacks the ability to respond to global terror. Thus, the main political dynamic here is domestic.

Ghana does not have specific counter-terrorism legislation in place, as it has not experienced the direct threat of terror. This country relies on existing criminal law in terror-related cases much like in Kenya. Since the Bush Administration's National Security Strategy, the US has signed a security access agreement with the US. Ghana has expressed in a report to the UN Counter-terrorism Committee that they would be responsible for providing an input on anti-terror legislation. The influence, in Ghana's case, to institute anti-terror legislation is primarily as a result of international forces.

Senegal uses the penal system in terror-related cases and has amended two draft laws in order to relate it specifically to crimes of terror. Senegal has been involved with the US's Trans Sahara Counter-terrorism Initiative (TSCTI). The goal of this strategy is to enhance the capabilities within countries such as Senegal to enable them to become effective anti-terrorist fighters. Thus, the impetus to institute anti-terror legislation in Senegal has been as a result of international political forces.

The first chapter looked at definitions of terrorism, both in the international and national sense. Defining terrorism in African countries has been a difficult task because of the interplay of various issues, such as the legacy of colonialism. This has been a major issue for the AU, too, as it cannot simply ignore Africa's past and the notion of 'freedom fighters' who fought for Africa's liberation. The countries under review have instituted international measures to combat terrorism, but the enactment of national legislations in their respective countries has been a more lengthy, difficult and controversial process.¹⁴⁴ The reasons for this are mainly the struggle to define terrorism and the prevention of human rights violations. In countries such as Kenya, proposed legislation has had to be redrafted, as there was opposition from human rights and religious actors.

As was shown above, the countries that had experienced the direct threat of terror (Kenya and Uganda) were better equipped to deal with the impact of terrorism than

¹⁴⁴ Ibid pp.52

the countries that had not (Senegal and Ghana). This was, firstly, because they already had structures in place to deal with terror-related incidents and, secondly, because they were better able to coordinate counter-terrorism efforts through specialized units. Anti-terror legislation in Africa has had a significant effect on international, national and regional politics. The US has a stronghold in most parts of Africa, occupying military bases etc. While the institution of such legislation by African states has been swift, the subsequent repercussions of these counter-terrorism measures has had a negative effect on the citizens of those states. As a result of Africa's weak states, corrupt political leadership and essentially bad governance; Africans may have to deal with the dire consequences of anti-terror legislation when they stand up against their government and are labeled as terrorists (as shown in Nigeria and other African countries). Countries such as Uganda have done all they can to make sure that they implement counter-terrorism measures, such as the Anti-terrorism Act¹⁴⁵; however, these types of legislations often grant governments the liberty to – among other things – imprison almost anyone who oppose the ruling party.

This type of power which government has, can weigh heavily on democracy and African states (specifically referring to Ghana and Senegal) to get this right as they are among the most democratic African countries. In contrast, other states, like Uganda, have made great strides in the late 1980s and early 1990s with regard to democratization, but they have not kept up to their earlier promise, owing to political instability, in recent times.¹⁴⁶ The legislative measures that have been presented by these four countries and by other African countries too are just the beginning in creating a sustainable contribution to counter-terrorism both on a national and transnational level. African countries need to work together by sharing intelligence, and to work through their sub-regional and regional counterparts to create a uniform and coherent structure for countering terror.

The AU has been a major role-player in this regard. It has provided member states with legislative assistance as well as training initiatives. Certain regions within Africa, such as East Africa, tended to be more responsive to the threat of terror, once again

¹⁴⁵ Sankore R "Anti-terror legislation and Democracy in Africa"
<http://www.peace.ca/antiterrorlegislationafrica.htm> (accessed 17/05/06).

¹⁴⁶ Hammerstad A. 2004. "African Commitments to Democracy in Theory and Practice: A review of eight NEPAD Countries" at <http://www.africanreview.org> (accessed 14/07/2006).

because they had direct experience with it. Other regions such as Southern Africa were less responsive and at most responded to the CTC of the UN's Security Council.

The national counter-terrorism units that have been established in the four countries under review have increased their capacity to deal with terrorism. These centers were mostly created after 9/11, with the exception of Uganda, which had already established theirs in 1999. These national counter-terrorism units play a critical role by facilitating cooperation within their own country and with other countries with regard to terrorism issues. Ultimately, the governments of African countries have the power to benefit from the global war on terror, either by making their countries stronger on an operational level or by using the anti-terror legislation to benefit themselves.

Each country under review has its own pressing internal problems, like all African countries, and this influences anti-terror legislations to the effect that some countries, such as Uganda, have used anti-terror legislation to promote their own ends. However, there have also been success stories within Africa and the political forces driving the passing of anti-terror legislations here should be emulated by other African countries. The goal here is to create a coordinated African network not only with regard to anti-terror legislation but also with regard to political issues, including the promotion of democracy on the continent. This will go a long way in reviving the continent and creating a true African Renaissance.

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ADDENDUM

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The AFRC handed over to a civilian administration later that year, but staged a second *coup d'état* on 31 December 1981. In the late 1980s Mr. Rawlings held “party-less” local elections, then in 1992, he won the first multiparty elections in more than a decade. The 1996 elections were a closer contest, but it was only in 2000 that the 20-year rule of Mr. Rawlings ended. Leader of the New Patriotic Front (NPP), John Kufoor, became the first president of post-independence Ghana to replace an incumbent government through the ballot box.¹

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¹ Economist intelligence Units, *Country Profile 2003: Ghana*

Kenya*

Official Name: Republic of Kenya

Form of State: Unitary Republic

Head of state: President Mwai Kabaki

Last election: 2004, next due 2007

Population: 33.5 million (2006)

GDP: US\$8,297 billion

GDP growth rate (2001): 4%

Net ODA from all donors: US\$652 million

Life expectancy at birth: 48.3 years

Poverty: (percentage of population living on less than US\$ 1 a day): 45%

Estimated no. of adults living with HIV/AIDS: 2,300,000

Literacy rate: 73.6% (2006)

History

Kenya was declared a British protectorate in 1895, and colonial settlement started in the early 1900s. The African nationalist movement, the Kenya Africa Union (KAU), was established in 1944, with Jomo Kenyatta as its president. After the Mau Mau rebellion in the 1950s, a constitutional conference was held in London in 1960. The Kenya African National Union (KANU) won legislative elections in 1963 and independence was declared. Kenya became a republic in 1964, with Jomo Kenyatta as the first president. After three presidential terms, Kenyatta died in 1978, and the presidency passed to Daniel arap Moi. In 1982 a constitutional amendment officially made Kenya a one-party state.

*Indicators sourced from World Development Indicators Database and World Bank Africa Database, April 2006

Information based on Goredema and Botha, 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries", in a monograph for the African Human Security Initiative.

Section 2a of the constitution was repealed in 1991, allowing the emergence of opposition parties. However, the opposition was divided and unable to challenge KANU effectively in the 1992 and 1997 elections. In July 2002, Moi announced his chosen successor, Uhuru Kenyatta, son of Jomo Kenyatta. Internal dissent within KANU followed, resulting in the formation of the Rainbow Alliance. The Alliance broke away from KANU in October 2002, and merged with opposition group, Ford People, to contest the presidential and legislative elections as the National Rainbow Coalition. They defeated KANU in the election of 27 December 2002, and formed a new government with former vice-president Mwai Kabaki as president.¹

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¹ Economist intelligence Units, *Country Profile 2003: Kenya*

Senegal*

Official Name: Republique du Senegal

Form of State: Unitary Republic

Head of state: President Abdoulaye Wade

Last election: legislative elections, 2006 and presidential elections 2007

Population: 11.4 million (2006)

GDP: US\$8,297 billion

GDP growth rate (2001): 4%

Net ODA from all donors: US\$652 million

Life expectancy at birth: 57 years (2006)

Poverty: (Percentage of population living on less than \$1 a day): 26%

Estimated no. of adults living with HIV/AIDS: 24,000

Literacy rate: 39.3 million (2006)

History

By 1641, France had established a permanent residence in what is now Senegal. In 1895, the country became the centre of French West Africa. In 1959, Senegal joined French Soudan to form the federation of Mali. The federation gained independence from France in April 1960, after which it split and Senegal became a republic under President Leopold Senghor. By the mid-1960s, Senegal had become a de facto one-party state under the ruling Union Progressiste Senegalais (PDS). In 1981, President Senghor retired and was replaced by his prime minister, Abdou Diouf. He and his party won the 1983 election and 1988 elections, although the latter was marred by violence and allegations of electoral fraud. PDS presidential candidate, Abdoulaye Wade, was arrested and briefly opposition leaders, including Wade, accepting ministerial posts. Mr. Diouf won the 1993 election by

*Indicators sourced from World Development Indicators Database and World Bank Africa Database, April 2006

Information based on Goredema and Botha, 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries", in a monograph for the African Human Security Initiative.

a narrower margin. After polling only 50% of the vote in legislative elections in 1998, the ruling party amended the electoral code to improve its chances of success. In the presidential election of February 2000, Mr. Diouf won only 40% of the vote and Mr. Wade 31% prompting a second round of voting. Forming an alliance with the third most popular candidate, Moustapha Niasse, Mr. Wade was elected president with 58,5% of the vote. The PS lost its ruling majority by a landslide in the April 2001 election.¹

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¹ Economist intelligence Units, *Country Profile 2003: Senegal*

Uganda*

Official Name: Republic of Uganda

Form of State: Unitary Republic

Head of state: President Yoweri Museveni

Last election: 2006

Population: 27.8 million (2006)

GDP: US\$8,297 billion

GDP growth rate (2001): 4%

Net ODA from all donors: US\$652 million

Life expectancy at birth: 48 years (2006)

Poverty: (Percentage of population living on less than \$1 a day): 55%

Estimated no. of adults living with HIV/AIDS: 510,000

Literacy rate: 66.8 million (2006)

History

In 1894, all the territory between Lake Victoria and the Indian Ocean became a British protectorate. This territory was separated into Uganda and Kenya in 1902, and Uganda became independent in 1962. The period from 1962 to 1986 was violent and unstable and much of the violence was ethnically directed. The first government after independence was a coalition of north-south interests. The king of Buganda, a southerner was president, and Milton Obote, a northerner was prime minister. Mr. Obote seized power in 1966, then was ousted in 1971 by the army chief, General Idi Amin. The incompetence and violence of Amin's regime brought Uganda to the brink of collapse. The Tanzanian army backing a force of Ugandan émigrés, deposed Amin in 1979. A flawed general election in 1980 restored Milton Obote and the Uganda People's Congress to power. The second

*Indicators sourced from World Development Indicators Database and World Bank Africa Database, April 2006

Information based on Goredema and Botha, 2004, "African Commitments to Combating Organised Crime and Terrorism: A Review of Eight NEPAD Countries", in a monograph for the African Human Security Initiative.

administration under Obote was unpopular among southerners and was overthrown by a military *coup d'état* in 1985. In 1986, the National Resistance Army (NRA), a rebel group under the leadership of Yoweri Museveni, seized power, following a protracted armed struggle. Museveni won presidential elections in 1996 and 2001 by large margins, although the 2001 election was tainted by allegations of fraud and intimidation by the government.¹

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¹ Economist intelligence Units, *Country Profile 2003: Uganda*