

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia, P.O.Box: 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

PEACE AND SECURITY COUNCIL
455TH MEETING AT THE LEVEL OF
HEADS OF STATE AND GOVERNMENT

NAIROBI, KENYA
2 SEPTEMBER 2014

PSC/AHG/COMM.(CDLV)

COMMUNIQUE

COMMUNIQUE

The Peace and Security Council of the African Union (AU), at its 455th meeting, held on 2 September 2014, at the level of Heads of State and Government, adopted the following decision on the prevention and combating of terrorism and violent extremism in Africa:

Council,

1. **Takes note** of the report of the Chairperson of the Commission on Terrorism and Violent Extremism in Africa [PSC/AHG/2(CDLV)] and the briefing made by the Committee of Intelligence and Security Services of Africa (CISSA), as well as the statements made by the members of Council. Council **further takes note** of the statements made by the representatives of Djibouti and Somalia, the Regional Economic Communities/Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs), the United Nations (UN), the European Union (EU), the League of Arab States and the Organization of Islamic Cooperation (OIC), members of the UN Security Council and other partners;
2. **Recalls** its earlier pronouncements on the issue of terrorism and violent extremism in Africa, notably communiqués PSC/PR/COMM.(CCXLVIX), PSC/PR/COMM.2(CCCIII) and PSC/PR/COMM.1(CCCXLI) adopted at its 249th, 303rd and 341st meetings held on 22 November 2010, 8 December 2011 and 13 November 2012, respectively, in pursuance of articles 3 (d) and 7 (i) of the Protocol Relating to the Establishment of the Peace and Security Council on the role of Council in the coordination and harmonization of continental efforts to prevent and combat terrorism in all its aspects;
3. **Further recalls** resolution AHG/Res.213(XXVIII) on the Strengthening of Cooperation and Coordination among African States, adopted by the 28th Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held in Dakar, Senegal, from 29 June to 1 July 1992, in which the Assembly called upon Member States to enhance cooperation and coordination in order to fight the phenomena of extremism and terrorism, as well as Declaration AHG/Del.2(XXX) on the Code of Conduct for Inter-African Relations, adopted by the 30th Ordinary Session of the OAU Assembly of Heads of State and Government, held in Tunis, Tunisia, from 13 to 15 June 1994, in which the Assembly rejected all forms of extremism and terrorism, including those based on sectarianism, tribalism, ethnicity and religion;
4. **Also recalls** Decisions Assembly/AU/Dec.256(XIII) on combating the payment of ransom to terrorist groups and Assembly/AU/Dec.311(XV) on the prevention and combatting of terrorism, adopted by the Assembly of the Union at its 13th and 14th Ordinary Sessions held in Sirte, Libya, and Kampala, Uganda, from 1 to 3 July 2009 and from 25 to 27 July 2010, respectively, as well as paragraph 22 of Decision Assembly/AU/Dec.536(XXIII) on the Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa, adopted by the 23rd Ordinary Session of the Assembly of the Union, held in Malabo, Equatorial Guinea, from 26 to 27 June 2014 ;
5. **Reiterates the AU's deep concern** over the worsening scourge of terrorism and violent extremism in Africa, particularly in Northern Africa, the Sahelo-Saharan region, Central and Eastern Africa, and the growing linkages between terrorism and violent extremism, on the one hand, and transnational organized crime, on the other, notably drug and human trafficking, money laundering, illicit trafficking in firearms and mercenarism, and the threat this situation poses to peace, security, stability and development in Africa. Council **also expresses concern** over the relations between negative forces and terrorist groups;

6. **Reiterate its strong condemnation** of all acts of terrorism committed on the continent by whomever, wherever and for whatever purposes, notably by Al Shabaab, Al-Qaeda in the Islamic Maghreb (AQIM), the Movement for Oneness and Jihad in West Africa (MOJWA), Ansar Eddin, Al-Murabitoun, the Ansar al-Sharia groups, Boko Haram, Ansaru and the Lord's Resistance Army (LRA). Council **reiterates the AU's determination** to rid Africa of the scourge of terrorism and violent extremism, which cannot be justified under any circumstances, noting that terrorism cannot and should not be associated with any religion, nationality, civilization or group. Council **expresses the AU's full solidarity** with the affected countries and the victims of terrorism;

7. **Reaffirms** the relevant provisions of the Common African Defense and Security Policy (CADSP), adopted by the 2nd Extraordinary Session of the Assembly of the Union held in Sirte, Libya, on 28 February 2004, as well as those of the AU Non-Aggression and Common Defense Pact, adopted by the 4th Ordinary Session of the Assembly of the Union held in Abuja, Nigeria, from 30 to 31 January 2005, in particular the indivisibility of the security of the African States, as spelt out in paragraph 12 (i) of the CADSP. In this respect, Council **stresses** that any terrorist attack on one African State shall be considered as an attack on the continent as a whole, which will result in the provision of necessary assistance and support to the affected Member State(s), in line with the relevant AU instruments. In this context, Council **welcomes** the Abuja Statement adopted by the International Conference on Human Security, Peace and Development – Agenda for 21st Century Africa, held on 27 February 2014;

8. **Reiterates** the continued relevance of the instruments adopted by the OAU/AU over the past years to address the scourge of terrorism and violent extremism, notably the Convention on the Prevention and Combating of Terrorism, adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Algiers, Algeria, from 12 to 14 July 1999, and the Supplementary Protocol adopted by the 3rd Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 6 to 8 July 2004, as well as the 2002 AU Plan of Action, adopted by the 1st AU High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism, held in Algiers, from 11 to 14 September 2002;

9. **Welcomes** the efforts made by the Member States to prevent and combat terrorism and violent extremism, through enhanced legislation, operational capability and coordination among relevant national structures, and **commends** the cooperative mechanisms established to address country- and region-specific issues, most notably the Sahel Fusion and Liaison Unit (UFL), the Nouakchott Process on the Enhancement of Security Cooperation and the Operationalization of the African Peace and Security Architecture in the Sahelo-Saharan Region, the AU-led Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA), which strengthened the operational capability of the countries affected by the atrocities of the LRA, and the Fusion and Liaison Unit of the AU Mission in Somalia (AMISOM), which subsequently evolved into a Joint Operations Coordination Centre (JOCC), in order to strengthen the capacity of the Somali security agencies in intelligence gathering and analysis. Council **further commends** AMISOM for the gains it has made recently in the course of its ongoing *Operation Indian Ocean*, which has resulted in the capture of several strategic towns from Al-Shabaab;

10. **Commends** the Commission for its efforts, including through the African Centre for the Study and Research on Terrorism (ACSRT) and the Chairperson's Special Representative for Counter-Terrorism Cooperation, in support of measures taken by Member States to counter terrorism. In this respect, Council **notes with appreciation** the support provided to Member States in undertaking national threat assessments, the steps taken to build and enhance the capacity of their security institutions through training in relevant areas and promote the exchange of intelligence through the ACSRT national Focal Points, and the elaboration of an African anti-terrorism Model Law to facilitate the updating, as necessary, of their national legislation, in fulfilment of their international obligations;

11. **Further commends** the RECs/RMs, for the important role they are playing, particularly in developing regional strategies and common action in the prevention and combating of terrorism and violent extremism;
12. **Acknowledges** the contribution of CISSA, in particular the provision of counter-terrorism early warning, and **welcomes** the recommendations of the 11th Ordinary Session of the CISSA Conference on the theme: Enhancing Intelligence Cooperation and Coordination to Address Radicalization and Extremism in Africa, held in Nairobi, Kenya, on 28 August 2014;
13. **Notes with satisfaction** the establishment of the African Mechanism for Police Cooperation (AFRIPOL), as endorsed in decision EX.CL/Dec.820(XXV) adopted by the 25th Ordinary Session of the Executive Council, held in Malabo, from 20 to 24 June 2014, and the convening of the 1st meeting of AFRIPOL *ad hoc* Committee, which took place in Addis Ababa, on 2 July 2014. Council **recognizes** the important role that AFRIPOL is expected to play in enhancing inter-state police cooperation towards addressing the various challenges related to transnational crimes;
14. **Welcomes** the partnerships developed with key international stakeholders, notably the UN Counter-Terrorism Executive Directorate (CTED), the UN Counter-Terrorism Implementation Task Force (CTITF), the UN Office for Drugs and Crime (UNODC), the UN Interregional Crime and Justice Research Institute (UNICRI) and the UN Security Council Committees established pursuant to resolutions 1267 (1999) and 1540 (2004), as well as the Global Counter-Terrorism Forum (GCTF), the EU and bilateral partners. In this respect, Council **acknowledges** the invaluable contribution of these bodies in promoting best practices and guidelines and in providing technical expertise to Member States, as well as the UN Integrated Strategy for the Sahel and the Strategies developed by the AU and the EU. Council **expresses appreciation** to those partners which have extended financial and technical support to Member States, the Commission and the ACSRT;
15. **Further welcomes** the generous contribution of the sum of 10 million US dollars made by the Custodian of the Two Holy Mosques, King Abdullah bin Abdul Aziz of the Kingdom of Saudi Arabia, in support of the AU's efforts to combat terrorism and violent extremism and to strengthen the AU-OIC partnership in this field, as announced by the Secretary-General of the OIC, Mr. Iyad Ameen Madani, in his declaration to Council;
16. **Expresses concern** that, despite the progress made in developing a comprehensive normative and operational counter-terrorism framework, serious gaps continue to exist in terms of implementation and follow-up, thus undermining the effectiveness of Africa's response to the threat of terrorism and violent extremism. Accordingly, Council **stresses** the urgency for an action-oriented approach to give concrete expression to the commitment made by the Member States to combat terrorism and violent extremism in all its forms and manifestations. In this respect, Council:
- (i) **reiterates its call to** the Member States that have not yet done so to urgently take the necessary steps to become party to the 1999 Convention and the 2004 Supplementary Protocol, as well as to the relevant international instruments adopted under the auspices of the United Nations. Council **encourages** all Member States concerned to become party to the 1999 Convention and its 2004 Protocol before the 24th Ordinary Session of the Assembly of the Union, scheduled to take place in Addis Ababa, in January 2015. Council **also stresses** the need for the urgent signature and ratification of the AU Convention on Cross-Border Cooperation (Niamey Convention), adopted by the 23rd Ordinary Session of the Assembly of the Union, which contains provisions on cooperation in the area of security, including combating terrorism and transnational organized crime;

- (ii) **stresses** the imperative for all states party to the relevant African and international instruments to implement in full all the provisions contained therein, particularly with respect to legislative and judicial measures, border control, suppressing the financing of terrorism and anti-money laundering, denying safe havens to terrorist and criminal groups, exchange of information, coordination at regional, continental and international levels, as well as strengthening the capacity of their law enforcement organs and armed forces;
- (iii) **urges** Member States to take the necessary steps to ensure that their territories are not used as recruitment grounds and to prevent their nationals from participating in terrorist activities elsewhere on the continent and beyond and, in this respect, to take measures to counter the recruitment methods and propaganda being used by the terrorist groups;
- (iv) **urges** Member States to take the measures required to combat effectively transnational organized crime, in line with the relevant African and international instruments, and to ensure that terrorist groups do not benefit from the proceeds of such criminal activities, including drug trafficking, to finance their activities;
- (v) **further urges** Member States to ensure that their nationals or other persons and entities within their territories who willfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts, are punished by penalties commensurate with the grave nature of such acts;
- (vi) **requests** Member States to submit, in line with the provision of the 2004 Protocol, annual reports to Council on measures taken to combat and prevent terrorism, notably those listed in paragraph 11 (ii & iii) above, and to notify it of all terrorist activities in their territories as soon as they occur;
- (vii) **further requests** Member States that have not yet done so to appoint, by the end of 2014, national Focal Points for liaison and coordination with the ACSRT, bearing in mind the need to designate in such positions suitable individuals with the required clearance level to access information and decision-makers in the intelligence and security services;
- (viii) **encourages** Member States to develop comprehensive national counter-terrorism strategies covering prevention, response and reconstruction;
- (ix) **further encourages** the establishment, where required, of flexible and action-oriented processes for intelligence sharing and security cooperation at regional levels, building on the successes of, and lessons learned from, the Sahel UFL, the Nouakchott Process and the RCI-LRA; and
- (x) **calls upon** Member States to make financial contributions to facilitate the implementation of the AU counter-terrorism framework and to second, upon request by the Commission and at their own expenses, technical expertise to the ACSRT;

17. **Expresses its determination** to ensure the effective functioning of its Committee on Counter-Terrorism, established in pursuance of communiqué PSC/PR/COMM.(CCXLVIX), and **requests** all Member States to extend full cooperation to the Committee in the discharge of its mandate;

18. **Calls upon** the Member States participating in the Nouakchott Process to expedite the implementation of the various steps agreed upon during the meetings of the Heads of Intelligence and Security Services and Ministers of Foreign Affairs and in particular: (i) the convening of meetings of the Chiefs of Defense Staff and Ministers of Defense to consider generic Concepts of Operations

for joint patrols and mixed units, as well as the modalities for strengthening the existing cooperation structures; (ii) the convening of a Summit, to mobilize further political support for the Process; and (iii) the establishment of a lean Secretariat in Niamey, Niger, to better coordinate the implementation of the Nouakchott Process;

19. **Urges** the countries concerned to take the necessary steps towards operationalizing the mechanism agreed upon to address more effectively the threat posed by Boko Haram and **notes with appreciation** the plan by the Commission, in line with the relevant AU decisions, to dispatch a team to consider ways to support these efforts, including through support to existing regional structures, such as the Lake Chad Basin Commission Multinational Joint Task Force (MNJTF) and the newly-inaugurated Regional Intelligence Fusion Unit (RIFU) for the countries affected by the activities of the Boko Haram terrorist group. Council **looks forward** to the conclusions of the meeting of the concerned countries scheduled to take place in Niamey, in November 2014. Council **requests** the Commission to contribute effectively to greater international engagement for the rehabilitation and development of the Lake Chad Basin, as part of the efforts to address comprehensively the threat posed by the Boko Haram terrorist group;

20. **Reaffirms** the need for sustained efforts to deal in a holistic, collective and coordinated manner with the multidimensional challenges confronting the Sahel region, **underscores** the important role of the Ministerial Platform set up in November 2013 and tasked, with the support of the AU/UN Technical Secretariat, to coordinate international efforts for the Sahel, and **looks forward** to the effective and coordinated implementation of the UN, AU and EU Strategies for the Sahel;

21. **Tasks** the Commission to pursue and intensify its efforts in support of Member States, with particular attention to:

- (i) the elaboration of an African arrest warrant for persons charged with or convicted of terrorist acts, including the convening of a meeting of governmental experts on the matter by the first quarter of 2015;
- (ii) the holding of regional sensitization workshops on the African and international instruments, in collaboration with the RECs/RMs and relevant partners, between now and the first half of 2015;
- (iii) supporting and facilitating regional cooperation initiatives and mechanisms, to address specific transnational threats, building on the experiences of the RCI-LRA and the Nouakchott Process, including making specific recommendations on the possible establishment of specialized joint counter-terrorism units at sub-regional and regional levels and within the framework of the African Standby Force (ASF) and, pending the achievement of the ASF full operational capability, in the context of the African Capacity for Immediate Response to Crises (ACIRC);
- (iv) assessing the implementation status of the 2002 Plan of Action and the identification of the steps required to address the challenges encountered, the results of which will be submitted to a high-level inter-governmental meeting on the prevention and combating of terrorism, building on the two previous meetings held in Algiers in 2002 and in 2004;
- (v) the holding of a high-level meeting of Member States on the issue of financing of terrorism, with a view to identifying practical measures to address this problem more effectively;

- (vi) supporting the full and early operationalization of AFRIPOL, in line with decision EX.CL/Dec.820(XXV), and the implementation of the conclusions of the 1st meeting of the AFRIPOL *ad hoc* Committee, including the convening of the next meeting of this Committee, scheduled to take place in Kampala, in October 2014; and
- (vii) developing a concept note on the possible establishment of a special fund dedicated to supporting counter-terrorism efforts on the continent;

22. **Urges** CISSA to ensure the effective implementation of all the recommendations adopted at its 11th Ordinary Session, as well as to put in place expeditiously the planned secure communication system among the African intelligence and security services, in order to facilitate coordination and the timely exchange of intelligence;

23. **Further urges** the RECs/RMs to take all the steps called for by Article 6 of the 2004 Protocol, in order to enhance regional efforts against terrorism and violent extremism, including, where appropriate, designating Focal Points, promoting cooperation at regional level in the implementation of all aspects of the Protocol, assisting Member States in the implementation of regional, continental and international instruments, and reporting regularly to Council, through the Commission, on measures taken at regional levels;

24. **Reiterates** the AU's strong rejection and condemnation of the payment of ransom to terrorist groups and, in this respect, **recalls** decisions Assembly/AU/Dec.256(XIII) and Assembly/AU/Dec.311(XV). Council, while welcoming the adoption by the United Nations Security Council, on 27 January 2014, of resolution 2133(2014), which, *inter alia*, calls upon all Member States to prevent terrorists from benefiting directly or indirectly from ransom payment or political concessions, **reiterates its call** to the UN General Assembly to include this issue on its agenda and to initiate negotiations, with a view to elaborating a supplementary Protocol to the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 or to the International Convention against the Taking of Hostages of 3 June 1983. In the meantime, Council **urges** Member States to incorporate the prohibition of the payment of ransom to terrorist groups into their national legislations, on the basis of the relevant provisions of the AU anti-terrorism Model Law;

25. **Expresses deep concern** at the reported financial flows emanating from outside the continent in support of terrorist and extremist groups, and **requests** the Committee on Counter-Terrorism to investigate this matter, with the aim of determining the extent of the problem and making recommendations on how to address it, calling for an immediate end to such practices. Council **also expresses deep concern** about external interferences that exacerbate African conflicts, thereby creating a conducive environment for the spread of terrorism;

26. **Stresses** the need for enhanced collaboration between the AU and the international partners in the fight against terrorism and violent extremism, as this scourge is a global phenomenon which poses a serious threat to international peace and security. Council **calls upon** partner states to prevent the use of their territories for the planning of terrorist acts on the African continent. Council **further calls upon** international partners to minimize, as much as possible, the negative impact of the preventive measures they take against terrorism on the economies of the concerned African countries;

27. **Requests** the Commission to convene an annual consultative forum with the relevant international partners, to harmonize their respective strategies and facilitate and promote action-oriented collaboration and coordination, as well as to mobilize further support for the African-led

counter-terrorism efforts, including facilitating the acquisition of the required technologies, such as communication systems, to enable law enforcement agencies effectively carry out their operations;

28. **Emphasizes** the imperative need, in the fight against terrorism and violent extremism, to uphold the highest standards of human rights and International Humanitarian Law, bearing in mind the provisions of Article 3(1k) of the 2004 Protocol. In this respect, Council **requests** the Commission to work closely with the African Commission on Human and Peoples' Rights and other stakeholders to further support Member States efforts to promote and ensure the respect for human rights and international humanitarian law while preventing and combating terrorism;

29. **Further emphasizes** the need to address all conditions conducive to the spread of terrorism and violent extremism, including prolonged unresolved conflicts, lack of rule of law and violations of human rights, discrimination, political exclusion, socio-economic marginalization and poor governance, stressing however that none of these conditions can excuse or justify acts of terrorism. Council **emphasizes** the importance of comprehensive counter-terrorism strategies empowering civil society organizations, including religious leaders and women, as well as vulnerable groups, and covering not only security and law enforcement, but also poverty eradication, job creation and development. Council **encourages** Member States to ensure the successful implementation of their economic development and poverty alleviation policies and programmes, including through start-up ventures for the youth and promotion of vocational and technical training. In this respect, Council **calls upon** the Commission, the African Development Bank and the UN Economic Commission for Africa, to continue providing the necessary technical support to Member States;

30. **Stresses** the urgency, in countering terrorism and violent extremism, of renewed efforts to address the prevailing conflict and crisis situations on the continent, particularly in Somalia, Libya and Northern Mali and other affected areas, and to promote a culture of tolerance and political dialogue, bearing in mind decision Assembly/AU/Dec.501(XXII) declaring 2014 – 2024 as the “Madiba Nelson Mandela Decade of Reconciliation in Africa”, adopted by the 22nd Ordinary Session of the Assembly of the Union, held in Addis Ababa from 30 to 31 January 2014, as well as the pledge made by the Heads of State and Government to silence the guns and bring a definite end to all conflicts on the continent, as contained in the 50th Anniversary Solemn Declaration, adopted by the Assembly of the Union, on 25 May 2013;

31. **Supports** the legitimate institutions in Libya, as represented by the provisional Government, the House of Representatives and the Constitutional Commission responsible for the drafting of the Libyan Constitution, and **calls upon** the AU to remain fully engaged in the political process in Libya by providing concrete assistance in the fields of institution-building, promotion of national dialogue and reconciliation, as well as disarmament, demobilization and reinsertion;

32. **Expresses appreciation** to the people and Government of the Republic of Kenya for hosting the present meeting of Council and for the arrangements made to ensure its smooth and successful holding;

33. **Decides** to remain actively seized of the matter.

2014-09-02

Peace and Security Council 455th Meeting at the Level of Heads of State and Government Nairobi, Kenya 2 September 2014

Peace and Security

<http://archives.au.int/handle/123456789/5923>

Downloaded from African Union Common Repository